

1. 2:00 P.M. Agenda

Documents:

[2024-07-16 Planning Commission Regular Meeting Agenda.pdf](#)

2. Meeting Material

Documents:

[Draft Code Amendments 6-11-24.Pdf](#)

[Planning Commission Issues List.pdf](#)

[2-CU-PC-24 Findings And Conclusion - Ladd.pdf](#)

[Building Activity 7-15-24.Pdf](#)

2.I. Additional Documents Added After Meeting

Documents:

[Theilacker Notes - After Meeting.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, July 16, 2024, at 2:00 pm
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/82730920856>

Meeting ID: 827 3092 0856

Regular Meeting

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. Public Hearings
 - a. Title 9 Changes
- V. Ongoing Business
 - a. Continued discussion of ADU's (time permitting)
- VI. Reports
 - a. Commission Chairs' Meeting
 - b. Planner's Report
- VII. Other Business
 - a. From Commission
 - b. From Staff

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 07/15/2024 By: Kimmie Jackson, Recorder

Section 9.04.020 **Purpose.**

~~The purpose of this title is to promote the public health, safety and general welfare and to assist in carrying out comprehensive plans for the City including all future lands and subdivisions annexed into the incorporated City.~~

“The purpose of this title is to establish a set of zoning, subdivision, and land development regulations for the City designed to protect and promote the public health, safety, and general welfare, advance the position of Yachats as a small, coastal community, and achieve the following objectives:

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. ~~Encourage~~ ~~Ensure that~~ land uses ~~that~~ complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast.”
3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. ~~Encourage~~ ~~Ensure that~~ sufficient vacant and redevelopable buildable land ~~shall~~ be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.
5. ~~Encourage~~ ~~Ensure that~~ new businesses ~~shall~~ be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.
6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and ~~ensure~~ ~~insure~~ preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats’ environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient ~~and sustainable~~ design, siting, and construction materials and methods.
9. Protect and enhance the City’s natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.

10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards."

Section 9.04.030 **Definitions.**

As used in this title:

~~"Apartment" means a dwelling unit as defined in this section.~~

"Bed and Breakfast Facility" means any single-family dwelling containing rooms for rent in accordance with Section 9.72.050 of YMC, excluding any dwelling that meets the definition of Dwelling, Vacation Rental.

"Building Code" means building, fire, safety, and other codes adopted by state, county and municipal agencies.

"Building Coverage" means the portion of the lot area that is covered by buildings. The area of the buildings shall be measured at their exterior perimeter. Buildings include dwellings, accessory structures, garages and carports.

"Clear Vision Area" means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the non-intersecting ends of the two (2) other sides. See the regulations of Section 9.64.010 (A) of this Title.

~~"Deck/porch" means an outside walking area, the floor of which is elevated more than eight inches from grade.~~

"Deck" means an unenclosed structure or platform, constructed outdoors, that may either be independent or attached to a building and is intended for the purpose of outdoor dining, lounging, and other similar accessory use.

"Dwelling" means a building or portion thereof which is occupied in whole or in part as a residence ~~or sleeping place~~, either permanently or temporarily, by one or more families, but excluding hotels, motels, and ~~tourist courts~~ resorts, with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.

~~"Dwelling, Accessory" means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property.~~

"Dwelling, Vacation Rental" means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of "bed and breakfast facility." The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling but; however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC.; and b) no more than one (1) individual unit may be located in a single dwelling in the R-1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R-3, R-4, and C-1 Districts. A dwelling that is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental.

“Existing grade” means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of a site.

“Finished grade” means the plane on which the footprint of the structure meets the ground.

“Finished grade” means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan.

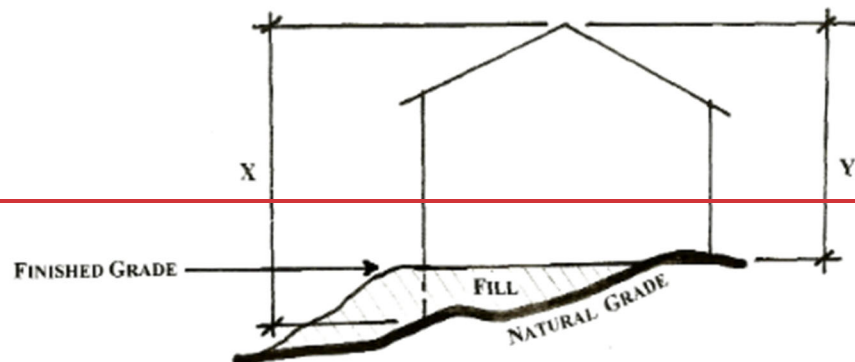
“Height of building”

means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height for each side: Add the shortest building height and the tallest building height, then divide the two building heights by two. Add together the average height for each side and divide by the number of sides.

TO DETERMINE BUILDING HEIGHT

“Height of building” means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade.

Step 1. Calculate the average height for each side of structure.



X = tallest building height

Y = shortest building height

$(X + Y) / 2 = \text{Average height (H)}$

Step 2. Add together the height for each side and divide by the number of sides.

$$\frac{H_1 + H_2 + H_3 + H_4}{4} = \text{average building height}$$

"Height of Building" means the maximum vertical height of a building or structure measured from average finished grade to the highest point of a building or structure. (See Section 9.52.171 of the YMC for determining the height of a building.)

~~"Hotel" means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of "bed and breakfast facility."~~

"Hotel" means any building used for lodging other than a motel or resort, containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days], ~~or long term (extended stay),~~ basis. The building has a lobby and check-in area, and is designed with interior corridors for accessing rooms without being outside. Guest rooms may include kitchen facilities, and guest amenities may include pool, gym, lounge, and accessory commercial uses such as restaurants, bars, gift shop, or day spa.

"Hostel" ~~means transient~~ means budget-priced transient lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.

"Impervious Surface" means a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to the infiltration of water, including, but not limited to, structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, porches, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.

"Impervious Surface Ratio" means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.

"Inn" - ~~Synonymous with~~ See Hotel or Motel.

"Lot line, Street Side" means the side lot line at abutting street. ~~Katherine I have a note that you were going to reference the sections of the YMC that applied to this definition~~

~~"Motel" means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of "bed and breakfast facility."~~

"Motel" means any building or group of buildings used for transient lodging other than a hotel or resort, containing six (6) or more guest rooms or units ~~available~~ for rent on a short-term [thirty (30) or fewer days] basis. The building(s) is designed so that ingress/egress to guest rooms is from outside the building and a short distance from parked vehicles. Guest rooms may include kitchen facilities, and guest amenities may include a pool, gym, limited food and beverage services, lounge, and accessory commercial uses such as a gift shop.

"Parking Space, Accessible" means an off-street parking space for handicap access to or from a vehicle, designed in accordance with any local, state or federal laws, including the federal Americans with Disabilities Act (ADA).

"Parking Space, Off-street" ~~"Off-street parking space"~~ means a parking space located outside of public right-of-way ~~with minimum dimensions of 18 feet long and nine feet wide, the numbers, and dimensions and construction materials~~ of which are as required by Chapter 9.48 of YMC. ~~Off-street parking spaces shall have all weather surfaces such as gravel, pavement, tile, brick or concrete suitable for parking a vehicle.~~

~~Required off-street parking spaces shall not be located in a required yard that abuts a street.~~

“Patio” means a paved outdoor area adjoining a structure.

~~“Porch” means an outside walking area, the floor of which is elevated more than eight inches from the ground.~~

“Porch” means a covered area adjoining an entrance to a building and usually having a separate roof.

~~“Resort” means a tourist-oriented establishment, having recreational, eating and sleeping accommodations located on the premises.~~

“Resort” means any building or group of buildings used for transient lodging other than a hotel, motel, or inn, containing six (6) or more guest rooms or units available for rent on a short-term [thirty (30) or fewer days] basis, and designed primarily to accommodate vacationers, conferences, or events such as weddings. The building(s) have a lobby and a check-in area, and often occupy sufficient land area for multiple lodging options, conference facilities, guest amenities (ex. pool, tennis, gym), vehicle (including RV) parking, and accessory commercial uses, such as restaurants, bars, gift shop, day spa, and the like.

“Site Plan” means a two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, of a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.

“Transient Lodging” means any facility, structure, or portion thereof occupied or intended or designed for occupancy by a guest or guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes for a period of thirty (30) or fewer days.

~~“Yard” means a space other than a court on the same lot with a building open from the ground.~~

“Yard” means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

~~Yard, Front. “Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.~~

“Yard, Front” means an area lying between the side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

~~Yard, Rear. “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line; but for determining the depth of the required rear yard it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.~~

“Yard, Rear” means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

~~Yard, Side. “Side yard” means an area adjacent to any side lot line the depth of which is the specified horizontal distance measured at right angles to the side lot line and being parallel with the side lot line.~~

“Yard, Street Side” means a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.020 Permitted Uses**, by modifying paragraph K. as follows:

“K. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.030 Conditional Uses**:

by modifying paragraph P. as follows:

“P. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

and by adding a new paragraph Q. as follows:

“Q. Hostels.”

(Note to Commission and City Planner: We need to be sure that an applicant for a hotel, motel, inn, or resort cannot come in under paragraph K. of Conditional Uses.)

Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.040 Standards**:

by deleting paragraph A.4 in its entirety and re-lettering the remaining provisions;

by modifying paragraph G. Vehicle Access, by striking the words “...or to a motel..” from the first sentence.

Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.020 Permitted Uses**, by modifying paragraph N. as follows:

“N. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.030 Conditional Uses**:

by modifying paragraph T. as follows:

“T. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”;

by modifying paragraph V.1, for formula businesses, as follows:

“1. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

and by adding a new paragraph U., and re-lettering thereafter, as follows:

“U. Motel, hotel, inn, or resort on a minimum of 1.0 acre, without direct access provided from U.S. Highway 101, and with or without accessory commercial uses.”

and by adding a new paragraph W. as follows:

“W. Hostels.”

Amending Chapter 9.52. Supplementary Use and Design Standards, by adding a new Section 9.52.190 Standards for Hotels, Motels, Inns, and Resorts:

“A. Standards for motels, hotels, inns, or resorts:

1. Ingress or egress to a motel, hotel, inn, or resort shall not be allowed from less than a thirty-five (35) foot public street right-of-way and a twenty-five (25) foot all weather travel surface, accessible to emergency vehicles;
2. Motels, hotels, inns, and resorts shall not have vehicle access to or from a cul-de-sac or dead end street;
3. Parking areas associated with motels, hotels, inns, and resorts which are adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height, except where vision clearance is required;
4. Motels, hotels, inns, and resorts shall be designed to provide safe and direct access by emergency vehicles, as determined by the Yachats Rural Fire Protection District;
5. Except for security lighting for pathways, parking areas, and building doors, outdoor lighting fixtures for motels, hotels, inns, and resorts shall be extinguished every day between the hours of 11:00 p.m. to 5:00 a.m..”

Amending Chapter 9.72. Conditional Uses, Section 9.72.010 Authorization to grant or deny conditional use permits, by adding a new paragraph B as follows, and re-lettering the paragraphs that follow:

- B. Prior to taking action on a conditional use permit application, the Planning Commission shall consider whether the proposed use complies with the following general standards and criteria:
 1. The proposed use conforms with the Yachats Comprehensive Plan.

2. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
3. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
4. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
5. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
6. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
7. The proposal complies with all applicable provisions of the Yachats Municipal Code, or where the applicant has identified where the proposal does not comply, the applicant has obtained a Variance for such in accordance with Chapter 9.80 of this Code.
8. Activities and developments within special purpose districts must comply with the regulations described in Section 9.52.050 (Geologic Hazard), Chapter 9.36 (Estuary Natural), and Section 9.54 (Flood Hazard), as applicable.

Amending Chapter 9.72. Conditional Use, Section 9.72.020, Procedure for Taking Action on a Conditional Use Application, to read as follows:

- A. "A property owner, contract purchaser, etc. may initiate a request for a Conditional Use by filing an application with the City Recorder.
- B. The application shall consist of a completed Conditional Use application form signed by the property owner and contract purchaser or agent, if applicable, and a Basic or Detailed Site Plan, as specified below.
- C. Application for approval of the following uses permitted by Conditional Use shall include the submittal of a Basic Site Plan:
 1. Home Occupation
 2. Temporary Real Estate Office
 3. Bed and Breakfast Facility
 4. Residential Facility
 5. Private Boat Dock
- D. Basic Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
 1. Written scale, graphic scale, and north arrow.
 2. Property boundaries with dimensions of each boundary.
 3. Building setbacks to property lines.
 4. Required off-street parking spaces and space dimensions.
 5. Required yards, including streetside setback, if applicable.

6. Driveway and point(s) of ingress and egress.
 7. Existing fences, walls, and hedges at property boundaries.
 8. All zoning tabulations.
- E. Application for approval of all other uses permitted by Conditional Use shall include submittal of a Detailed Site Plan.
- F. Detailed Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
1. Date drafted, space(s) for revision date, with north arrow, drawn to scale of one inch equals twenty (1"=20') feet, unless otherwise approved by the City Planner.
 2. Written and graphic scale, if other than 1"=20'.
 3. Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
 4. Label and show the lengths of all existing property lines of the development site.
 5. Label and show the zoning designations, property boundaries, land uses, and approximate building locations of all adjacent properties.
 6. Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way, and other important features such as City boundary lines.
 7. Either as part of the detailed site plan, or on a separate sheet drawn to the same scale as the site plan, existing site features shall be shown, including ground topography (contours), wooded or naturally vegetated areas, trees of 8 inches diameter of breast height (DBH) or greater, floodplains, shorelines, wetlands, riparian corridors, geologic hazard zone, and any existing buildings, roads, trails, fences, or other physical improvements, and all existing easements.
 8. Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
 9. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines. Clearly indicate and label existing and proposed building elements, and their dimensions to adjacent property lines.
 10. Dimensional features showing compliance with the applicable area, width, coverage, yard, vision clearance, natural resource protection standards, and other design standards as specified in this Chapter.
 11. Location, dimension, and arrangements of proposed site elements including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, trash disposal areas, and lighting for these areas.
 12. Zoning tabulations based on the underlying zone or zones if split, including minimum lot area and proposed lot area (measured in square feet, or acres if exceeding one (1) acre); maximum gross floor area and proposed gross floor area, if applicable; maximum residential density and proposed residential density (measured in dwelling units per acre), if applicable; minimum yard areas and proposed yard areas; maximum building height and proposed building height, as

defined and calculated in accordance with Section 9.52.171 of the Yachats Municipal Code; maximum building and impervious lot coverage and proposed building and impervious lot coverage; and minimum required parking and proposed (off-street) parking.

13. Location, dimensions, and arrangement of all areas devoted to open space, retention of existing trees and vegetation, proposed ground cover, trees and other native plantings, and recreation.
 14. A copy of the last recorded subdivision plan of which the property is part.
 15. Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.
 16. State or County Road Approach Permit, if applicable.
 17. Any application for conditional use shall be accompanied by fully dimensioned design drawings, elevations, and plans for any proposed principal building or structure, or any addition to an existing principal structure. Drawings shall provide building height, materials, and colors to be used.
- G. In the case where any or all of the above are unnecessary as in the case of a change of use in an existing structure, the City Planner shall determine which items in subsection (1) through (17) of this section will not be required for application. The Planning Commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.
- H. If the request for Conditional Use meets the requirements of this title, the City Recorder shall set a time for a public hearing on the request before the Planning Commission within forty (40) days from the filing thereof and shall cause notice to be given in accordance with Section 9.88.060.
- I. At the conclusion of the public hearing, the Planning Commission may approve, approve with conditions, or deny the request, based upon the general and specific standards addressing the Conditional Use, pursuant to Chapter 9.88.

Amending Chapter 9.72. Conditional Uses, Section 9.72.050 Standards and Procedures Governing Conditional Uses, by deleting paragraph A.

Amending Chapter 9.48 Off-Street Parking and Loading, Section 9.48.010 General Requirements by modifying paragraph L.3 as follows:

“3. Motel, hotel, inn, or resort: one (1) space per guest room; hostel: one-half (1/2) space per bed.”

Section 9.52.171 Determining Height of Building - Version 1

See also:

Section 9.04.030 Definitions

Section 9.52.170 General exceptions to building height limitations

Height limitations as noted in other Sections

Calculating the maximum vertical Height of Building shall be accomplished as follows:

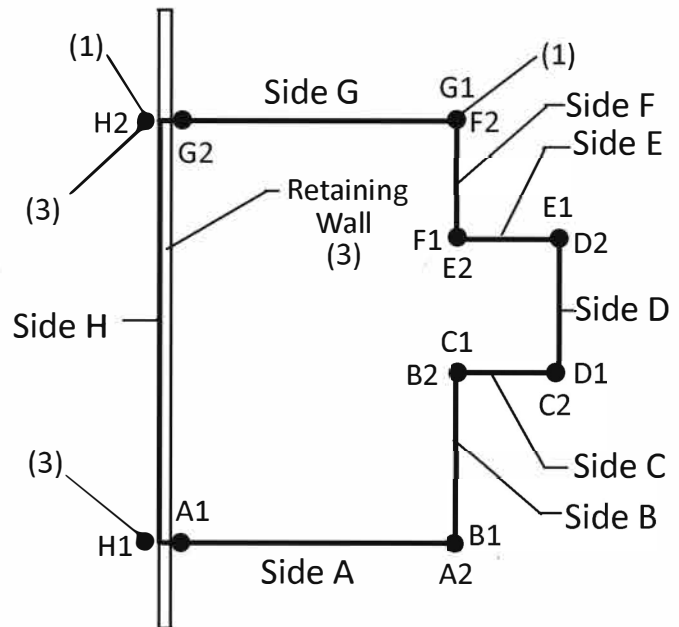
(1) Establish the finished grade immediately adjacent to the building or structure's primary walls at each corner.

(2) For each side of the building or structure calculate the average finished grade. Utilize grades at each corner of each side of the building, and divide by two. See Example.

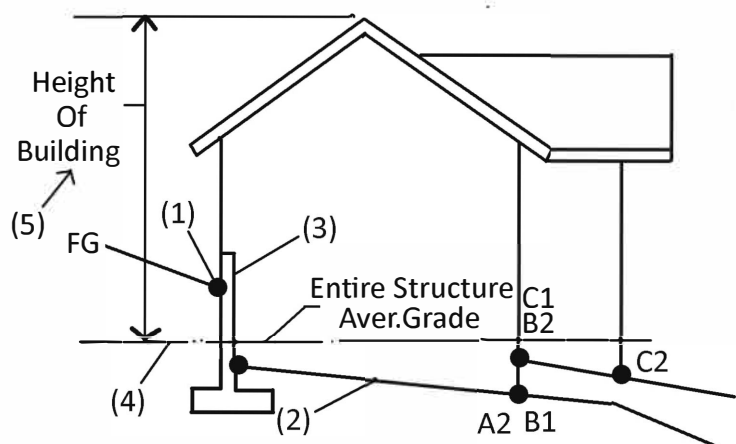
(3) Where a retaining wall occurs on one or more sides, the finished grade at the high side of retaining wall shall be used for that side, and the finished grade at the low side of the retaining wall shall be used for the adjacent intersecting sides.

(4) Add the average finished grades for all sides and divide by the number of sides = Average Finished Grade for the entire structure. See Example.

(5) **Height of Building** shall be the distance from the Average Finished Grade for the entire structure to the highest point of the building or structure.



(2) EXAMPLE: Side Average = $\frac{A1 + A2}{2}$



(4) EXAMPLE: Average Grade for Entire Structure
= $\frac{A+B+C+D+E+F+G+H}{8}$

§ 9.52.171 Determining Height of Building - Version 2

See also:

Section 9.04.030 Definitions

Section 9.52.170 General exceptions to building Height limitations.

Limitations in other Sections of this Ordinance.

Calculating the maximum vertical Height of Building shall be accomplished as follows:

(1) Establish finished grades:

See EXAMPLE 1.

1a. Establish the finished grade immediately adjacent to the building or structure's primary walls at each corner.

1b. Where a retaining wall occurs on one or more sides, the finished grade at the high side of retaining wall shall be used for that side, and the finished grade at the low side of the retaining wall shall be used for the adjacent intersecting sides.

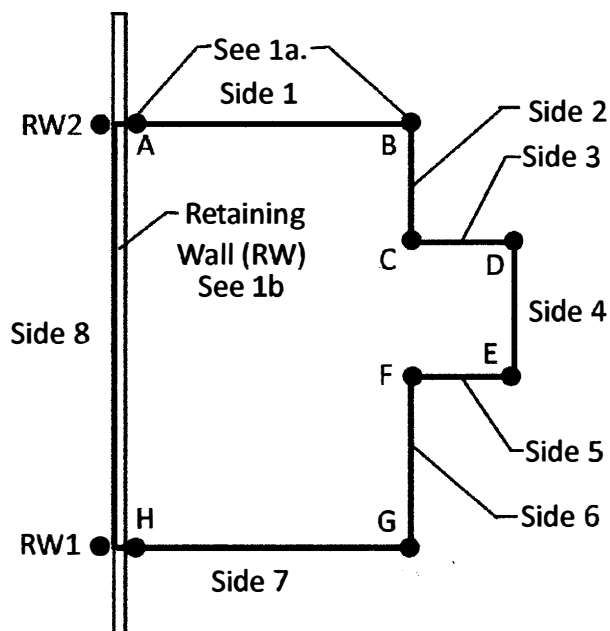
(2) Calculate average finished grades:

2a. For each side of the building or structure calculate the average finished grade. Utilize grades at each corner of each side of the building, and divide by two. See EXAMPLE 2a.

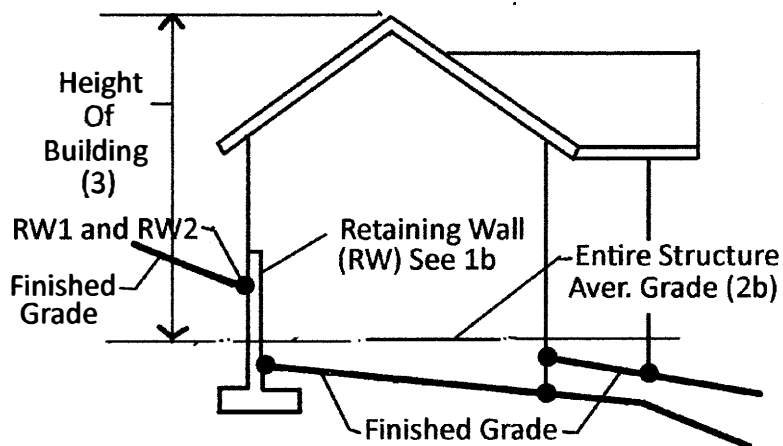
2b. The Average Finished Grade for The Entire Structure is the sum of all wall calculations divided by the number of walls; Add the average finished grades for all sides and divide by the number of sides. See EXAMPLE 2b.

(3) Height of Building shall be the distance from the Average Finished Grade for the Entire Structure to the highest point of the building or structure.

EXAMPLE 1: Establish Finished Grades



EXAMPLE 2a, Average Side 1 = $\frac{A + B}{2}$



EXAMPLE 2b: Average Finished Grade for Entire Structure
= $\frac{\text{Sum of the Average Grades for All Sides}}{\text{Number of Sides}}$

PLANNING COMMISSION ISSUES LIST as of 07/09/24

Item #	Description	Assigned	Due Date	Status
1	Schedule next training session	KG		03/12: KG to talk to Hui about guidance on best practices to update Comp Plan. 02/23: Coordinate with Hui on next topic(s) and date.
2	Complete Wetland Inventory	KG		05/21: KG contacted by State Lands. We are next in line for review. 04/16: KG sent email to State for update. 04/09: No update. 03/12: No update from ODSD. Link to State Lands Inventory to be added to links page. 02/23: Pending response from ODSD.
3	Continue Implementation of Yachats Parking Mgmt Plan	LD		06/11: Continuing to make progress on various projects. 05/14: Public works to provide city with update. 04/16: LD to meet with Public Works tomorrow for update. 03/19: LD sent email and will meet with Public Works to discuss. 03/12: Public Works will probably implement portions of the plan at a time. LD to meet with Public Works to discuss next steps.
4	Obtain City Council approval of updates to Title 9			06/11: Reviewed and approved changes to building height calculation. KG to send update to DLCD with approved changes. 5/21: Final draft approved by commission. KG to advise DLCD of changes. 05/14: At DLCD for review. Completed review of draft with PC today. Final review 05/21. Postponed public meeting to 07/16. 04/09: Waiting on marked up version. Review in 05/14 Work Session. Present in public meeting 06/18. 03/12: PC members to review and familiarize themselves with content. Need review schedule added to application. KG to put out marked up version. 02/23: Need review by DLCD.

5	Amend Title 9 for Housing Implementation Plan			06/11: Cascadia Partners to start in the fall. 05/21: Will start review of Plan for new commissioner in 06/11 meeting. 05/14: Funding for implementaion approved by state. Waiting to see review scope of work document from Cascadia Partners. Will review plan with PC. 03/12: Waiting to see if 2024 State budget contains money to fund another round of grants. KG to check if what other communities. 02/23: Determine if there will be a next round of DLCD funding. Contact Cascadia Partners to get estimate of cost of hiring them to complete task. have made changes for HIP.
6	Revise/update City Comprehensive Plan			03/12: PC to wait on #1, #5 or #8 before proceeding. 02/23: Commissioners to review existing and prioritize which section(s) to work on.
7	Update application fees	KG		06/11: Now part of general review of all city fees. 03/12: Bobbie committed to meet with KG soon. 02/23: KG to meet with Bobbi to set fees.
8	Ordinance for ADU's			07/09: Began review of various approaches to regulation. If time permits, will continue review 07/16. 06/11: Commissioners to research documentation and laws in other cities. To discuss in 07/09 meeting. 05/14: On hold to see if can be included with HIP. Collecting information from various sources. 04/09: Present concept in public forum prior to writing ordinance. 03/12: KG to look at getting copies of Waldport ordinance as well as relevant parking ordinances.
11	Consolidate minor updates to ordinances			06/11: On hold until after completion of #4. 04/16: Minor error in Fences and Hedges standard pointed up need to identify and consolidate into one list other minor changes/corrections to ordinances. KG to retrieve existing list for review.

CLOSED PLANNING COMMISSION ISSUES

9	Add to Urban Growth Boundary			4/09: State passed legislation allowing for increase of UGB up to 50 acres with reduced requirements. Should city pursue? With no expressed need to expand, decided not to pursue. CLOSED
10	Credit at COG			05/14: With state funding for HIP and money in budget from planning consultation, will not need COG. CLOSED. 04/09: City has credit at COG for possible consultant. Could we use for HIP? Bobbi to look into this. May not be that straightforward.

**BEFORE THE PLANNING COMMISSION
OF
YACHATS, OREGON**

**Request for Conditional Use Permit
Case File #2-CU-PC-24**

FINDINGS AND CONCLUSION

Applicant

Bruce Ladd

Nature of the Application

The applicant is requesting a conditional use permit for a Home Occupation. The proposed use is a licensed acupuncture practice secondary to the main use of the residence.

Relevant Facts

1. The subject property is located at 194 West 3rd Street and described on the Lincoln County Assessor's Map 14-12-27-DA as Tax Lot 8500.
2. The subject property is located in the R-3 Residential zone. Within the R-3 zone, a home occupation is permitted as a conditional use.
3. The subject property totals 0.11 acres or 5,000 square feet.
4. There is an existing duplex on the site.
5. Surrounding land uses consist of commercial to the north, east and south and a mixture of single-family and multi-family residences to the west.
6. No development constraints were identified.
7. The applicant submitted the required application form and fee, and a narrative addressing the Yachats Municipal Code home occupation standards.
8. A public hearing was held before the Yachats Planning Commission on June 18, 2024 at 2:00 PM to consider the applicant's request. Due notice of the hearing was given and all interested parties were given an opportunity to present testimony. The applicant was present to answer questions from the Commission. The applicant's application materials are herein incorporated into the record.
9. One letter of written testimony was entered into the record at the public hearing.

Relevant Criteria

Relevant Yachats Municipal Code (YMC) criteria are identified below by title only. Complete descriptions of relevant criteria were provided in the staff report and are herein incorporated into the record.

Section 9.04.030 Definitions

Section 9.20.030 R-3 Residential Zone Conditional Uses

Section 9.48.010 General requirements – Off-street Parking and Loading

Findings

- 1) The home occupation will be secondary to the main use of the property as a residence.
- 2) No structural alteration, including the provision of an additional entrance, to accommodate the home occupation is proposed.
- 3) No persons other than those residing in the dwelling will be engaged in the home occupation.
- 4) No window display and no sample commodities will be displayed outside the building.
- 5) No materials or mechanical equipment will be used which are detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.
- 6) No materials or commodities will be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- 7) No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents shall be allowed. The subject property is a legal nonconforming structure/use in the R-3 zone and as such, has no required off-street parking or required yards. The YMC does not specify any additional number of off-street parking places required for the proposed use, but the Commission finds that there is sufficient room to accommodate the limited traffic proposed. In addition, a neighboring business (Toad Hall) has offered an offstreet parking space for the applicant's use when available.
- 8) A valid business license from the City shall be required.

Conclusions

Based on the above facts and findings, the Yachats Planning Commission finds:

- A. The site under consideration is suitable for the proposed use considering the location.
- B. The proposed use is compatible with existing and projected uses on surrounding lands.
- C. The use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, and does not constitute an unusual fire, explosion or other physical hazard.

Order

It is ORDERED by the Yachats Planning Commission that the requested Conditional Use Permit for Case File #2-CU-PC-24 is hereby approved. Said approval is subject to the following conditions:

- 1) No persons other than those residing in the dwelling are to be engaged in the home occupation.
- 2) No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard.
- 3) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- 4) A valid business license from the City shall be obtained.
- 5) No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents shall be allowed.

Marc Sakamoto, Planning Commission Chair

Date

City of Yachats
Building Activity
January 1 - July 15, 2022

Project Name	Description	Parcel #	Address	Zone	Opened	Status
WARREN	New SFD	14-12-26-CC-1201	235 Jennifer Dr	R1	12/20/23	Ready to Issue
ADOBE	Remodel	14-12-22-DD-0100	1555 Highway 101 N	R4	1/9/24	Issued/Ready/In Review (LC)
KAY	New SFD	14-12-27-AC-3800	897 Ocean View Dr	R1	1/10/24	Permit Issued
SEBASTIAN	Enclose Carport	14-12-27-AC-2900	972 Ocean View Dr	R1	2/7/24	In Review (LC)
AVIANI/SIEGEL	Addition to SFD	14-12-34-AA-2600	42 Mitchell Lane	R1	3/5/24	Ready to Issue
SCOBERT	New SFD	14-12-26-CB-5503	412 East 2nd St	R1	3/26/24	Permit Issued
CITY OF YACHATS	Rehab existing walls	14-12-27-DA-8000	328 West 3rd St	PF	5/2/24	In Review (LC)
THORNTON	Addition to SFD	14-12-26-CB-2800	565 East 2nd St	R1	5/13/24	In Review (CoY)
DAKIN/ADERHOLD	New SFD	14-12-26-BB-1900	1150 Saki Lane	R1	5/21/24	In Review (LC)
OLSON	New SFD	14-12-27-AD-14600	101 10th St	R1	6/11/24	Permit Issued
BONNETT	New SFD	14-12-27-DD-3900	200 Shell St	R1	7/3/24	In Review (CoY)

Public Comment re: Fyke Development

- I encourage the Planning Commission to be mindful of the recommendations contained in the housing implementation plan, particularly when considering development applications that may arise between now and when the plan recommendations are implemented.
- The Planning Commission should be open to minor Code Amendments, specifically those that are part of HIP recommendations, as a viable alternative to trying to fit a square peg in a round hole, such as using the Townhouse PUD for the Fyke development, which did not meet the key characteristics typical or expected of a Townhouse PUD.
 - The HIP plan recommends changing the R-3 zoning district to permit, by right, a minimum lot area of 1,500 sq ft per townhouse unit, a threshold the Fyke development would have easily met.
- Again, I encourage the Planning Commission to remain mindful of the HIP recommendations and open to taking advantage of opportunities for early adoption of HIP recommendations.

Comments on proposed Title 9, Zoning and Land Use, Amendments.

Section 9.04.020 Purpose.

Thanks to P.C. & staff for moving these amendments forward to Council adoption.

Goal was to specifically link this Title to the City's adopted Comprehensive Plan, since zoning ordinances are to be used to implement the Plan.

Some of your changes to the ten drafted objectives under this Section create an inconsistency between the Plan and the implementing ordinance. Improving sentence structure is one thing, changing the intent is another.

Objectives 2 the word "encourage" has been substituted for the word "shall" and objective 4 and 5, now have the word "encourage" substituted for the word "ensure".

For objective 2, paragraph 5 on page 3 of the City's adopted Comprehensive Plan, under Introduction and Purpose, reads as follows:

Land use policies procedures and applications shall complement the natural beauty of Yachats' location and its environment, which has led to Yachats' long-standing reputation as "The Gem of the Oregon Coast."

For objective 4, policy 1 on page 18 of the City's adopted Comprehensive Plan, under Goal J. Meeting Housing Needs, reads as follows:

1. The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community.

For objective 5, policy 6 on page 15 of the City's Comprehensive Plan, under Goal G. Control of Urban Growth & Form, reads as follows:

6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

Replacing the words "shall" or "shall ensure" with the word "encourage" not only is inconsistent with the City's adopted Comprehensive Plan, but in each case it weakens the strength of objective.

I strongly recommend that the word "ensure" be retained in each of these three proposed objectives.

Section 9.72.010 Authorization to Grant or Deny Conditional Use Permits:

The eight general standards and criteria being added to the Code are a critical piece of the application, and help to form the findings of fact to support the Planning Commission's decision.

Applicants for Conditional Use permit approval should be required, as part of the City's application form, to provide a written statement on how their proposed use is, or is not, consistent with each of these general standards and criteria.

Where the applicant's proposed use may be inconsistent with one or more general standards or criteria, the applicant should describe how they will mitigate that inconsistency.

I recommend that upon adoption of these general standards and criteria, the City updates the Conditional Use application form to require this written statement.