



City of Yachats
441 N. Hwy 101, Civic Meeting Room 1
Monday, July 27, 2026, 2:00 PM

To Be Held In-Person & Via Zoom

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Planning Commission Work Session Meeting

Work Session

- I. Call to Order**
- II. Ongoing Business**
 - a. Complete the line-by-line review of the proposed code updates
- III. Adjourn**

This meeting is open to the public and interested citizens are invited to attend. This meeting will be audio/video taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. 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 July 24, 2026 By: Neal Morphis, Deputy Recorder

Memo

To: Bobbi Price, City Manager
City of Yachats

From: Ross M. Williamson

Date: July 22, 2026

Re: City Regulation of CC&Rs and City's Middle Housing Obligations

Request

You asked that I address topics related to the City's ongoing housing regulation updates. In particular, this memo will discuss the following: 1) the City's authority in relation to covenants, conditions, and restrictions (CC&Rs); 2) the City's obligations to provide for middle housing in relation to recent legislation; 3) the impact of HB 2138 (2025) on CC&Rs' regulation of middle housing; and 4) the impacts of HB 2138 (2025) on CC&Rs' regulation of structure height. I understand that you plan to share this information with the Planning Commission as they continue to work through the Code updates.

CC&Rs and the City

Private parties use deed restrictions and CC&Rs to control the use of land, density of development, building heights, building materials, setbacks, view obstructions, and other issues related to private property development. These restrictions are not enforced by local government. Instead, CC&Rs are a contract amongst neighboring property owners. The City is not a party to CC&Rs. If there is a question of CC&Rs interpretation or enforcement, the issue would be raised like questions in other private contracts – by bringing a civil lawsuit in court.

In making land use decisions, the City makes its decision based upon Code criteria, not criteria found in CC&Rs. See, e.g., *Butte Conservancy v. City of Gresham*, 51 Or LUBA 194, 203–205 (2006) (illustrating a city's lack of authority to interpret CC&Rs, but ability to consider CC&Rs as a factual issue in preparing conditions of approval). If a

development proposal violates CC&Rs, then impacted parties (presumably neighbors also governed by the same CC&Rs) would use the enforcement mechanisms available to them under the CC&Rs in question.

The above is confirmed by the Yachats Municipal Code (YMC). The definition of “deed restriction” found in YMC 9.04.030 provides: “‘Deed restrictions’ means a private, contractual agreement to limit the use (e.g., building height) of real property; a deed covenant. The City assumes no responsibility for enforcement of covenants and restrictions between private parties.”

City’s middle housing obligations

“Middle housing” is defined to include the following structure types: duplex, triplex, quadplex, townhouse, and cottage cluster. While not technically “middle housing,” accessory dwelling units (ADUs) are often folded into the same discussion as middle housing. “‘Accessory dwelling unit’ means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-unit dwelling.” ORS 197A.425(1)(b)(A).

For purposes of middle housing requirements, Oregon statutes and DLCD rules refer to small cities as those with a population of less than 2,500. (Note that cities in the Portland metro area and in Tillamook County have different thresholds.) As a result, Yachats is a “small city” as it relates to state middle housing obligations.

HB 2138 (2025) addressed several different housing and land use topics. The “middle housing” elements of the legislation do not apply to small cities. Outside the context of middle housing, some other elements of HB 2138 apply to all cities, such as new provisions related to single-room occupancies and changes to clear and objective requirements for certain tree removal applications.

As a small city, Yachats is not required to provide for the development of ADUs or middle housing. ORS 197A.420; ORS 197A.425. As part of its initiatives to support affordable housing, DLCD “recommends” that small cities allow ADUs and middle housing, but these recommendations are not an obligation on Yachats.

HB 2138 (2025) and CC&Rs’ limitation on middle housing

ORS 93.277 provides that a provision in CC&Rs is unenforceable if the provision would allow development of a single-unit dwelling but would prohibit the development of an ADU or middle housing. ORS 93.277, adopted in 2019, limits the restriction of ADUs and middle housing in CC&Rs executed on or after January 1, 2021. As a result, if ORS 93.277 is applicable to a particular property, the CC&Rs would be read as if there was no prohibition on ADUs or middle housing structures.

HB 2138 (2025) amended ORS 93.277 by extending the prohibition on limiting the development of ADUs and middle housing, regardless of when the CC&Rs were executed. The changes to ORS 93.277 take effect January 1, 2027.

ORS 93.277 impacts CC&Rs' prohibitions on ADUs and middle housing. Other requirements and restrictions in the CC&Rs are not altered by ORS 93.277.

HB 2138 (2025) and CC&Rs' limitation on structure height

ORS 93.277, both before and after HB 2138 (2025), does not regulate building height. Thus, CC&Rs' height limits survive ORS 93.277 and could be enforced under the terms of the CC&Rs by the parties to the CC&Rs. The City would not enforce CC&Rs' height limits but would instead make its land use decisions based upon adopted Code criteria, including any height limits in the Code.

PUBLIC REVIEW DRAFT CODE AMENDMENTS

The proposed amendments are shown in legislative format (deleted text with strikethrough ~~red~~ font and new text with underlined red font). Commentary is shown in *purple italics font*, preceding the text to which it is referring. Provisions presently that do not appear herein, are not intended to be amended, and are shown by [...].

General Commentary: The amendments are primarily intended to remove barriers to housing production in residential and commercial zones.

- *Accessory dwelling units are proposed to be allowed in all locations that allow a detached single-unit dwelling.*
- *A wider range of middle housing types (e.g. plexes, townhomes, and cottage clusters) is proposed to be allowed in R-1, R-2, R-3, and R-4 Residential zones.*
- *Single room occupancy housing has been added as an allowance in accordance with state requirements.*
- *Mixed use (non-residential and residential on the same lot) is proposed to be allowed in the Retail Commercial (C-1) zone as an outright use.*
- *New development standards (including lot area and lot coverage) and parking standards are included to reduce barriers for ADUs, middle housing, and multi-unit housing.*
- *New design standards are proposed for residential development of 3 or more units.*
- *A number of additional amendments are proposed to implement clear and objective standards for housing development. These are specifically related to ORS 197A.400, which requires local governments to adopt clear and objective standards, conditions, and procedures.*

Chapter 9.04 Commentary: The proposed amendments ensure consistency with state housing law and encourage and facilitate housing production, affordability, and choice as provided in ORS 197A.025.

- The primary intent of these amendments is to clearly define accessory dwelling units, single room occupancy, and middle housing types, and to provide definitions pertaining to design standards for residential development.*
- Allowing prefabricated structures in manufactured dwelling parks is also required by state law, and changes to definitions have been made accordingly.*
- Updates to definitions are proposed to remove occupancy limits that may discriminate based on family relationships, in accordance with state law.*

CHAPTER 9.04 GENERAL PROVISIONS AND DEFINITIONS

[...]

§ 9.04.030. Definitions.

[...]

“Accessory Dwelling Unit” – see “Housing Type.”

[...]

~~“Apartment house” means a building or portion thereof designed, built, rented, leased, let or hired out to be occupied, or which is occupied or is the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.~~

[...]

“Bed and breakfast facility” means a ~~single-family detached single-unit~~ dwelling containing rooms for rent in accordance with Section 9.72.050.

[...]

“Building footprint” means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.

[...]

“Common courtyard” means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

[...]

“Common wall” means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

[...]

“Cottage” means an individual dwelling unit that is part of a cottage cluster.

“Cottage cluster” – see “Housing Type.”

“Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

[...]

“City Manager” means the city manager or the city manager’s designated representative.

[...]

“Detached single-unit” – see “Housing Type.”

[...]

“Driveway approach” means the edge of a driveway where it abuts a public right-of-way.

~~“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.~~

~~Dwelling, Multifamily. “Multifamily dwelling” means a building containing three or more dwelling units.~~

~~Dwelling, Single Family. “Single family dwelling” means a building designed or used exclusively for the occupancy of one family and having kitchen facilities for only one family.~~

~~Dwelling, Two Family. “Two family dwelling” means one building containing two dwelling units (duplex).~~

“Duplex” – see “Housing Type.”

“Dwelling unit” means one or more rooms designed for permanent occupancy by one family and having not more than one kitchen facility. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.

[...]

“Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the street.

“Facade, front” means all of the wall area shown on the front elevation of the building plans.

[...]

~~Factory built dwelling” means a dwelling unit built substantially or entirely at a place other than the residential site, meeting County and State building code requirements, and including prefabricated or modular homes and excluding manufactured dwellings.~~

[...]

~~“Family” means an individual or two or more persons related by blood, marriage, adoption or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons; or a group of not more than three unrelated persons, living together as one housekeeping unit using one kitchen.~~

“Family day care provider” means a day care provider who provides day care in the provider's home in the family living quarters to no more than 12 children including children of the provider, regardless of full-time or part-time status. a day care (child care) provider who resides in the home and regularly provides day care in the provider's home to no more than 16 children (or as specified otherwise by ORS 657A.280), including children of the provider, regardless of full-time or part-time status.

[...]

“Frontage” means the portion of a lot or parcel that abuts a street.

[...]

“Hard surfaced,” in the context of pedestrian walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.

[...]

“Housing Type” means one of the following. (In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.)

1. “Accessory Dwelling Unit” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
2. “Cottage cluster” means a grouping of detached dwelling units on a lot or parcel that share a common courtyard and that each have a small footprint or floor area.
3. “Detached single-unit” or “DSU” means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-units may be constructed on-site or off-site (e.g., manufactured homes or prefabricated structures). A dwelling unit that is part of a duplex, triplex, fourplex, or cottage cluster, whether attached or detached, is not a single-unit dwelling.
4. “Duplex” means two dwelling units in any configuration. Both units of a duplex must be built on a single lot or parcel, or located on two child lots created through a middle housing land division.
5. “Middle housing” means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
6. “Multi-unit housing” means a residential structure containing five or more dwelling units sharing common walls or floors and ceilings, built on a single lot or parcel.
7. “Quadplex” means four dwelling units in any configuration. All four units must be built on a single lot or parcel, or located on four child lots created through a middle housing land division.
8. “Townhouse” means a dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.
9. “Triplex” means three dwelling units in any configuration. All three units must be built on a single lot or parcel, or located on three child lots created through a middle housing land division.

[...]

~~“Lot” means a unit of land that is created by a subdivision of land, or~~ “lot or parcel” means any lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.

[...]

“Lot coverage” means the amount of area covered by building(s) on a lot expressed as a percentage of the total lot area. Lot coverage includes open structures, such as pole barns; building features such as patio covers, roofed porches, and decks; or similar features with a surface height of more than 18 in above average grade. Lot coverage does not include eaves.

[...]

Lot, Parent / Lot, Child. Parent lot means a lot of record or a lot in a middle housing land division which is developed, or proposed to be developed, with two or more middle housing units, and which may

therefore be further divided to allow individual ownership of each dwelling unit. Child lot refers to the unit(s) of land created from a parent lot. A child lot created through a middle housing land division is also referred to as a middle housing lot. Only one dwelling unit is permitted on each resulting middle housing lot.

[...]

“Main entrance” means the entrance to a building that is designed to facilitate ingress and egress for the highest volume of building users. Generally, each building has one main entrance, but if design features do not make it possible to determine which entrance is the main entrance, all entrances providing the same capacity of ingress and egress shall be treated as main entrances.

[...]

"Manufactured dwelling" means:

1. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962;
2. A mobile home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

"Manufactured dwelling park" means any place where four or more manufactured dwellings or prefabricated structures, as defined in ORS ~~446.003~~455.010, are located ~~within 500 feet of one another~~ on a lot, ~~tract~~ or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City under an ordinance adopted pursuant to ORS 92.010 to 92.190.

"Manufactured dwelling space" means a plot of ground within a manufactured dwelling park that is designed for the accommodation of one manufactured dwelling.

~~"Manufactured Home. See subsection 3 of the definition of "Manufactured dwelling."~~

~~"Manufactured Home" – see subsection 3 of the definition of "Manufactured dwelling."~~

[...]

"Middle housing" – see "Housing Type."

"Middle housing land division" (MHL) means an expedited land division of a lot or parcel on which middle housing is developed or proposed.

[...]

"Mixed Use Development" means the combination on a site of residential uses with commercial uses.

[...]

“Multi-unit housing” – see “Housing Type.”

[...]

“Quadplex” – see “Housing Type.”

[...]

“Reviewing Body” means the person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Reviewing Body includes the City Planner or their designee, City Manager, Hearings Officer, Planning Commission, or the City Council.

“Single Room Occupancy” (SRO) means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

[...]

“Site” has different meanings depending on the housing type, as provided below. “Development site” has the same meaning as “site.”

1. For detached single-unit, duplex, triplex, quadplex, and cottage cluster, “site” means a single lot on which the housing unit or units is proposed.
2. For townhouse and multi-unit housing, “site” refers to a property (or group of abutting parcels or lots under the same ownership) that is subject to a development application.

“Site area” means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.

[...]

“Sufficient Infrastructure” means the following level of public services to serve a new housing development:

1. Connection to a public sewer system capable of meeting established service levels.
2. Connection to a public water system capable of meeting established service levels.
3. Access via public or private streets meeting adopted emergency vehicle access standards to the City’s public street system.
4. Storm drainage facilities capable of meeting established service levels for storm drainage.

[...]

~~“Town house” means an attached, single-family dwelling, usually with two or more stories, living and dining areas on the first floor, and bedrooms on the upper floors.~~

“Townhouse” – see “Housing Type.”

“Townhouse project” means one or more townhouse structures constructed, or proposed to be

constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property. For developments with a mix of housing types or uses, the amount of commonly owned property attributed to the townhouse project shall be prorated based on the square footage of development sharing the property.

[...]

“Triplex” – see “Housing Type.”

Chapter 9.12 Commentary:

- The proposed amendments update permitted uses to allow for accessory dwelling units, SROs, and a wider range of middle housing types.
- No more than two units per lot are being recommended in the R-1 zone.
- Up to six SRO units must be allowed on each lot or parcel zoned to allow for the development of a detached single-unit dwelling after the passage of HB 2138 (2025).
- Proposed amendments also revise development standards, including minimum lot area, setbacks, and minimum lot coverage, to reduce barriers to middle housing and ADU development.
- Design standards contained in Chapter 9.50 will apply to all middle housing except duplexes.
- Some requirements for manufactured dwellings must be removed because they are not clear and objective or are in excess of the requirements for detached single-unit dwellings.

CHAPTER 9.12 R-1 RESIDENTIAL ZONE

§ 9.12.010. Purpose.

The R-1 residential zone is intended to provide a quality environment for low density, urban, ~~single-family~~ residential uses and other compatible land uses determined desirable and/or necessary. In an R-1 zone the following regulations shall apply.

(Ord. 73E § 2.010, 1992; Ord. 73I, 1994; Ord. 175, 1995)

§ 9.12.020. Permitted uses.

In an R-1 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. One ~~single-family detached single-unit~~ dwelling per ~~tax~~ lot.
- B. A recreational vehicle used for dwelling purposes during the construction of a new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~A building permit shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction; See Chapter 9.68;~~
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory Structures. See Chapter 9.52.025; ~~Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;~~
- E. One accessory dwelling unit per legal detached single-unit dwelling. See Chapter 9.51;
- F. One duplex per lot.
- G. One cottage cluster per lot. See Chapter 9.50.040;
- H. One single room occupancy development per lot, with a maximum of six single room occupancy units;

- I. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- J. Family day care provider;
- K. Residential home;

~~L. Factory built dwelling;~~

L. ~~Single family m~~Manufactured homes on individual lots subject to the following restrictions:

- ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional (double wide or larger) by virtue of having a tip-out section.~~
- ~~2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the 12 inch limitation will not apply.~~
1. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-~~family~~unit dwellings constructed under the state building code as defined in ORS 455.010.
- ~~2. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.~~
- ~~3. If the manufactured home has a garage or carport, it shall be constructed of like materials.~~
2. Manufactured homes shall be subject to all of the restrictions that apply to detached single-unit dwellings in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the City's zoning and other ordinances.
- ~~1. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.~~

(Ord. 73E § 2.010(1), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 267, Amended, 02/12/2007; Ord. 309, Amended, 12-08-11)

[...]

§ 9.12.040. Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-1 zone the following standards shall apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in an R-1 zone shall be as follows:
 1. The minimum lot area shall be ~~7,500~~ 7,000 square feet for a one-family single-unit dwelling, duplex, and single room occupancy, and 14,000 square feet for a cottage cluster when the lot is served by both a public water supply and public sewage system.

2. ~~The minimum lot area shall be 20,000 square feet when a lot is served by a public water supply system, but cannot be practically served by a public sewage disposal system. The minimum lot area shall be 7,500 square feet for a single-unit dwelling with or without one accessory dwelling unit and 15,000 square feet for a duplex, when the lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system. Other housing types are prohibited where sufficient infrastructure does not exist.~~
 3. The minimum lot width ~~at the front building line~~ shall be 60 feet for an interior lot and 65 feet for a corner lot when a lot is served by both a public water supply and sewage disposal system.
 4. The minimum lot width ~~at the front building line~~ shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public water supply system, but not by a public sewage disposal system.
 5. The minimum lot depth shall be 80 feet.
 6. Landfill of dirt and rock only.
 7. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44 through 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
 8. Undersize lots, see Chapter 9.76.
- B. Yards. The minimum yard requirements in the R-1 zone shall be as follows:
1. Front yard shall be a minimum of 20 feet.
 2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
 3. The street side yard shall be a minimum of 20 feet.
 4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
 5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
 6. ~~No structure shall be located closer than 60 feet from the center line of any state highway, nor 45 feet from the center line of any collector or arterial street.~~
 7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight feet.
- C. Building Height. No building in the R-1 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.

- D. Lot Coverage. ~~Structures, including, but not limited to buildings, porches and decks shall not occupy more than 30% of the total lot area. The maximum lot coverage of structures shall be as follows:~~
1. Total lot coverage shall be no more than 40% of the total lot area for detached single-unit dwellings with an accessory dwelling unit and for residential uses with a height of 24 feet and under of the following types: single room occupancy and middle housing.
 2. Total lot coverage shall be no more than 30% of the total lot area for all other uses.
- E. Off-Street Parking. Refer to Chapter 9.48 – Off-Street Parking and Loading for parking requirements.
- F. General Criteria. The vehicle and pedestrian access to the site ~~can be safely and efficiently provided shall meet:~~
1. All applicable City standards for vehicle and pedestrian access;
 2. All applicable County standards for emergency vehicle access; and
 3. The necessary utility systems and public facilities are available with sufficient supply and distribution capacity in accordance with the requirements of Title 8 (Public Services).
 4. ~~If not provided by the City, it shall be the responsibility of the developer to insure these standards are met. Where City facilities or services are not available or have insufficient capacity, the developer shall be responsible for all costs associated with:~~
 - a. Design and engineering of required improvements;
 - b. Construction of required facilities;
 - c. Dedication of easements or rights-of-way as necessary; and
 - d. Obtaining all necessary permits and approvals from City, State, and Federal agencies.

(Ord. 73B, 1983; Ord. 73E § 2.010(3), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 215, Amended, 08/15/2003; Ord. 267, Amended, 02/12/2007; Ord. 277, Amended, 10/10/2008; Ord. 314, Amended, 07/12/12; Ord. 372, 8/16/2024)

Chapter 9.16 Commentary:

- The proposed amendments update permitted uses to allow for accessory dwelling units, SROs, and a wider range of middle housing types.
- No more than three units per lot are being recommended in the R-2 zone.
- Up to six SRO units must be allowed on each lot or parcel zoned to allow for the development of a detached single-unit dwelling after the passage of HB 2138 (2025).
- Proposed amendments also revise development standards, including minimum lot area, setbacks, and minimum lot coverage, to reduce barriers to middle housing and ADU development.
- Design standards contained in Chapter 9.50 will apply to all middle housing except duplexes.
- Some requirements for manufactured dwellings must be removed because they are not clear and objective or are in excess of the requirements for detached single-unit dwellings.

CHAPTER 9.16 R-2 RESIDENTIAL ZONE

§ 9.16.010. Purpose.

This residential zone is intended to provide a quality environment for medium density, urban, ~~single-family~~ residential uses and other compatible land uses determined to be desirable and/or necessary. In an R-2 zone the following regulations shall apply.

(Ord. 73E § 2.020, 1992; Ord. 73I, 1994; Ord. 175, 1995)

§ 9.16.020. Permitted uses.

In an R-2 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- B. One ~~single family detached single-unit~~ dwelling per ~~tax~~ lot;
- C. A recreational vehicle used for dwelling purposes during the construction of a new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~A building permit shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction; See Chapter 9.68;~~
- D. Recreational Vehicle. See Chapter 9.68;
- E. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- F. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- G. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
- H. Accessory Structures. See Chapter 9.52.025; ~~Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;~~
- I. One accessory dwelling unit per legal detached single-unit dwelling. See Chapter 9.51;
- J. One duplex per lot;

- K. One triplex per lot. See Chapter 9.50.020;
- L. One cottage cluster per lot. See Chapter 9.50.040;
- M. One townhouse project, with no more than three units, per lot. See Chapter 9.50.030;
- N. One single room occupancy development per lot, with a maximum of six single room occupancy units;
- O. ~~Two-family dwelling;~~
- P. Family day care provider;
- Q. Residential home;
- R. ~~Factory-built dwelling. See Definitions;~~
- S. ~~Single-family m~~Manufactured homes on individual lots subject to the following restrictions:
 - ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional (double wide or larger) by virtue of having a tip-out section.~~
 - ~~2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the 12-inch limitation will not apply.~~
 1. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family unit dwellings constructed under the state building code as defined in ORS 455.010.
 - ~~2. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.~~
 - ~~3. If the manufactured home has a garage or carport, it shall be constructed of like materials.~~
 4. Manufactured homes shall be subject to all of the restrictions that apply to detached single-unit dwellings in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the City's zoning and other ordinances.
 - ~~5. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.~~

(Ord. 73E § 2.020(1), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 267, Amended, 02/12/2007; Ord. 301, Amended, 9/8/2011; Ord. 302, Amended, 9/8/2011; Ord. 309, Amended, 12-08-11)

[...]

§ 9.16.040. Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-2 zone the following standards shall apply:

I. Lot Size and Dimensions. The minimum lot size and dimensions in an R-2 zone shall be as follows:

1. The minimum lot area shall be 6,000 square feet for a ~~one-family and 7,500 square feet for a two-family dwelling, and single-unit dwelling, duplex, or single room occupancy; 7,500 square feet for a triplex; and 12,000 square feet for a cottage cluster~~ when the lot is served by both a public water supply and public sewage system.
2. The average lot area for townhouses in a townhouse project shall be a minimum of 2,500 square feet when the lot is served by both a public water supply and public sewage system.
3. The minimum lot area shall be 7,500 square feet for a ~~one-family~~ single-unit dwelling with or without one accessory dwelling unit and 15,000 square feet for a ~~two-family dwelling~~ duplex, when the lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system. Other housing types are prohibited where sufficient infrastructure does not exist.
4. The minimum lot width ~~at the front building line~~ shall be 50 feet for an interior lot and 55 feet for a corner lot when a lot is served by both a public water supply and sewage disposal system.
5. The minimum lot width ~~at the front building line~~ shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.
6. The minimum lot depth shall be 80 feet.
7. Landfill of dirt and rock only.
8. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44 through 9.52;
 - b. Flood prone areas, see Chapter 9.54.
9. Undersize lots, see Chapter 9.76.

J. Yards. The minimum yard requirements in the R-2 zone shall be as follows:

1. Front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles. For townhouses, the minimum side yard along a common wall lot line where units are attached shall be 0 feet.
3. The street side yard shall be a minimum of ~~20~~ 10 feet.
4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.

~~6. No structure shall be located closer than 60 feet from the center line of any state highway, nor 45 feet from the center line of any collector or arterial street.~~

7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight feet.

K. Building Height. No building in the R-2 zone shall exceed a height of 30 feet from finished grade or from natural grade see Chapter 9.52.180.

L. Lot Coverage. ~~Structures, including, but not limited to buildings, porches and decks shall not occupy more than 35% of the total lot area.~~ The maximum lot coverage of structures shall be as follows:

1. Total lot coverage shall be no more than 45% of the total lot area for detached single-unit dwellings with an accessory dwelling unit and for residential uses with a height of 24 feet and under of the following types: single room occupancy and middle housing.

2. Total lot coverage shall be no more than 35% of the total lot area for all other uses.

3. For townhouses, this standard applies to the townhouse project and not to each townhouse.

M. Off-Street Parking. Refer to Chapter 9.48 - Off-Street Parking and Loading for parking requirements.

N. General Criteria. The vehicle and pedestrian access to the site ~~can be safely and efficiently provided meet:~~

1. All applicable City standards for vehicle and pedestrian access;

2. All applicable County standards for emergency vehicle access; and

3. The necessary utility systems and public facilities are available with sufficient supply and distribution capacity in accordance with the requirements of Title 8 (Public Services).

4. ~~If not provided by the City, it shall be the responsibility of the developer to insure these standards are met.~~ Where City facilities or services are not available or have insufficient capacity, the developer shall be responsible for all costs associated with:

a. Design and engineering of required improvements;

b. Construction of required facilities;

c. Dedication of easements or rights-of-way as necessary; and

d. Obtaining all necessary permits and approvals from City, State, and Federal agencies.

(Ord. 73E § 2.020(3), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 215, Amended, 08/15/2003; Ord. 243, Amended, 12/18/2003; Ord. 267, Amended, 02/12/2007; Ord. 277, Amended, 10/10/2008; Ord. 314, Amended, 07/12/12; Ord. 372, 8/16/2024)

Chapter 9.20 Commentary:

- *The proposed amendments update permitted uses to allow for accessory dwelling units, SROs, and a wider range of middle housing types.*
- *The density maximum is proposed to be removed in favor of regulating density through minimum lot size.*
- *The proposed amendments implement a minimum gross density of 8.7 units per acre for residential development.*
- *Proposed amendments also revise development standards, including minimum lot area, setbacks, lot width, and minimum lot coverage, to reduce barriers to middle housing and ADU development.*
- *Design standards contained in Chapter 9.50 will apply to all middle housing except duplexes.*
- *Some requirements for manufactured dwellings must be removed because they are not clear and objective or are in excess of the requirements for detached single-unit dwellings.*

CHAPTER 9.20 R-3 RESIDENTIAL ZONE

§ 9.20.010. Purpose.

The R-3 residential zone is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. In an R-3 zone the following regulations shall apply.

(Ord. 73E § 2.030, 1992; Ord. 73I, 1994; Ord. 175, 1995)

§ 9.20.020. Permitted uses.

In an R-3 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. One ~~single family~~ detached single-unit dwelling per ~~tax~~ lot;
- B. A recreational vehicle used for dwelling purposes during the construction of a new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~A building permit shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction; See Chapter 9.68;~~
- C. Recreational Vehicle. See Chapter 9.68;
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- E. Planned unit development. (P.U.D.) ~~except for manufactured home P.U.D.~~ See Chapter 9.60;
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
- G. Accessory Structures. See Chapter 9.52.025; ~~Accessory buildings and uses to the extent necessary and normal in a residential neighborhood; Two-family dwelling;~~
- H. One accessory dwelling unit per legal detached single-unit dwelling. See Chapter 9.51;
- I. One duplex per lot;

- J. One triplex per lot. See Chapter 9.50.020;
- K. One quadplex per lot. See Chapter 9.50.020;
- L. One cottage cluster per lot. See Chapter 9.50.040;
- M. One townhouse project per lot. See Chapter 9.50.030;
- N. Multifamily dwelling;Multi-unit housing. See Chapter 9.50.050;
- O. Single Room Occupancy;
~~—Factory built dwelling. See Definitions;~~
- P. Family day care provider;
- Q. Residential home;
- R. Residential facility;
- S. ~~Single-family m~~Manufactured homes on individual lots subject to the following restrictions:
 - ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional (double wide or larger) by virtue of having a tip-out section.~~
 - ~~2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the 12-inch limitation will not apply.~~
 - 1. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family detached single-unit dwellings constructed under the state building code as defined in ORS 455.010.
 - ~~2. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.~~
 - ~~5. If the manufactured home has a garage or carport, it shall be constructed of like materials.~~
 - 2. Manufactured homes shall be subject to all of the restrictions that apply to detached single-unit dwellings in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the City's zoning and other ordinances.
 - ~~7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.~~
- T. Manufactured dwelling park, manufactured dwelling subdivision and manufactured dwelling P.U.D.

(Ord. 73E § 2.030(1), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 267, Amended, 02/12/2007; Ord. 301,

§ 9.20.030. Conditional uses.

In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- A. Governmental structure or use of land; and public utility facility;
- B. Home occupation. See Definitions;
- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Church, nonprofit religious or philanthropic institution;
- E. Community center;
- F. Nursery school, kindergarten or similar facility;
- G. Hospital, nursing home, retirement home, or similar facility;
- H. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
- I. Park, playground, swimming pool, or similar recreation area;
- J. School or private school offering curricula similar to public schools;
- K. Parking areas;
- L. Bed and breakfast facility;

~~M. Manufactured dwelling park, subdivision and P.U.D.~~

(Ord. 73E § 2.030(2), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 301, Amended, 9/8/2011)

§ 9.20.040. Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-3 zone the following standards shall apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the R-3 zone shall be as follows:
 - 1. The minimum lot area shall be ~~6,000~~ 5,000 square feet for a ~~one-family dwelling; 7,500 square feet for a two-family dwelling; 6,000 square feet for the first dwelling unit and 2,500 square feet for each additional unit in a multifamily dwelling~~ single-unit dwelling, single room occupancy, or duplex; 6,000 square feet for a triplex; 7,000 square feet for a quadplex or cottage cluster; and 1,500 square feet per unit for multi-unit housing when the lot is served by both a public water supply and public sewage system. ~~However, the maximum density in the R-3 zone shall not exceed 12 dwelling units per acre.~~
 - 2. The average lot area for townhouses in a townhouse project shall be a minimum of 1,500 square feet when the lot is served by both a public water supply and public sewage system.
 - 3. The minimum lot area shall be 7,500 square feet for a single-unit dwelling with or without one accessory dwelling unit and 15,000 square feet for a duplex, when the lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system. Other housing types are prohibited where sufficient infrastructure does not exist.

4. The minimum lot width ~~at the front building line~~ shall be ~~50~~ 30 feet for an interior lot and ~~55~~ 35 feet for a corner lot when a lot is served by both a public water supply and sewage disposal systems.
 5. The minimum lot width at the front building line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.
 6. The minimum lot depth shall be 80 feet.
 7. Landfill of dirt and rock only.
 8. Hazard areas:
 - a. Hillside building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Floodprone areas, see Chapter 9.54
 9. Undersize lots, see Chapter 9.76.
- B. Yards. The minimum yard requirements in the R-3 zone shall be as follows:
1. Front yard shall be a minimum of ~~20~~ 10 feet.
 2. Each side yard shall be a minimum of ~~either five feet or one foot for each three feet of building height, whichever requirement is greater.~~ Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles. For townhouses, the minimum side yard along a common wall lot line where units are attached shall be 0 feet.
 3. The street side yard shall be a minimum of ~~20~~ 10 feet.
 4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
 5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
 6. ~~No structure shall be located closer than 60 feet from the center line of any state highway, nor 45 feet from the center line of any collector or arterial street.~~
 7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight feet.
- C. Minimum Density. The minimum gross density in the R-3 zone shall be 8.7 dwelling units per acre.
- D. Building Height. No building in the R-3 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
- E. Lot Coverage. ~~Structures, including, but not limited to buildings, porches and decks shall not occupy more than 40% of the total lot area.~~ The maximum lot coverage of structures shall be as follows:

1. Total lot coverage shall be no more than 60% of the total lot area for detached single-unit dwellings with an accessory dwelling unit and for all other residential uses with heights 24 feet and under.
 2. Total lot coverage shall be no more than 40% of the total lot area for all other uses.
 3. For townhouses, this standard applies to the townhouse project and not to each townhouse.
- F. Off-Street Parking. Refer to Chapter 9.48 – Off-Street Parking and Loading for parking requirements.
- G. Separation Between Buildings. The minimum separation between ~~multifamily~~ multi-unit housing buildings shall be ~~30~~ 10 feet ~~unless the buildings are arranged end-to-end. In such a case, there shall be at least a ten-foot separation and no doorway or entry may open into the space between the buildings.~~
- H. Vehicle Access. Ingress or egress to a ~~multifamily dwelling~~ multi-unit housing or commercial use shall not be allowed from less than a 35 foot right-of-way and a 25 foot all-weather travel surface that is accessible to emergency vehicles. In the event that a 35 foot right-of-way is not possible, a minimum 10 foot easement (five feet on each side of the travel surface) shall be dedicated to the City for utility purposes. Commercial and multi-unit housing uses ~~and multifamily dwellings~~, shall not have vehicle access to or from a cul- de-sac.
- I. General Criteria. The vehicle and pedestrian access to the site ~~can be safely and efficiently provided meet:~~
1. All applicable City standards for vehicle and pedestrian access;
 2. All applicable County standards for emergency vehicle access; and
 3. The necessary utility systems and public facilities are available with sufficient supply and distribution capacity in accordance with the requirements of Title 8 (Public Services).
 4. ~~If not provided by the City, it shall be the responsibility of the developer to insure these standards are met. Where City facilities or services are not available or have insufficient capacity, the developer shall be responsible for all costs associated with:~~
 - a. Design and engineering of required improvements;
 - b. Construction of required facilities;
 - c. Dedication of easements or rights-of-way as necessary; and
 - d. Obtaining all necessary permits and approvals from City, State, and Federal agencies.

(Ord. 73E § 2.030(3), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 215, Amended, 08/15/2003; Ord. 243, Amended, 12/18/2003; Ord. 267, Amended, 02/12/2007; Ord. 277, Amended, 10/10/2008; Ord. 314, Amended, 07/12/12; Ord. 372, 8/16/2024)

Chapter 9.24 Commentary:

- The proposed amendments update permitted uses to allow for accessory dwelling units, SROs, and a wider range of middle housing types.
- The density maximum is proposed to be removed in favor of regulating density through minimum lot size.
- The proposed amendments implement a minimum gross density of 8.7 units per acre for residential development.
- Proposed amendments also revise development standards, including minimum lot area, setbacks, lot width, and minimum lot coverage, to reduce barriers to middle housing and ADU development.
- Design standards contained in Chapter 9.50 will apply to all middle housing except duplexes.
- Some requirements for manufactured dwellings must be removed because they are not clear and objective or are in excess of the requirements for detached single-unit dwellings.
- General Criteria applied to all development have been updated to be clear and objective and to apply consistently across housing types.

CHAPTER 9.24 R-4 RESIDENTIAL ZONE

§ 9.24.010. Purpose.

The multiple-~~family~~unit residential zone is intended to provide a quality environment for high density, urban, residential, resort and motel uses together with other compatible land uses determined to be desirable and/ or necessary. In an R-4 zone the following regulations shall apply.
(Ord. 73E § 2.040, 1992; Ord. 73I, 1994; Ord. 175, 1995)

§ 9.24.020. Permitted uses.

In an R-4 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable.

- A. One ~~single-family~~ detached single-unit dwelling per ~~tax~~ lot;
- B. A recreational vehicle used for dwelling purposes during the construction of a new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. ~~A building permit shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction; See Chapter 9.68;~~
- C. Recreational vehicle. See Chapter 9.68.
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use.
- E. Planned unit development. (P.U.D.) ~~except for manufactured home P.U.D.~~ See Chapter 9.60.
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62.
- G. Accessory Structures. See Chapter 9.52.025; ~~Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;~~

- H. ~~Two-family dwelling. One accessory dwelling unit per legal detached single-unit dwelling. See Chapter 9.51;~~
- I. ~~One duplex per lot;~~
- J. ~~One triplex per lot. See Chapter 9.50.020;~~
- K. ~~One quadplex per lot. See Chapter 9.50.020;~~
- L. ~~One cottage cluster per lot. See Chapter 9.50.040;~~
- M. ~~One townhouse project per lot. See Chapter 9.50.030;~~
- N. ~~Multifamily dwelling, including condominiums, townhouses and apartments.;~~ Multi-unit housing. See Chapter 9.50.050;
- N. Single Room Occupancy;
- P. ~~Factory built dwellings. See Definitions.~~
- O. Motel, hotel or resort on a minimum of 1.0 acre with direct access provided from U.S. High-way 101 only and with accessory commercial uses.
- P. Family day care provider.
- Q. Residential home.
- R. Residential facility.
- S. ~~Single-family m~~Manufactured homes on individual lots subject to the following restrictions:
 - ~~1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.~~
 - ~~2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the 12 inch limitation will not apply.~~
 - 1. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family detached dwellings constructed under the state building code as defined in ORS 455.010.
 - ~~2. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.~~
 - ~~5. If the manufactured home has a garage or carport, it shall be constructed of like materials.~~
 - 2. Manufactured homes shall be subject to all of the restrictions that apply to detached single-unit dwellings in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the City's zoning and other ordinances.

~~7.—The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.~~

P. Manufactured dwelling park, manufactured dwelling subdivision and manufactured dwelling P.U.D.

(Ord. 73E § 2.040(1), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 267, Amended, 02/12/2007; Ord. 301, Amended, 9/8/2011; Ord. 302, Amended, 9/8/2011; Ord. 309, Amended, 12-08-11)

§ 9.24.030. Conditional uses.

In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- A. Governmental structure or use of land; and public utility facility;
 - B. Home occupation. See Definitions;
 - C. Temporary real estate office offering residential property in the immediate vicinity for sale;
 - ~~D.—Manufactured dwelling park, subdivision and P.U.D.;~~
 - E. Church, nonprofit religious or philanthropic institution;
 - F. Nursery school, kindergarten or similar facility;
 - G. Hospital, nursing home, retirement home, or similar facility;
 - H. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
 - I. Park, playground, swimming pool, or similar recreation area;
 - J. Private school offering curricula similar to public schools;
 - K. Parking areas;
 - L. Club, lodge or fraternal organization;
 - M. Professional office;
 - N. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses specifically listed, provided that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted uses;
 - O. Bed and breakfast facility;
 - P. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses.
 - Q. Hostels.
- (Ord. 73E § 2.040(2), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 301, Amended, 9/8/2011, Ord. 376, 11/20/2024)

§ 9.24.040. Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-4 zone the following standards shall apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the R-4 zone shall be as follows:

1. The minimum lot area shall be ~~6,000~~ 5,000 square feet for a ~~one-family dwelling; 7,500 square feet for a two-family dwelling; 5,000 square feet for the first dwelling unit and 2,500 square feet for each additional unit in a multifamily dwelling~~ single-unit dwelling, single room occupancy, or duplex; 6,000 square feet for a triplex; 7,000 square feet for a quadplex or cottage cluster; and 1,500 square feet per unit for multi-unit housing when the lot is served by both a public water supply and public sewage system. ~~However, the maximum density in the R-4 zone shall not exceed 12 dwelling units per acre.~~
 2. The average lot area for townhouses in a townhouse project shall be a minimum of 1,500 square feet when the lot is served by both a public water supply and public sewage system.
 3. Lot width ~~60~~ 30 foot minimum ~~at front building line~~ for interior lot and ~~65~~ 35 feet for a corner lot with public water and sewer systems.
 4. Lot width 70 foot minimum ~~at front building line~~ for interior lot and 75 feet for a corner lot with public water but no sewer.
 5. The minimum lot depth shall be 80 feet.
 6. ~~The minimum lot area per dwelling unit shall be at least 20,000 square feet when a lot is not served by a public water supply system, unless otherwise required by the county sanitarian. The minimum lot area shall be 7,500 square feet for a single-unit dwelling with or without one accessory dwelling unit and 15,000 square feet for a duplex, when the lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system. Other housing types are prohibited where sufficient infrastructure does not exist.~~
 7. Landfill of dirt and rock only.
 8. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
 9. Undersize lots, see Chapter 9.76.
- B. Yards. The minimum yard requirements in the R-4 zone shall be as follows:
1. Front yard shall be a minimum of ~~20~~ 10 feet.
 2. Each side yard shall be a minimum of ~~either five feet or one foot for each three feet of building height, whichever requirement is greater.~~ Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles. For townhouses, the minimum side yard along a common wall lot line where units are attached shall be 0 feet.
 3. The street side yard shall be a minimum of ~~20~~ 10 feet.
 4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height whichever requirement is the greater.
 5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
 6. ~~No structure shall be located closer than 60 feet from the center line of any state highway, nor 45 feet from the center line of any collector or arterial street.~~

7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight feet.
- C. Minimum Density. The minimum gross density in the R-4 zone shall be 8.7 dwelling units per acre.
 - D. Building Height. No building in the R-4 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
 - E. Lot Coverage. ~~Structures, including, but not limited to, buildings, porches and decks shall not occupy more than 45% of the total lot area.~~ The maximum lot coverage of structures shall be as follows:
 5. Total lot coverage shall be no more than 60% of the total lot area for detached single-unit dwellings with an accessory dwelling unit and for all other residential uses with heights 24 feet and under.
 1. Total lot coverage shall be no more than 45% of the total lot area for all other uses.
 2. For townhouses, this standard applies to the townhouse project and not to each townhouse.
 - F. Off-Street Parking. Refer to Chapter 9.48 - Off-Street Parking and Loading for parking requirements.
 - G. Separation Between Buildings. The minimum separation between ~~multifamily multi-unit housing~~ buildings shall be ~~30~~ 10 feet ~~unless the buildings are arranged end to end. In such a case, there shall be at least a ten-foot separation and no doorway or entry may open into the space between the buildings.~~
 - H. Vehicle Access. Ingress or egress to ~~a multifamily dwelling~~ multi-unit housing or to a motel shall not be allowed from less than a 35 foot right-of-way and a 25 foot all weather travel surface, accessible to emergency vehicles. In the event that a 35 foot right-of-way is not possible, a minimum of 10 foot easement (five feet on each side of the travel surface) shall be dedicated to the City for utility purposes and pedestrian use. Commercial and multi-unit residential uses ~~and multifamily dwellings~~ shall not have vehicles access to or from a cul-de- sac.
 - ~~I. Utilities. The developer of multifamily multi-unit dwellings shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility as determined by the City Council, for extra capacity utilities required to serve the building site. Extra capacity utilities includes water lines in excess of six inches, sanitary sewer lines in excess of eight inches and storm sewer lines in excess of 12 inches.~~
 - I. General Criteria. The vehicle and pedestrian access to the site ~~can be safely and efficiently provided shall meet:~~
 1. All applicable City standards for vehicle and pedestrian access;
 2. All applicable County standards for emergency vehicle access; and
 3. The necessary utility systems and public facilities are available with sufficient supply and distribution capacity in accordance with the requirements of Title 8 (Public Services).
 4. ~~If not provided by the City, it shall be the responsibility of the developer to insure these standards are met.~~ Where City facilities or services are not available or have insufficient capacity, the developer shall be responsible for all costs associated with:

- a. Design and engineering of required improvements;
- b. Construction of required facilities;
- c. Dedication of easements or rights-of-way as necessary; and
- d. Obtaining all necessary permits and approvals from City, State, and Federal agencies.

(Ord. 73E § 2.040(3), 1992; Ord. 73I, 1994; Ord. 175, 1995; Ord. 215, Amended, 08/15/2003; Ord. 243, Amended, 12/18/2003; Ord. 267, Amended, 02/12/2007; Ord. 277, Amended, 10/10/2008; Ord. 286, Amended, 11/18/2009; Ord. 314, Amended, 07/12/12; Ord. 372, 8/16/2024)

Chapter 9.28 Commentary:

- *The proposed amendments update permitted uses to include mixed use development and one ADU on sites developed with commercial uses.*
- *Proposed amendments revise development standards, including minimum lot area, side setbacks, and lot coverage, to reduce barriers to middle housing and multi-unit housing development.*
- *The proposed amendments implement a minimum gross density of 10 units per acre for residential development.*

CHAPTER 9.28 C-1 RETAIL COMMERCIAL ZONE

§ 9.28.010. Permitted uses.

In a C-1 zone the following uses and their accessory uses are permitted, subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. A governmental structure or use of land and public utility facility;
- B. Any use which would be permitted outright in any residential zone, subject to applicable design standards. See Chapter 9.50;
- C. One accessory dwelling unit on sites developed with non-residential uses permitted by the zone. No detached single-unit dwelling is required. See chapter 9.51;
- D. Mixed use development;
- E. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- F. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- G. Financial institution;
- H. Business or professional office;
- I. Private museum or art gallery;
- J. Family day care provider;
- K. Residential home;
- L. Residential facility;
- M. Automobile service station with direct access to U.S. Highway 101;
- N. Laundry or dry cleaning establishment;
- O. Restaurant, bar or tavern;
- P. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;
- Q. (Reserved).

R. Mobile vending unit subject to the following restrictions:

1. Prior to operating a mobile vending unit the operator shall:

- a. Have written authorization from the property owner for the operation of a mobile vending unit;
- b. Obtain a City business license;
- c. Submit a description of operating characteristics, vehicular access and parking, and any other information required by the City. The operating characteristics, access and parking, and additional information are subject to review and approval by the City.

2. Mobile vending units shall not be located in the public right-of-way (the exception to this is a "festival or community event" approved by City Council).

3. The mobile vending unit operator/applicant is responsible for obtaining all required agency permits and approvals.

(Ord. 104, 1981; Ord. 73E § 2.050(1), 1992; Ord. 175, 1995; Ord. 196 § 1, 1997; Ord. 303, 2011; Ord. 319, 2013)

§ 9.28.020. Conditional uses.

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

~~A. Mixed use (commercial and residential);~~

A. Church, non-profit religious or philanthropic institution;

B. Community center;

C. Nursery school, kindergarten or similar facility;

D. Hospital nursing home, retirement home, or similar facility;

E. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprise;

F. Park, playground, swimming pool or similar recreation area;

G. Private school offering curricula similar to public school;

H. Parking area;

I. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;

J. Small scale, nonpolluting light industrial uses that are compatible with existing and anticipated land uses;

K. Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building;

- L. Medical clinic or veterinary clinic;
- M. Club, lodge or fraternal organization facilities;
- N. Indoor commercial amusement or recreation establishment such as a bowling alley, theater, pool hall, ballroom, or skating rink;
- O. Mortuary;
- P. Any commercial use not otherwise provided for in this section or specifically prohibited; provided, however, such commercial use shall not have a different or more detrimental effect upon the adjoining and adjacent areas than those uses permitted either outright or conditionally in this section;
- Q. Bed and breakfast facility;
- ~~R. Manufactured dwelling park, subdivision and P.U.D.;~~
- R. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;
- S. Automobile service station (with direct access not from U.S. Hwy. 101).
- T. Formula business and any accessory use to a formula business for:
 1. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses.
 2. Automobile service stations with direct access to U.S. Highway 101.
 3. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments.
 4. Financial institutions.
 5. All other conditional uses listed in this section that are also formula businesses.
- U. Hostels.
(Ord. 104, 1981; Ord. 73E § 2.050(2), 1992; Ord. 175, 1995; Ord. 266, 2007; Ord. 303, 2011; Ord. 348 § 2, 2017; Ord. 376, 11/20/2024)

§ 9.28.030. Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in any C-1 zone the following standards apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the C-1 zone shall be as follows:
 1. The lot area, lot width, and lot depth requirements for nonresidential and mixed use development in the C-1 zone shall be as follows:
 - a. Lot area, 6,000 square feet with public water and sewer system.
 - b. Lot width, 60 feet minimum at front building line for interior lot and 65 feet for a corner lot with public water and sewer system.

- c. Lot width, 70 feet minimum at front building line for interior lot and 75 feet for a corner lot with public water but no public sewer.
- 2. The lot area, lot width, lot depth, and minimum density requirements for residential development in the C-1 zone shall be as follows:
 - a. Lot area, 3,000 square feet for a single-unit dwelling or single room occupancy; 5,000 square feet for a duplex; 6,000 square feet for a triplex; 7,000 square feet for a quadplex or cottage cluster; and 1,500 square feet for each unit for multi-unit housing.
 - b. The average lot area for townhouses in a townhouse project shall be a minimum of 1,500 square feet when the lot is served by both a public water supply and public sewage system.
 - c. The minimum lot width shall be 30 feet for an interior lot and 35 feet for a corner lot when a lot is served by both a public water supply and sewage disposal systems.
 - d. Lot width, 70 foot minimum for interior lot and 75 feet for a corner lot with public water but no sewer.
 - e. The minimum gross density shall be 10 units per acre.
- ~~3. The minimum lot area per multifamily dwelling unit shall be 2,500-1,000 square feet with a public water and sewer system.~~
 - ~~a. The minimum lot area per multifamily dwelling unit may be lowered to 1,500 square feet with a public water and sewer system if approved by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses.~~
- 3. The minimum lot depth shall be 80 feet.
- 4. Landfill of dirt and rock only.
- 5. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
- 6. Undersize lots, see Chapter 9.76.
- B. Building Height. No building in a C-1 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
- C. Lot Coverage. For nonresidential uses and mixed use development lot coverage may be 100% except all yards abutting a residential zone shall be a minimum of 10 feet.
- ~~D. No structure shall be located closer than 60 feet from the center line of any State highway, nor 30 feet from the center line of any collector or arterial street.~~
- D. Outdoor storage shall be screened with a sight-obscuring screen.
- E. Yard Regulations. Yards are not required, except for residential-only uses, unless setbacks have been established for road widening, abutment to residential zones or other purposes.

F. Residential-Only Uses.

1. Yards proposed to be less than the minimum yard requirements which apply in the ~~residential zones~~ R-4 zone shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses.
2. Parking requirements shall be the same specifications outlined in R-4.

G. Fences, Hedges, Walls and Landscaping. Where a commercial use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least 70% of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 Variances.

H. General Criteria. The vehicle and pedestrian access to the site ~~can be safely and efficiently provided~~ meet:

1. All applicable City standards for vehicle and pedestrian access;
2. All applicable County standards for emergency vehicle access; and
3. The necessary utility systems and public facilities are available with sufficient supply and distribution capacity in accordance with the requirements of Title 8 (Public Services).
4. ~~If not provided by the City, it shall be the responsibility of the developer to insure these standards are met.~~ Where City facilities or services are not available or have insufficient capacity, the developer shall be responsible for all costs associated with:
 - a. Design and engineering of required improvements;
 - b. Construction of required facilities;
 - c. Dedication of easements or rights-of-way as necessary; and
 - d. Obtaining all necessary permits and approvals from City, State, and Federal agencies.

(Ord. 73E § 2.050(3), 1992; Ord. 175, 1995; Manual, 2003, changed reference from Ordinance 76A to Chapter 9.54 because Ordinance 76A was codified in May 2003; Ord. 266, 2007; Ord. 277, 2008; Ord. 303, 2011; Ord. 304, 2011)

§ 9.28.040. Prohibited uses.

Except as provided in Section 9.28.020 Conditional uses, all formula businesses are prohibited in the C-1 Retail Commercial Zone.

(Ord. 348 § 3, 2017)

Chapter 9.48 Commentary:

- *The proposed amendments establish or reduce off-street parking requirements for certain middle housing types at a ratio of 1.5 spaces per unit.*
- *An on-street parking credit is included for ADUs in cases where adequate on-street parking can be accommodated.*

**CHAPTER 9.48
OFF-STREET PARKING AND LOADING**

[...]

A. Off-Street Parking Space Requirements.

1. Residential Dwellings. Residential dwellings shall provide the following off-street parking spaces (half spaces shall round up to the nearest whole number):
 - a. Detached single-unit ~~One-family~~ dwelling, two spaces;
 - b. Duplex ~~Two-family dwelling~~, four ~~three~~ spaces;
 - c. Triplex ~~Three-family dwelling~~, five spaces;
 - d. Quadplex ~~Four-family dwelling~~, six spaces;
 - e. Townhouse, one and one-half space per unit;
 - f. Cottage cluster, one and one-half space per unit;
 - g. Multi-unit housing ~~Each additional unit~~, one and one-half space per unit ~~(rounded up to the nearest whole number)~~;
 - h. Accessory dwelling unit, one space per unit; See 9.48.010(M)
 - i. Single room occupancy:
 - i. For six or fewer single room occupancy units: two spaces per every three units;
 - ii. For seven or more single room occupancy units: one and one-half space per every three units.
2. Manufactured dwelling park: two spaces for each manufactured dwelling space.
3. Motel, hotel or resort: one space for each guest accommodation.
4. Nursing home or similar institution: one space for each three beds.
5. Church, club or similar place of assembly: one space for each four seats, or one space for each 25 square feet of floor area used for assembly.
6. Library: one space for each 100 square feet of floor area.
7. Dance hall, skating rink, or similar commercial amusement enterprise: one space for each 70 square feet of floor area.
8. Bowling alley: six spaces for each alley.
9. Retail store: one space for each 200 square feet of floor area.

10. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each 600 square feet of floor area.
 11. Bank, office: one space for each 300 square feet of floor area.
 12. Medical and dental clinic: one space for each 200 square feet of floor area.
 13. Eating and drinking establishments: one space for each 100 square feet of total floor area.
 14. Light industrial: one space for each 600 square feet of total floor area.
- B. On-Street Parking Credit for Accessory Dwelling Units. If on-street parking spaces meet all the standards in subsections (1)-(4) below, they shall be counted toward the minimum off-street parking requirement for accessory dwelling units.
1. The space must be abutting the subject site;
 2. The space must be in a location where on-street parking is allowed by the City;
 3. The space must be a minimum of 22 feet long; and
 4. The space must not obstruct a required sight distance area.

(Ord. 73E § 3.020, 1992; Ord. 175, 1995; Ord. 180 § 1, 1996; Ord. 304, Amended, 9/8/2011; Ord. 314, Amended, 07/12/12; Ord. 354 § 2, 2018; Ord. 372, 8/16/2024)

Chapter 9.50 Commentary:

- *The proposed amendments implement design standards for multi-unit housing and all middle housing, except duplexes and exempt design standards for middle housing developments with 20 or more units per the requirements of SB 974 (2025).*
- *Section 9.50.060 adds a measurement methodology pertaining to the design standards.*

CHAPTER 9.50
RESIDENTIAL DESIGN STANDARDS

§ 9.50.010. Exception to Certain Design Standards.

A. Pursuant to the effective dates of ORS 197A, detached single-unit, duplex, triplex, quadplex, townhouse, and cottage cluster developments with 20 or more units are exempt from any residential design standard that is intended to preserve the desired character, architectural expression, decoration or aesthetic quality of new homes, including standards regulating:

1. facade materials, colors or patterns;
2. roof decoration, form or materials;
3. accessories, materials or finishes for entry doors or garages;
4. window elements such as trim, shutters or grids;
5. fence type, design or finishes;
6. architectural details, such as ornaments, railings, cornices and columns;
7. size and design of porches or balconies;
8. variety of design or floorplan; or
9. front or back yard area landscaping materials or vegetation.

All other design standards in this chapter shall apply.

§ 9.50.020. Triplex and Quadplex.

Except as provided in YMC Section 9.50.010, the design standards in this section apply to the development of a triplex or quadplex on a lot.

A. Entry Orientation and Pedestrian Connectivity

1. Standard. At least one main entrance for each residential structure must comply with all the following standards. The entrance must:
 - a. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.

- b. Meet at least one of the following:
- i. Face the street (see Figure 9.50.020.a);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 9.50.020.b);
 - iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 9.50.020.c); or
 - iv. Open onto a covered porch or patio (see Figure 9.50.020.d). The porch or patio must:
 - (1) Be at least 25 square feet in area; and
 - (2) Have at least one entrance facing the street.
- c. Connect to the sidewalk by a hard-surfaced walkway other than a driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. Exceptions. The following are exempt from these standards:
- a. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street lot line by a dwelling or buildable lot.
 - b. Accessible and adaptable units, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 9.50.020.a Main Entrance Facing the Street

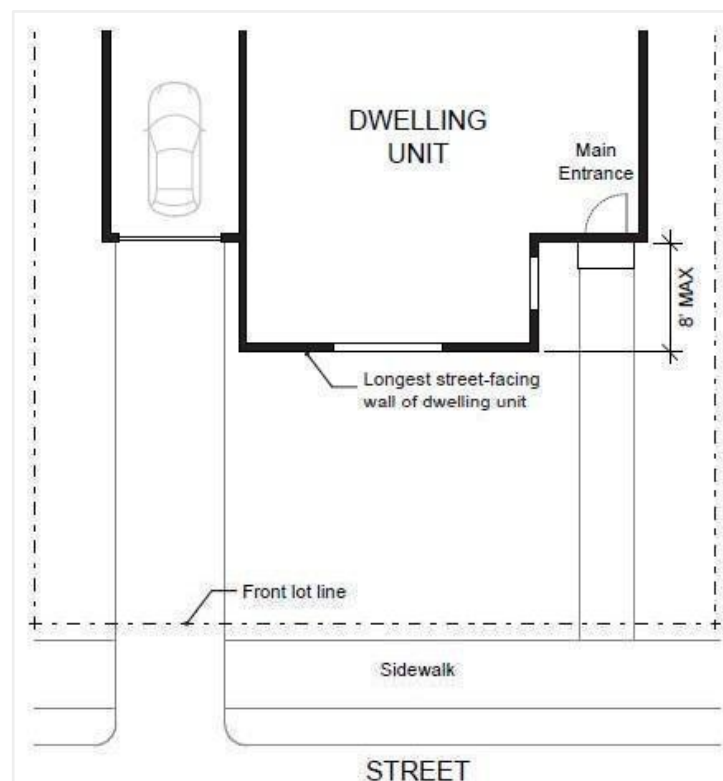


Figure 9.50.020.b Main Entrance at 45° Angle from the Street

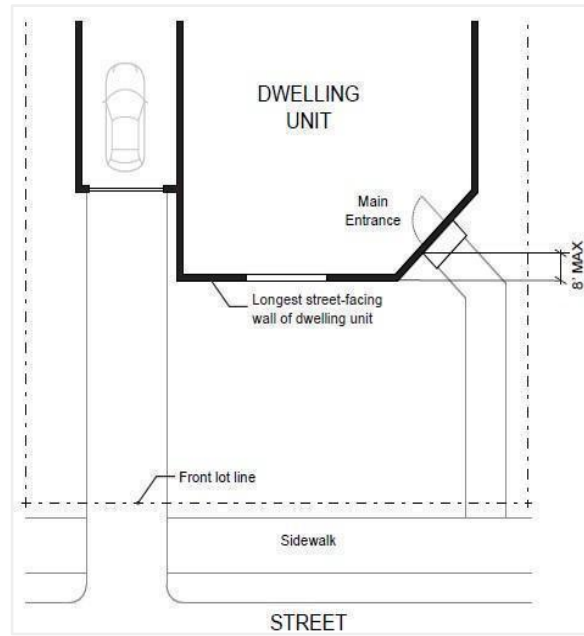


Figure 9.50.020.c Main Entrance Facing Common Open Space

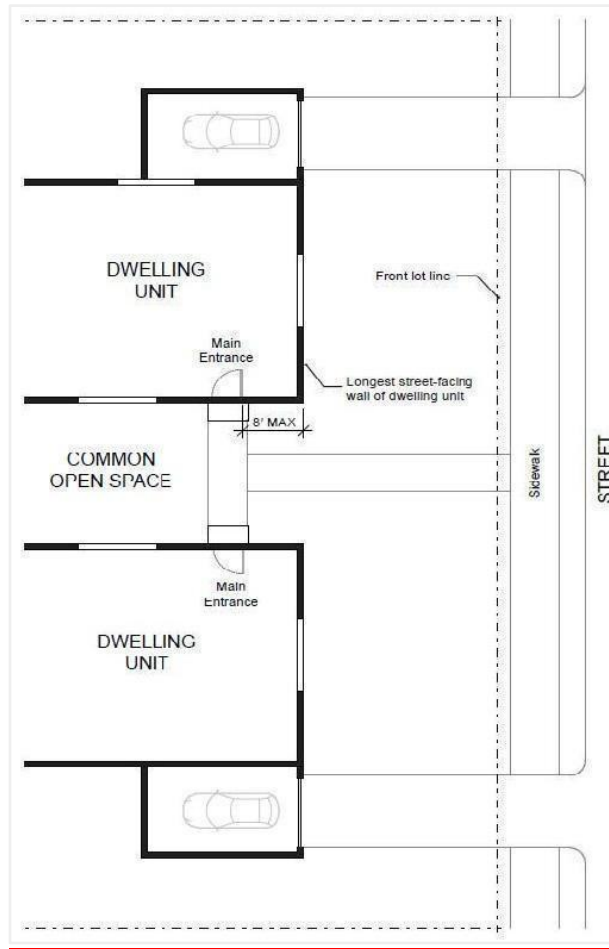
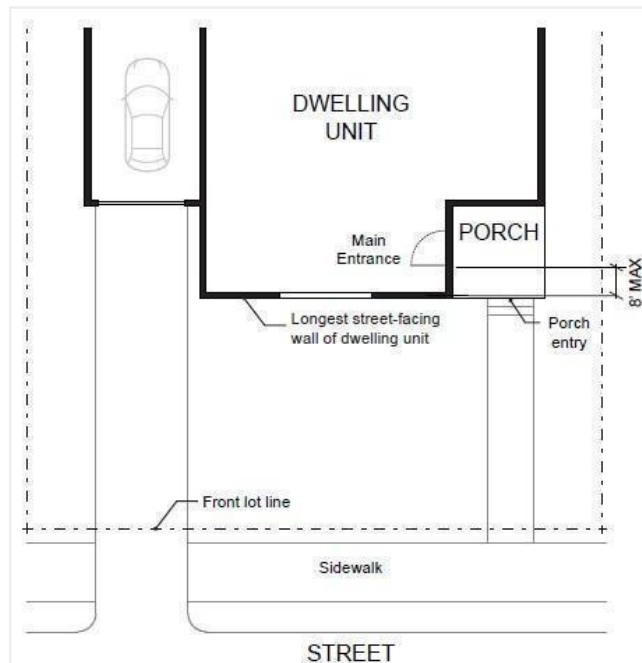


Figure 9.50.020.d Main Entrance Opening onto a Porch



B. Windows and Doors

1. Standard.

- a. Windows or pedestrian entrance doors must be provided on street-facing facades as follows:
 - i. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - ii. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
- b. See Section 9.50.060(D) for measurement methodology.

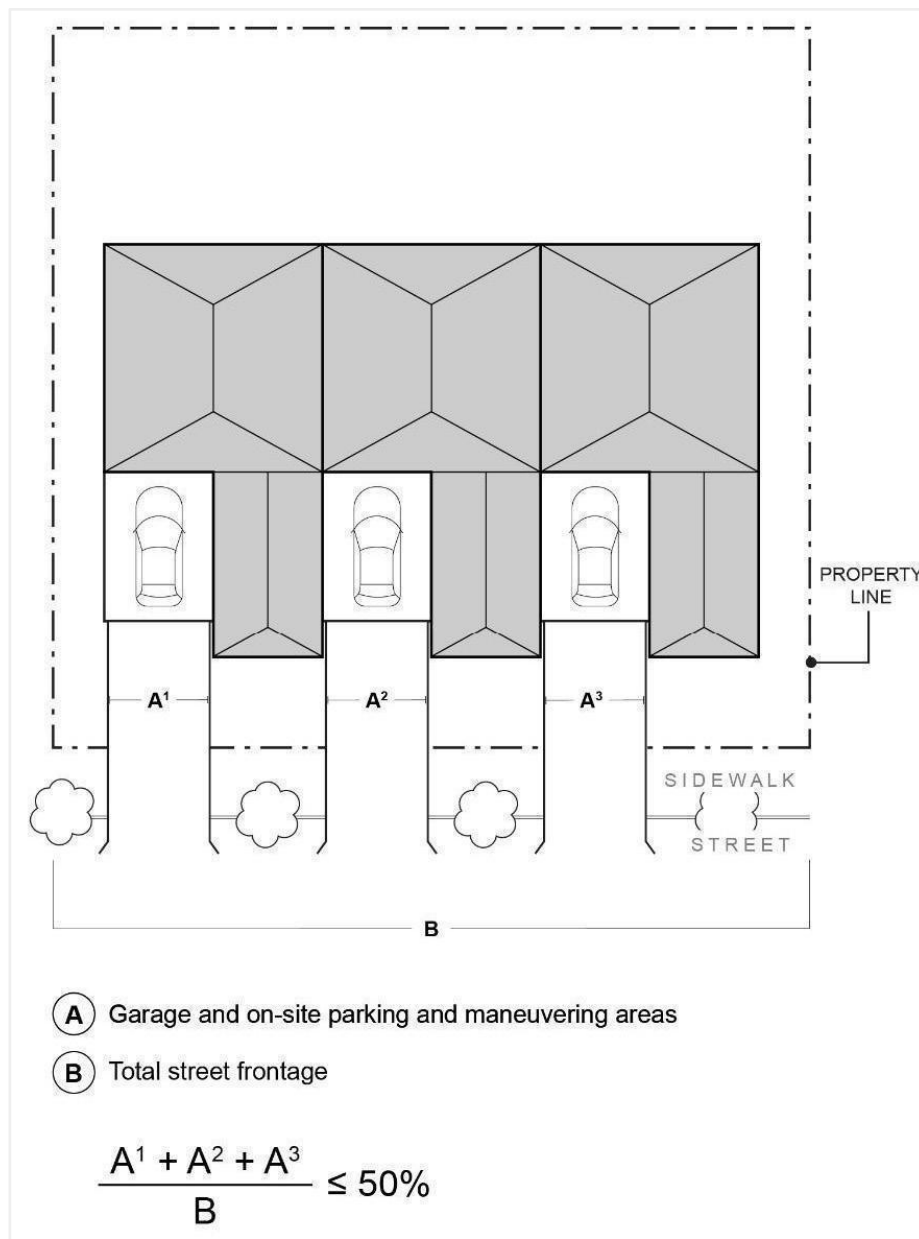
2. Exceptions. The following facades are exempt from these standards:

- a. Facades separated from the street lot line by a dwelling or buildable lot are exempt from this standard.
- b. Facades that are more than 40 feet from the street lot line.
- c. Facades facing an alley.

C. Off-Street Parking Areas

- 1. Standard. The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of the street frontage (see Figure 9.50.020.e).
- 2. Exceptions. The following are exempt from these standards:
 - a. Accessible and adaptable units.
 - b. Lots that receive vehicular access from an alley.
 - c. Off-street parking areas that are separated from the street lot line by a dwelling.

Figure 9.50.020.e Width of Garages and Parking Areas



D. Driveway Approach

1. Standard. Driveway approaches must comply with the following:

- a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the lot line (see Figure 9.50.020.f). For lots with more than one frontage, see subsection (3).
- b. Driveway approaches may be separated when located on a local street (see Figure 9.50.020.f). If approaches are separated, they must meet the City's driveway spacing standards applicable to local streets.
- c. In addition, lots with more than one frontage must comply with the following:
 - i. Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an improved alley (defined as an alley that

meets the City's standards for width and pavement), access must be taken from the alley (see Figure 9.50.020.g).

- ii. Lots with frontages only on collectors and/or arterial streets must meet the City's access standards applicable to collectors and/or arterials.
- iii. Triplexes and quadplexes on lots with frontages only on local streets may have either:
 - (1) Two driveway approaches not exceeding 32 feet in total width on one frontage; or
 - (2) One maximum 16-foot-wide driveway approach per frontage (see Figure 9.50.020.h).

Figure 9.50.020.f Driveway Approach Width and Separation on Local Street

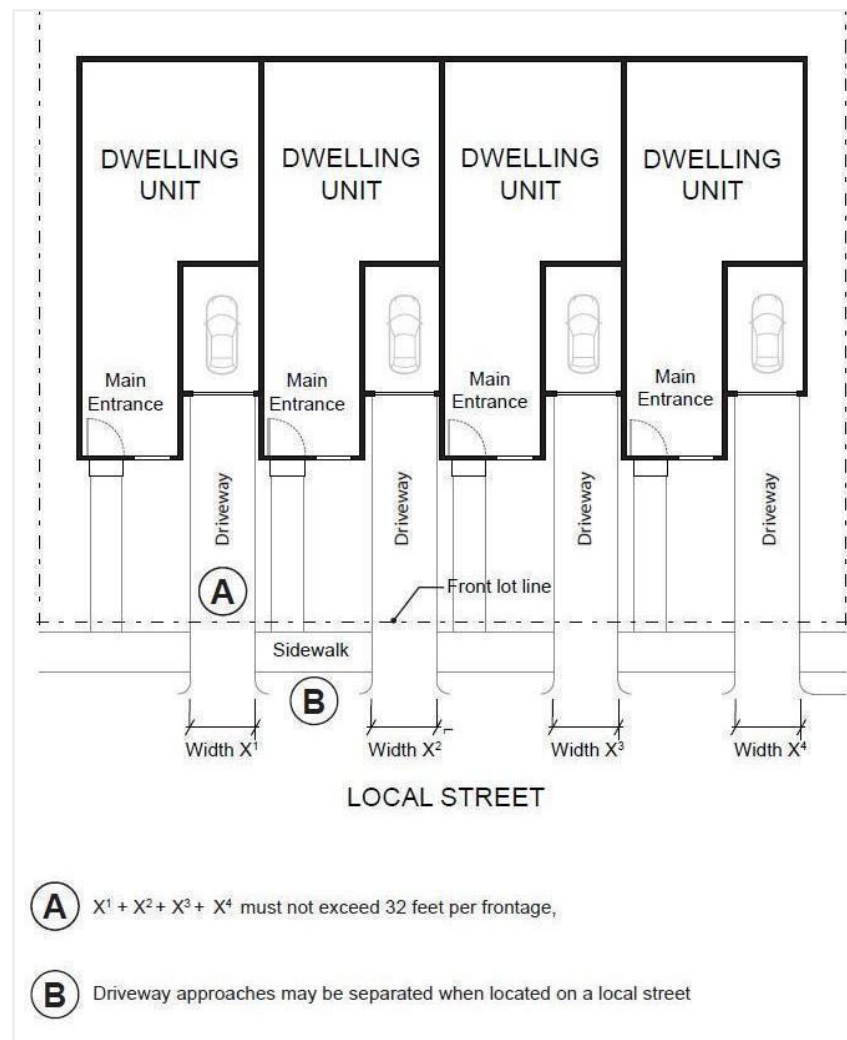


Figure 9.50.020.g Alley Access

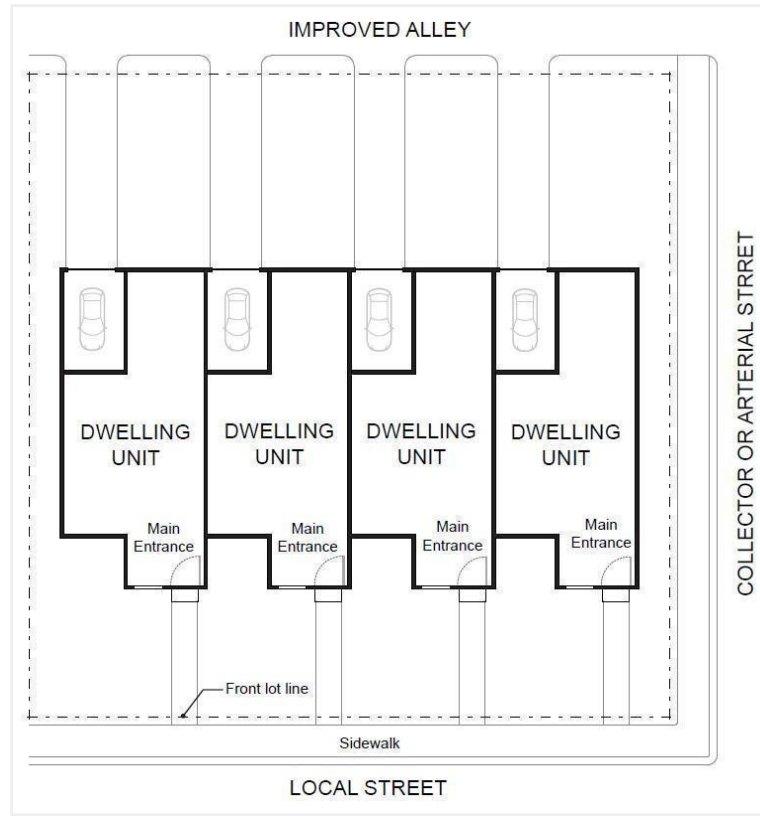
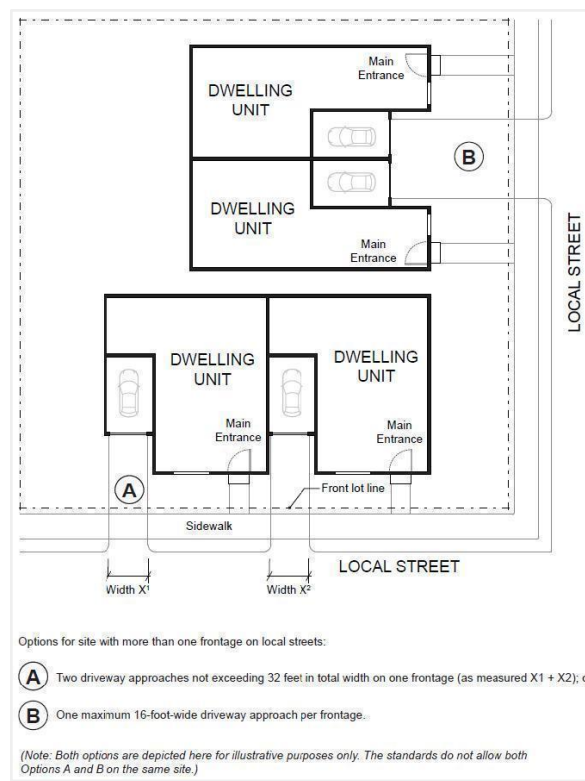


Figure 9.50.020.h Driveway Approach Options for Multiple Local Street Frontages



2. Exceptions. Accessible or adaptable units are exempt from the standards in subsections (D)(1)(a) and (D)(1)(c)(iii.).

E. Trash Storage

1. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - a. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - b. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
2. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

F. Conversions - Triplex and Quadplex

Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable siting and design standards of this code, unless increasing nonconformance is otherwise permitted by the City's development regulations.

§ 9.50.030. Townhouse.

Except as provided in YMC Section 9.50.010, the design standards in this section apply to the development of townhouses.

A. Entry Orientation and Pedestrian Connectivity

1. Standard. The main entrance of each townhouse must comply with all the following standards. The entrance must:
 - a. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street (see Figure 9.50.030.a);
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 9.50.030.b);
or
 - iii. Open onto a covered porch or patio (see Figure 9.50.030.c). The porch or patio must:
 - (1) Be at least 25 square feet in area; and
 - (2) Have at least one entrance facing the street.

- c. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
2. Exceptions. The following are exempt from these standards:
- a. Townhouses on townhouse lots that do not have public street frontage.
 - b. Townhouses with ground levels that are designed as accessible or adaptable, provided the main entrance is connected to the public sidewalk by an accessible walkway.

Figure 9.50.030.a. Main Entrance Facing the Street

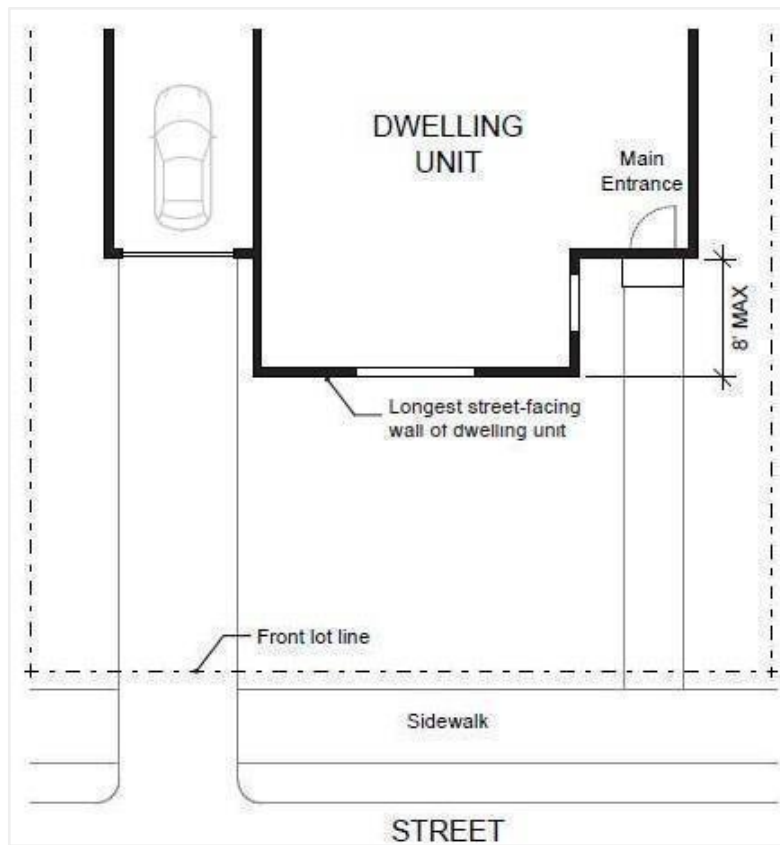


Figure 9.50.030.b. Main Entrance at 45° Angle from the Street

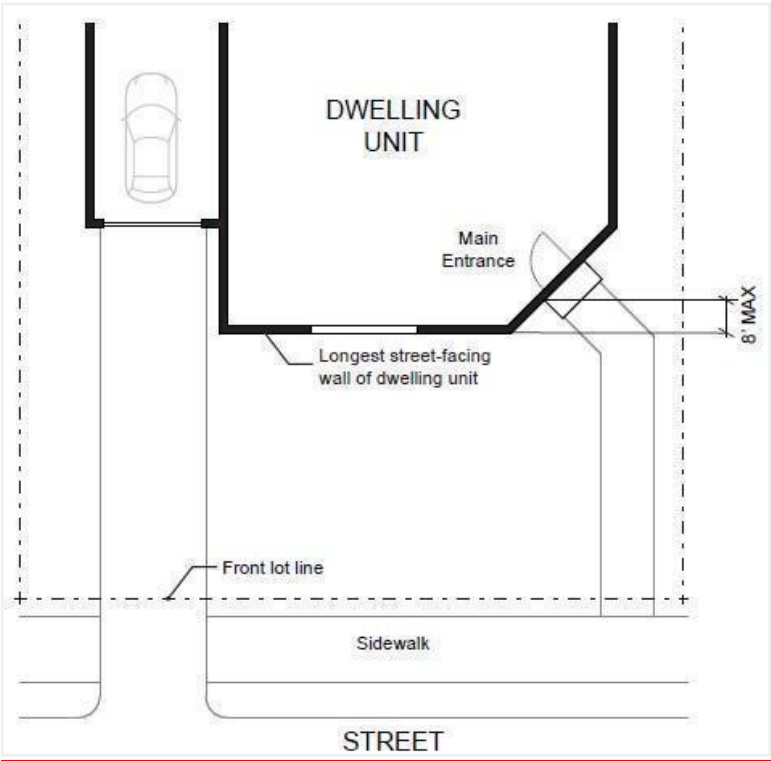
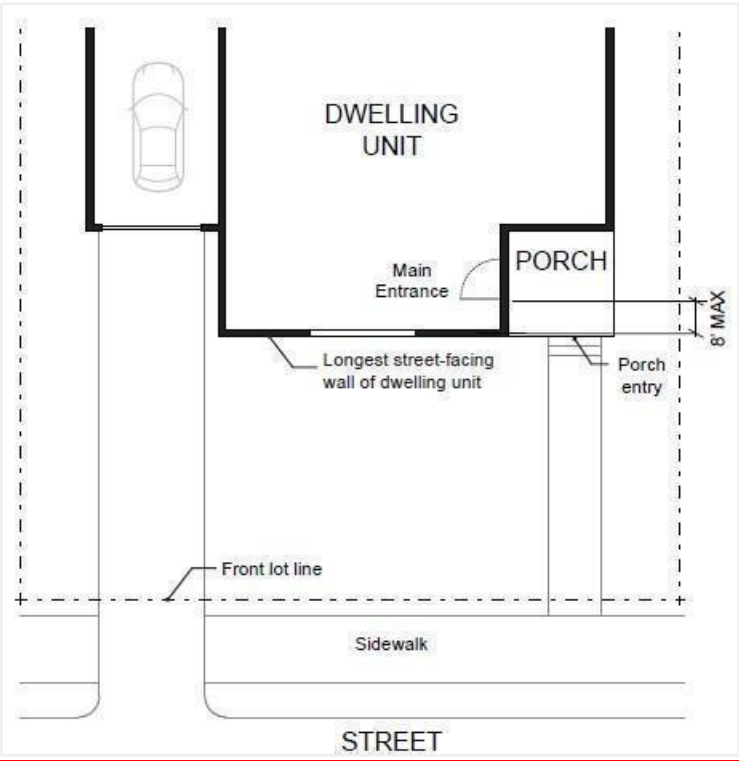


Figure 9.50.030.c. Main Entrance Opening onto a Porch



B. Windows and Doors

1. Standard.

- a. Windows or pedestrian entrance doors must be provided on street-facing facades on each individual unit as follows:
 - i. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
 - ii. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
- b. See Section 9.50.060(D) for measurement methodology.

2. Exceptions. The following facades are exempt from these standards:

- a. Facades separated from the street lot line by a dwelling or buildable lot.
- b. Facades that are more than 40 feet from the street lot line.
- c. Facades facing an alley.

C. Driveway Access and Parking

1. Standard. Townhouses with frontage on a public street shall either meet the standards in subsection (a) or subsection (b).

- a. Where garage entrances, off-street parking areas and driveways are located on the front façade, in the front yard, or in front of a townhouse the following standards shall be met (see Figure 9.50.030.d).
 - i. Each townhouse lot shall have at least 20 feet of street frontage on a local street.
 - ii. A maximum of one driveway approach is allowed for every townhouse. Driveway approaches and/or driveways may be shared.
 - iii. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide on any lot.
 - iv. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
 - v. This standard does not supersede the City's driveway separation standards.
- b. For all other configurations of driveway access and parking, the following standards shall be met.
 - i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No offstreet parking shall be allowed in the front yard or side yard of a townhouse.

- ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 9.50.030.e.
- iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 9.50.030.f.
- iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

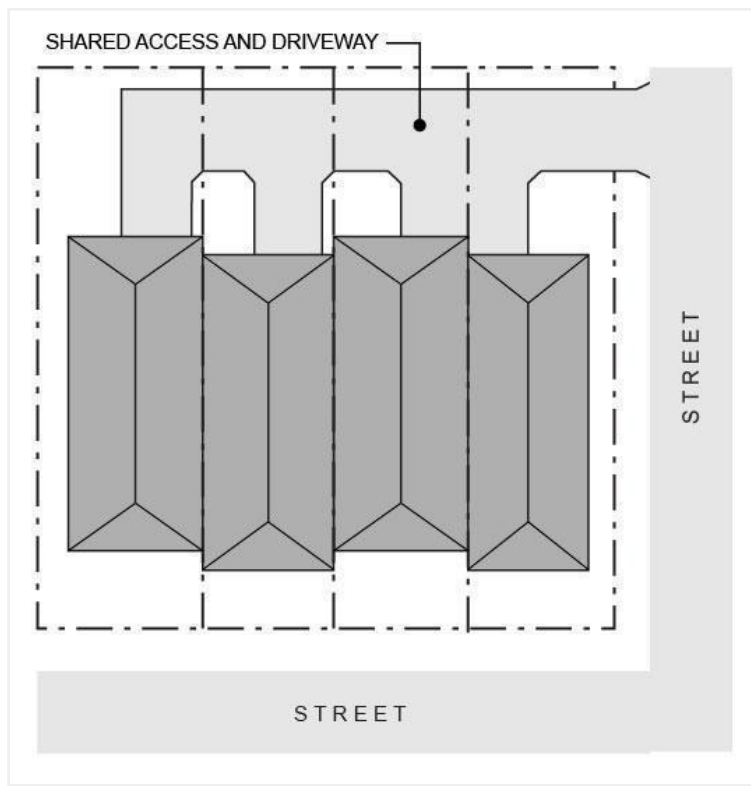
2. Exceptions

- a. Townhouse projects in which vehicular access for all units is exclusively from a rear alley are exempt these standards.
- b. Townhouses with ground levels that are designed as accessible or adaptable units are exempt from subsections (C)(1)(a)(iii)-(iv).

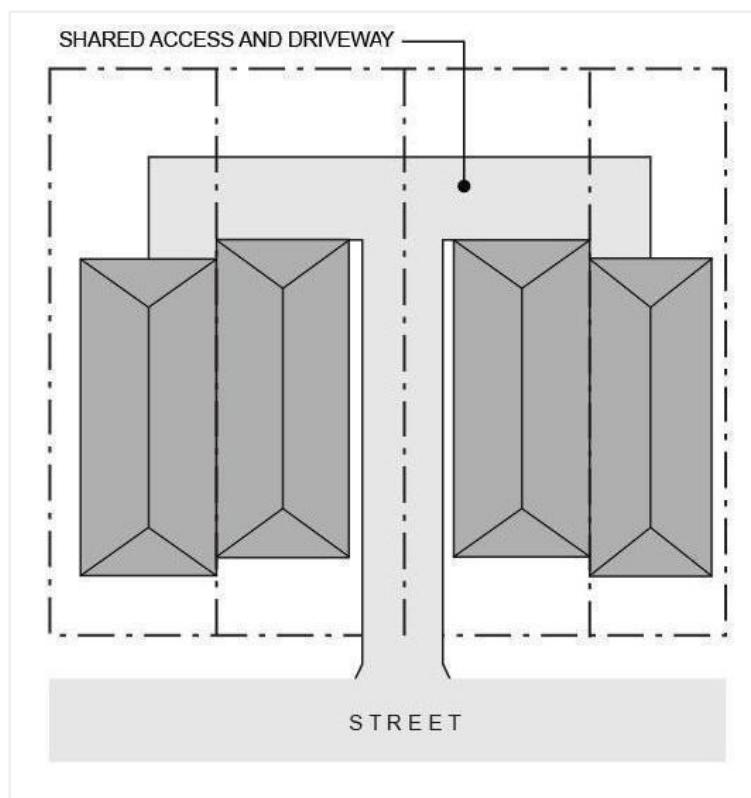
D. Trash Storage

- 1. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - a. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - b. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
- 2. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

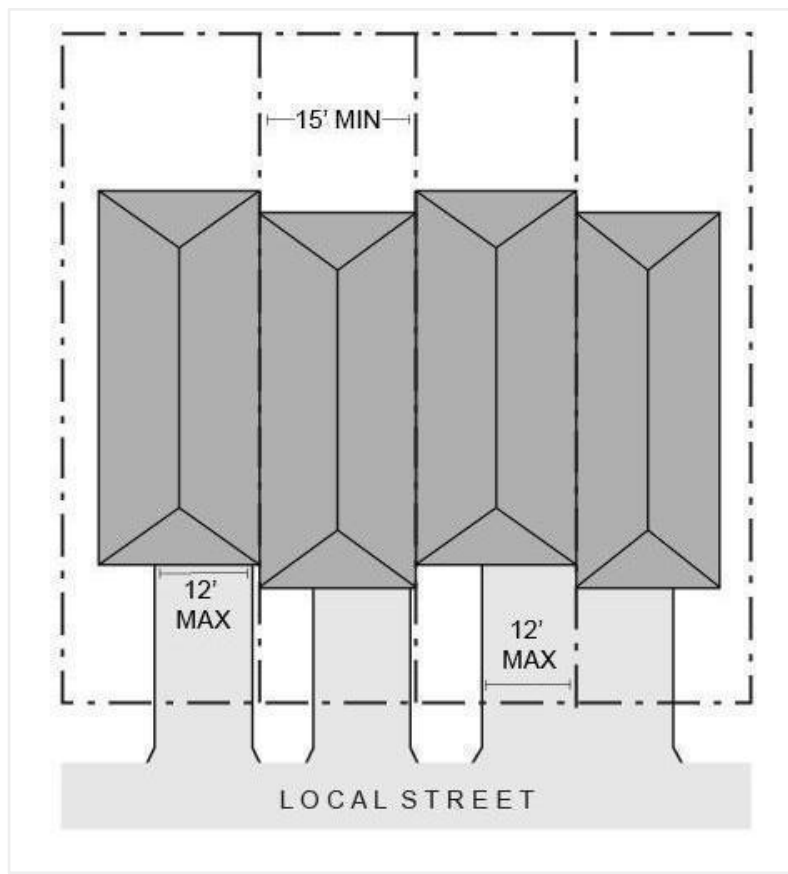
Figure 9.50.030.d. Townhouses with Parking in Front Yard



[Figure 9.50.030.e. Townhouses on Corner Lot with Shared Access](#)



[Figure 4.24.c. Townhouses with Consolidated Access](#)



§ 9.50.040. Cottage Cluster.

Except as provided in YMC Section 9.50.010, the design standards in this section apply to the development of cottage clusters.

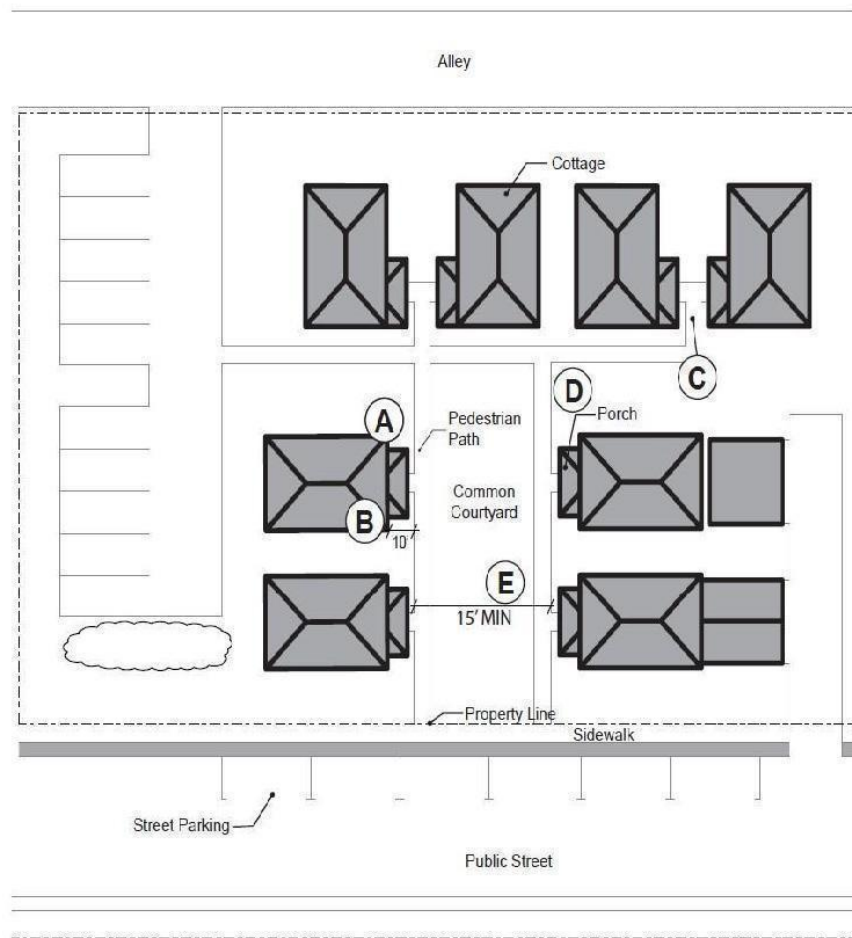
A. Cottage Orientation

1. Standard. Cottages must be clustered around a common courtyard as demonstrated by meeting the following standards (see Figure 9.50.040.a):
 - a. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.
 - b. A minimum of 50 percent of cottages within a cluster must:
 - i. Be within 10 feet from the common courtyard, measured from the façade of the cottage that includes the main entrance to the nearest edge of the common courtyard; and
 - ii. Have a main entrance that either faces the common courtyard or is no more than 20 feet from the common courtyard.
2. Exceptions. An existing dwelling included within a cottage cluster pursuant to Section 9.50.040.H may be excluded from the calculation of cottages oriented toward the common courtyard at the applicant's option.

B. Common Courtyard Design Standards

1. Standard. Each cottage cluster must share a common courtyard that meets the following standards (see Figure 9.50.040.a):
 - a. The common courtyard must be a single, contiguous piece.
 - b. Cottages must abut the common courtyard on at least two sides of the courtyard.
 - c. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension and must meet the minimum area standard in Table 5.1.
 - d. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian walkways, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - e. Pedestrian walkways must be included in a common courtyard. Walkways that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 9.50.040.a. Cottage Cluster Orientation and Common Courtyard Standards



- A** A minimum of 50% of cottages must be oriented to the common courtyard.
- B** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- C** Cottages must be connected to the common courtyard by a pedestrian path.
- D** Cottages must abut the courtyard on at least two sides of the courtyard.
- E** The common courtyard must be at least 15 feet wide at its narrowest width.

C. Community Buildings

1. Standard. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
 - a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to 9.50.040(J)(2).

- b. If a community building meets the definition of a dwelling unit and has a footprint that exceeds 900 square feet and/or would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

D. Pedestrian Access

1. Standard.

- a. An accessible pedestrian walkway must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings; and
 - iv. Sidewalks in public rights-of-way abutting the lot or rights-of-way if there are no sidewalks.
- b. The walkway shall be hard-surfaced and a minimum of 4 feet wide.

E. Windows and Doors

1. Standard. Cottages within 20 feet of a street lot line must meet the following standards:

- a. At least one street-facing façade must have a minimum of 15 percent windows or pedestrian entrance doors.
- b. All other street-facing facades must have a minimum of 10 percent windows or pedestrian entrance doors.
- c. See Section 9.50.060(D) for measurement methodology.

2. Exceptions. The following facades are exempt from these standards:

- a. Facades separated from the street lot line by a dwelling or buildable lot.
- b. Facades facing an alley.

F. Parking Design

1. Standards. (see Figure 9.50.040.b).

- a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.

- iii. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
- iv. Clustered parking areas may be covered.
- b. Parking location and access.
 - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - (1) Within of 20 feet from any street lot line, except alley lot lines; or
 - (2) Between a street lot line and the front façade of cottages located closest to the street lot line. This standard does not apply to alleys.
 - ii. Off-street parking spaces shall not be located within 10 feet of any other lot line, except alley lot lines. Driveways and drive aisles are permitted within 10 feet of other lot lines.
- c. Screening. Landscaping, fencing, or walls at least 3 feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- d. Garages and carports.
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

G. Accessory Structures

- 1. Standard. Accessory structures must not exceed 400 square feet in floor area.

H. Existing Structures

- 1. Standard. On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a. The existing dwelling may be nonconforming with respect to the requirements of YMC Section 9.50.
 - b. The existing dwelling may be expanded up to:
 - i. A height of 24 feet and
 - ii. A footprint of 900 square feet for dwellings with a height over 15 feet;

- iii. A footprint of 1,400 square feet for dwellings with a height of 15 feet or less;
- c. Existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
- d. The floor area of the existing dwelling shall not count towards the average cottage size of a cottage cluster.

I. Trash Storage

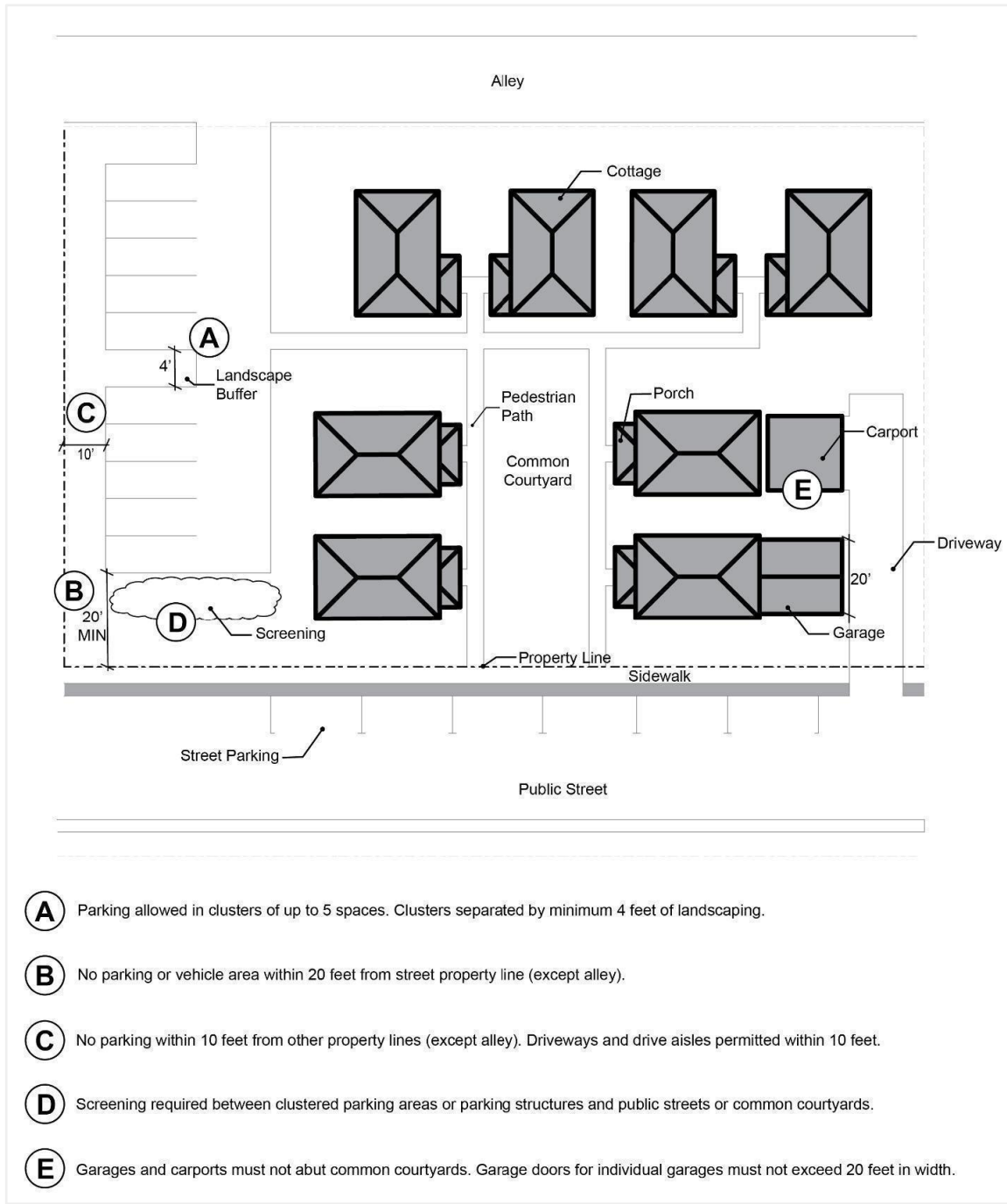
- 1. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - a. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - b. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
- 2. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

J. Additional Standards for Cottage Clusters

1. Setbacks and Building Separation

- a. Setbacks. The following standards are maximum setbacks for cottage clusters in all zones:
 - i. Front setbacks: 10 feet
 - ii. Side setbacks: 5 feet
 - iii. Rear setbacks: 10 feet
 - b. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements
- 2. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

9.50.040.b. Cottage Cluster Parking Design Standards



§ 9.50.050. Multi-Unit Housing.

The design standards in this section apply to the development of multi-unit housing. In sections 9.50.050.B and 9.50.050.G, townhouse style multi-unit housing is subject to different standards than other forms of multi-unit housing. Townhouse style developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors/ceilings with another unit.

A. Entry Orientation - Non-Townhouse Style

Multi-unit housing other than townhouse-style development is subject to the following standards.

1. Standards.

- a. At least one building façade containing a main entrance to a building must be located within 20 feet of a street lot line. If the site abuts more than one street, the building façade meeting this standard must be located in accordance with the following hierarchy:
 - i. Except as provided in (iii), if transit is available on one or more abutting streets, within 20 feet of the street lot line of the street with the highest level of transit service.
 - ii. Except as provided in (iii), if none of the abutting streets have transit service, then within 20 feet of the street lot line of the street with the highest classification in the City's adopted Transportation System Plan (or in the applicable functional classification map or public works or engineering standards).
 - iii. In the following circumstances, the applicant may choose the street-facing façade that will contain the main entrance:
 - (1) The abutting streets have equal levels of transit service and equal street classifications; or
 - (2) The highest transit service street or highest classification street is an arterial street that includes 4 or more vehicle travel lanes.
- b. The main entrance meeting standard (1)(a), must:
 - i. Be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line.
 - ii. Meet at least one of the following:
 - (1) Face the street;
 - (2) Be at an angle of up to 45 degrees from the street;
 - (3) Face a courtyard, provided the courtyard is no less than 15 feet in width and abuts the street; or
 - (4) Open onto a covered porch or patio that is at least 25 square feet in area.
 - iii. Connect to the sidewalk by an accessible walkway in conformance with Section 9.50.050.C.1.b Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

2. Exceptions. If a site abuts only one street, and the abutting street is an arterial with 4 or more vehicle travel lanes, a building facade with ground floor dwelling units may be set

further back than 20 feet, provided the screening standards in Section 6.2.8 are met, except as specified in subsection 9.50.050.H.2.

B. Entry Orientation - Townhouse Style.

Townhouse-style multi-unit housing is subject to the following standards.

1. Standards. The main entrance of each unit that is within 40 feet of a public street lot line must comply with all the following standards.
 - a. The entrance must be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line.
 - b. Meet at least one of the following:
 - i. Face the street (see Figure 9.50.030.a),
 - ii. Be at an angle of up to 45 degrees from the street (see Figure 9.50.030.b);
or
 - iii. Open onto a covered porch or patio (see Figure 9.50.030.c). The porch or patio must:
 - (1) Be at least 25 square feet in area; and
 - (2) Have at least one entrance facing the street.
 - c. Connect to the sidewalk by a hard-surfaced walkway other than the driveway. The walkway shall have a minimum width of 2 feet. The walkway may abut the driveway. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.

C. Pedestrian Connections

1. Standard.
 - a. Internal Connections. A system of walkways must connect all main entrances on the site and provide connections to abutting sidewalks, parking areas, bicycle parking, and common outdoor areas. Where there is no sidewalk abutting the property, the walkway shall extend to the street lot line.
 - b. For sites greater than 50,000 square feet, on-site walkways must connect or be stubbed to allow for an extension to the abutting property in the following circumstances:
 - i. There is an existing walkway on the abutting property that is located in a public right-of-way or public access tract or easement; or
 - ii. There is a planned walkway on the abutting property, as identified in the City's adopted Transportation System Plan.
 - c. Walkway Design

- i. Materials and Width. All walkways must be hard surfaced. Except as provided in subsections (1) and (2), walkways must be at least 5 feet in unobstructed width.
 - (1) Walkway width must be increased to 8 feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - (2) Where a walkway leads to 4 or fewer individual unit entries, it may have an unobstructed width of 3 feet, increased to at least 4 feet at turns and curves, provided it also meets ADA standards for accessible walkways, including standards related to passing spaces and slope.
- ii. Crossings with Vehicle Areas. Where the walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway must be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least 4 inches high.
- iii. Walkways Adjacent to Vehicle Areas. Where the walkway is parallel and adjacent to a parking space, driveway, or drive aisle, the walkway must be a raised path or be separated from the vehicular space by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least 4 inches high. Bollard spacing must be no further apart than 5 feet on center.

D. Windows and Doors

- 1. Standard. A minimum of 15 percent of the area of all street-facing facades must include windows or pedestrian entrance doors. See Section 9.50.060(D) for measurement methodology.
- 2. Exceptions. The following facades are exempt from this standard:
 - a. Facades separated from the street lot line by another building or buildable lot.
 - b. Facades that are more than 40 feet from the street lot line.
 - c. Facades facing an alley.

E. Required Outdoor Area and Usable Open Space

- 1. Standard.
 - a. Minimum Outdoor Area. Except as specified in subsection (2), a portion of the gross site area must be provided as outdoor area as specified below:
 - i. For sites less than 10,000 sf: 25% of site area
 - ii. For sites 10,000 sf to 50,000 sf: 30% of site area

- iii. For sites greater than 50,000 sf: 35% of site area
- b. The required outdoor area must meet the description and standards in Section 9.50.060(B).
- c. Minimum Usable Open Space. For sites over 10,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - i. For sites between 10,000 and 50,000 square feet, at least 25% of the required outdoor area must be usable open space.
 - ii. For sites 50,000 square feet or larger, at least 50% of the required outdoor area must be usable open space.
- d. Usable Open Space Standards. The usable open space shall meet the following criteria:
 - i. The usable open space shall contain one or more of the features specified in Section 9.50.060(B).
 - ii. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.

2. Exceptions.

- a. For sites under 50,000 square feet in size, 100% of the required outdoor area may be met by:
 - i. A rooftop garden provided it is accessible to all of the residents; or
 - ii. Private open space.
- b. Sites that are under 10,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.
- c. For townhouse style multi-unit housing, 100% of the required usable open space may be provided as private yards for each unit.

F. Parking Location and Design.

The following standards apply to multi-unit housing. For townhouse style multi-unit housing developments, see Section 9.50.050.G.

1. Vehicle Parking Standards.

- a. No area between a building and the street lot line (other than an alley) shall be used for vehicle parking or circulation, except for the following:
 - i. A driveway providing access to a shared parking garage.

- ii. A passenger drop-off or loading zone, provided the main building entrance must connect to an adjacent street by a pedestrian walkway.
- b. Screening of surface parking areas. Surface parking areas with more than 8 spaces must be screened from view of the street at a minimum as follows:
 - i. Evergreen shrubs that will grow to a minimum height of 30 inches within two years and form continuous screening. Areas within the vision clearance triangle must include plantings that do not exceed 3 feet; and
 - ii. One tree for every 30 linear feet; and
 - iii. Evergreen ground cover must cover the remaining landscape area.
 - iv. A minimum 30 inch tall wall or fence may be substituted for evergreen shrubs.
- 2. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 9.50.060(C).

G. Driveway Access and Parking - Townhouse-Style

For townhouse style units that have garage entrances, off-street parking areas, or driveways located on the front façade, in the front yard, or in front of a dwelling unit, the following standards shall be met. For all other units, the standards in Section 9.50.050.F shall be met.

- 1. Standards. See Figure 9.50.030.a.
 - a. Access must be taken from a local street.
 - b. A maximum of one driveway approach is allowed for every townhouse style unit. Driveway approaches and/or driveways may be shared.
 - c. Outdoor on-site parking and maneuvering areas shall not exceed 12 feet wide for any unit.
 - d. The garage width shall not exceed 12 feet, as measured from the inside of the garage door frame.
 - e. This standard does not supersede the City's local driveway separation standards.
- 2. Bicycle Parking Standards. Bicycle parking location and design standards are provided in Section 9.50.060(C).
- 3. Exception. None.

H. Screening from Arterials

- 1. Standard. Multi-unit housing sites that abut an arterial street with 4 or more vehicle travel lanes shall provide screening within the minimum setback area between any street-facing facade and street lot line abutting the arterial road. The screening shall meet the following standards:

- a. At least two rows of evergreen trees shall be planted. Each row shall have a minimum of one tree for every 20 linear feet of street frontage. Tree planting shall be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
 - b. Trees shall be at least 6 feet tall at the time of planting.
- 2. Exception. This standard does not apply to arterial streets with frequent transit service.

I. Trash Storage

- 1. Standard. Shared storage facilities for trash and recycling receptacles that are located within 20 feet of a street lot line or a lot line abutting residential property shall meet the following standards:
 - a. The storage facility shall be screened from street lot lines and abutting residential properties by a wall, solid fence, or evergreen hedge. The screen must be at least 4 feet in height and located no more than 3 feet from the storage facility.
 - b. The storage facility must be separated from residences on abutting properties and from the street lot line by at least 5 feet.
- 2. Exceptions. Trash and recycling receptacles stored within a building are exempt from these standards.

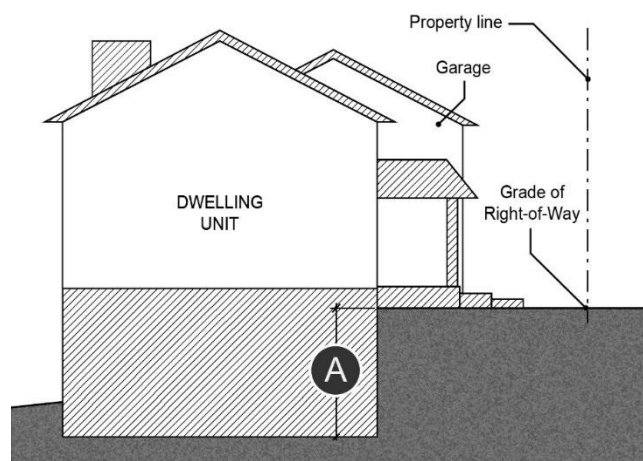
§ 9.50.060. Measurement Methodologies.

A. Floor Area. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking.

1. Floor area does not include the following (see Figure 9.50.060.a):

- a. Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way, as measured at the property line;
- b. Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
- c. Areas where the ceiling height is less than 6 feet 8 inches;
- d. Roof area, including roof top parking;
- e. Roof top mechanical equipment;
- f. Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter; and
- g. Covered carports.
- h. Stairwells are only counted as floor area on one level.

Figure 9.50.060.a. Areas Excluded from Floor Area Calculation





Area excluded from floor area calculation



Floor 4 feet or more below grade of right-of-way, measured at property line

2. Average Cottage Size. Within each cottage cluster, the average cottage size is calculated as follows:
 - a. Total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.
 - b. The average floor area within a cluster may not exceed 1,400 square feet.
 - c. An applicant may choose to exclude existing structures retained under 9.50.040(H) from the calculation.
 - d. For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
- B. Required Outdoor Area and Usable Open Space. Site area covered by enclosed buildings or used for vehicle parking and circulation shall not be counted as required outdoor area or usable open space. Exceptions to the minimum required outdoor area and usable open space are stated in subsection (3).
 1. Required Outdoor Area. Areas which can be counted toward the required outdoor area include:
 - a. Areas planted with vegetation (including natural areas and existing trees);
 - b. Private open space;
 - c. Pedestrian hardscape; and
 - d. Usable open space pursuant to subsection (B)(2).
 2. Usable Open Space. Where usable open space is required, it must include one or more of the following:

- a. Outdoor recreation area surfaced with lawn, groundcover, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 - b. Tree grove (e.g., existing mature trees);
 - c. Turf or grass play fields;
 - d. Children's play structure or play area;
 - e. Sports courts;
 - f. Swimming or wading pool or hot tub;
 - g. Walking fitness course;
 - h. Natural area with benches and/or trails; or
 - i. Gardening area with at least 50 square feet of planting area.
3. Enclosure. Required outdoor areas may be covered, such as a covered patio or gazebo, but they may not be fully enclosed. Covered outdoor areas are subject to the applicable setback standards.

C. Bicycle Parking.

1. The minimum amount of bicycle parking required for multi-unit housing is 0.5 long-term spaces per unit.
2. Fractions. In calculating the required number of bicycle parking spaces, fractions equal to or more than 0.5 shall be rounded up to the nearest whole number and fractions less than 0.5 shall be rounded down to the nearest whole number.
3. Exceptions to the bicycle parking requirements are stated in subsection (7).
4. Long term bicycle-parking. Long-term bicycle parking must be provided in one or more of the following locations.
 - a. Within a restricted access, lockable room outside of dwelling units with securely anchored racks that allow users to lock at least two points on a bicycle.
 - b. Within dwelling units that are at least 400 square feet, in the following circumstances:

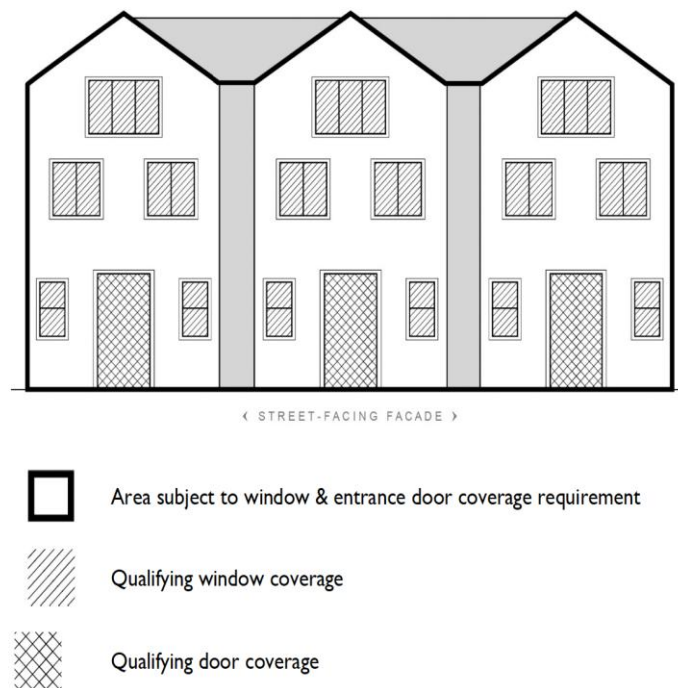
- i. Sites containing 12 or fewer dwelling units may provide up to 100 percent of required bicycle parking spaces in the dwelling units.
 - ii. Sites containing more than 12 dwelling units where all units above the ground floor have elevator access may provide up to 50 percent of the required bicycle parking spaces in dwelling units.
 - iii. Sites containing more than 12 dwelling units where all units above the ground floor do not have elevator access may provide required bicycle parking spaces in ground floor dwelling units only.
- c. Within bicycle lockers that are fully enclosed, lockable, and securely anchored to the ground.
- 5. The area devoted to bicycle parking must be hard surfaced and lighting must be provided for nighttime use.
- 6. Bicycle parking spaces shall meet the following dimensional standards:
 - a. At least 10 percent of spaces must be large spaces (designed to accommodate large bicycles, including family and cargo bicycles). Each large bicycle space must be a minimum of 3 feet wide, 7 feet long, and 3 feet 4 inches tall.
 - b. Up to 90 percent of required spaces can be standard spaces. Each standard bicycle space must be a minimum of 2 feet wide, 6 feet long, and 3 feet 4 inches tall.
- 7. Exceptions. The following are exempt from the long-term bicycle parking requirements:
 - a. Senior housing projects (those restricted for occupancy by households in which at least one member is aged 55 years or older).
 - b. Accessible units.

D. Windows and Doors. Areas that qualify for the window and door coverage calculation are subject to the following (See Figure 9.1.8.a):

- 1. Windows and pedestrian entrance doors may be used to meet this standard as provided in subsections (2) and (3), below.

2. Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
3. Door area is the area of the portion of an entrance door (other than a garage door) that moves and does not include the frame. For multi-unit housing, doors that provide access to dwelling units (either shared or individual access) and community spaces qualify, but all other doors (e.g., into storage areas or mechanical areas) do not qualify.

Figure 9.50.060.b. Window and Door Coverage



Chapter 9.51 Commentary: The proposed amendments add siting standards for Accessory Dwelling Units and limit the floor area of an ADU to 1,000 square feet. ADUs count toward the minimum density standard for residential development.

CHAPTER 9.51 ACCESSORY DWELLING UNITS

§ 9.51.010. Siting Standards - Accessory Dwelling Unit

A. Siting Standards, Generally

1. Standards. Except as provided in this chapter and in subsection (B), accessory dwelling units shall meet the same siting standards that apply to detached single-unit dwellings.
2. Exceptions.
 - a. Conversion of an existing legal non-conforming accessory structure into an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity. For example, a garage that does not meet the minimum setback standard in the zoning district may be converted to an accessory dwelling unit, provided the footprint of the building within the setback area does not increase in size.
 - b. Height
 - i. Detached accessory dwelling units shall not exceed one story and shall be no greater than fifteen (15) feet in height.
 - c. Setbacks
 - i. Detached accessory dwelling units may be located within the side or rear setback of the primary dwelling and shall have minimum side and rear setbacks of 5 feet (excluding street and alley setbacks).
 - ii. In the R-1 and R-2 zones, detached accessory dwelling units may be located within the front setback of the primary dwelling and shall have a minimum front setback of 10 feet.

B. Number of Units and Configuration

1. Standard. A maximum of one accessory dwelling unit is allowed per legal detached single-unit dwelling (referred to as the primary dwelling). The unit may be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor), in a separate detached building, or in a portion of a detached accessory building (e.g., above a garage or workshop). Units located as a portion of a detached accessory building shall follow the height and siting standards for an accessory dwelling unit.

C. Maximum Floor Area

1. Standard. The maximum floor area for an accessory dwelling unit is 1,000 square feet.

2. Exceptions. The maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the site for at least 5 years.
3. Measurement. Floor area is measured as provided in Section 9.50.060(A).

D. Density

1. Accessory dwelling units are included in minimum density calculations but are not included in maximum density calculations.

Chapter 9.52.025 Commentary: The proposed amendments provide clear and objective standards for Accessory Structures.

CHAPTER 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

[...]

§ 9.52.025. Accessory Structures. (Other than Accessory Dwelling Units)

Structures incidental and subordinate to permitted uses in residential zones are allowed as accessory structures subject to the provisions of this section. Any structure attached to the main structure shall be considered as part of the main structure and shall not be considered an accessory structure. Attached means wall-to-wall or any permanent attachment.

A. All accessory structures must comply with the following provisions:

1. Size. For lots ten thousand (10,000) square feet or less, the combined footprint of all accessory structures may not exceed five hundred (500) square feet. For lots greater than ten thousand (10,000) square feet, the combined footprint may not exceed seven hundred (700) square feet. Community buildings associated with cottage cluster developments, trellises, and structures less than 30 inches in height are exempt from these size limitations;
2. Height. Accessory structures shall not exceed one story and shall be no greater than fifteen (15) feet in height;
3. Location. Accessory structures are not permitted in a required front yard;
4. Proximity to other structure(s) on the site shall be subject to applicable Building Code standards;
5. Setbacks. An accessory structure with a height of eight (8) feet or less shall be located no closer than three (3) feet to any side or rear lot line. For structures more than eight (8) feet in height and up to fifteen (15) feet in height, the accessory structure shall be setback a minimum of five (5) feet from side and rear lot lines. The accessory structure shall not be built over an easement;
6. Accessory structures shall be built in accordance with the applicable building codes.

[...]

Chapter 9.52.050 Commentary: The proposed amendments revise the Erosion Control Measures to be more clear and objective.

§ 9.52.050. Geologic Hazard Overlay Zone.

- A. Purpose. The purpose of this overlay zone is to manage development in areas subject to geologic hazards in a manner that reduces long term risks to life, property, and the community, consistent with Statewide Planning Goal 7 and 18.
- B. Areas Included. The following areas are considered potentially geologically hazardous and are therefore subject to the requirements of this section:
1. All lands partially or completely within "very high" and "high" landslide susceptibility areas as mapped in DOGAMI Open File Report 0-16-02, "Landslide Susceptibility Map of Oregon."
 2. All lands partially or completely within any coastal erosion hazard zone (very high, high, moderate, or low) as mapped in DOGAMI Open File Report 0-07-03, "Evaluation of Coastal Erosion Hazard Zones Along Dune and Bluff Backed Shorelines in Lincoln County, OR: Seal Rock to Cape Perpetua."
 3. All lands partially or completely within a rapidly moving landslide as mapped in DOGAMI IMS-22, "GIS Overview Map of Potential Rapidly Moving Landslide Hazards in Western Oregon," 2002.
 4. Lots or parcels where the average existing slopes are equal to or greater than 12% or where the average existing slopes are equal to or greater than 30% within 100 feet of the property.
 1. Definition of Slope. A property has a 12% slope or greater if:
 - i. The average slope from the highest to lowest point of the property has a slope of 12% or greater; or
 - ii. The average slope of the building footprint or area to be disturbed measured from the highest to lowest point within the footprint or area to be disturbed is 12% or greater.
- C. Allowed Uses. Within the Geologic Hazards Overlay Zone, all uses allowed pursuant to the provisions of the underlying zone may be allowed, subject to the additional requirements and limitations of this section.
- D. Geologic Hazard Permit Required.
1. Except for activities identified in subsection (D)(2) as exempt, any new development, new construction or substantial improvement, as defined in Section 9.54.020, in an area subject to the provisions of this section shall require a geologic hazard permit. The geologic hazard permit may be applied for prior to or in conjunction with a building permit, grading permit, or any other permit or land use approval required by the City of Yachats.
 2. The following activities are exempt from the requirement for a geologic hazard permit:
 1. Maintenance, repair, or alterations to existing structures that do not alter the building footprint or foundation and do not constitute substantial improvement;
 2. An excavation which is less than two feet in depth or which involves less than 25 cubic yards of volume;
 3. Fill that is less than two feet in depth or that involves less than 25 cubic yards of volume;
 4. Exploratory excavations under the direction of a certified engineering geologist or registered geotechnical engineer;
 5. Gravesites dug in cemeteries;

6. Construction of structures for which a building permit is not required;
 7. Removal of trees smaller than eight inches dbh (diameter breast height);
 8. Removal of trees larger than eight inches dbh (diameter breast height) provided the canopy area of the trees that are removed in any one year period is less than 25% of the lot or parcel area;
 9. Yard area vegetation maintenance and other vegetation removal on slopes less than 25% slopes;
 10. Forest operations subject to regulation under ORS 527 (the Oregon Forest Practices Act);
 11. Maintenance and reconstruction of public and private roads, streets, parking lots, driveways, and utility lines, provided the work does not extend outside the previously disturbed area;
 12. Maintenance and repair of utility lines, and the installation of individual utility service connections;
 13. Emergency response activities intended to reduce or eliminate an immediate danger to life or property, or flood or fire hazard;
3. Application, review, decisions, and appeals on geologic hazard permits shall be in accordance with the requirements for a staff level decision. Unless otherwise provided by Yachats Municipal Code or other provision of law, any geologic hazard permit so issued shall be valid for a time period as specified in the approval decision and shall in no case be valid for more than five years.
 4. In addition to a completed application as prescribed in subsection E, an application for a geologic hazard permit shall include the following:
 1. A site plan to scale that accurately illustrates areas of disturbance, ground topography (contours), roads and driveways, an outline of wooded or naturally vegetated areas, watercourses, erosion control measures, and trees with a diameter of at least eight inches dbh (diameter breast height) proposed for removal;
 2. An estimate of depths and the extent of all proposed excavation and fill work;
 3. Identification of the geologic hazard zone for the parcel or lot upon which development is to occur. In cases where properties are mapped with more than one hazard zone, a certified engineering geologist (CEG) shall identify the hazard zone(s) within which development is proposed; and
 4. A engineering geologic report prepared by a qualified geoprofessional (as defined in Section 9.04.030) that meets the content requirements of subsection E.
 5. A decision to approve a geologic hazard permit shall be based upon findings of compliance with the following standards:
 1. The proposed development is not subject to the prohibition of development on beaches and certain dune forms as set forth in Section 9.52.130;
 2. The proposed development complies with the applicable requirements and standards of subsections (D)(6) and (D)(7) of this section;
 3. The geologic report conforms to the standards for such reports set forth in subsection E of this section; and

4. The development plans for the application conform, or can be made to conform, with all recommendations and specifications contained in the geologic report.
 6. In the event the city determines that additional review of a geologic hazard permit application by an appropriately licensed and/or certified professional is necessary to determine compliance with the provisions of this section, the City may retain the services of such a professional for this purpose. All costs incurred by the City for this additional review shall be paid by the applicant in addition to the application fee for a geologic hazard permit established pursuant to Section 9.88.050.
 7. In approving a geologic hazard permit, the City Planner may impose any conditions that are necessary to ensure compliance with the provisions of this section or with any other applicable provisions of the Yachats Municipal Code.
- E. Geologic Report (Engineering Geologic Report and Geotechnical Engineering Report) Standards.
1. Geologic reports required by this section shall be prepared consistent with standard geologic practices employing generally accepted scientific and engineering principles, and shall, at a minimum, contain the items outlined in the most recent edition of Oregon State Board of Geologist Examiners "Guidelines for Preparing Engineering Geologic Reports in Oregon". For oceanfront property, reports shall also address the "Geological Report Guidelines for New Development on Oceanfront Properties," prepared by the Oregon Coastal Management Program of the Department of Land Conservation and Development, in use as of the effective date of this section. Reports shall reference the published guidelines upon which they are based. All engineering geologic reports and geotechnical engineering reports are valid for purposes of meeting the requirements of this section for a period of five years from the date of preparation. Such reports are valid only for the development plan addressed in the report. The City of Yachats assumes no responsibility for the quality or accuracy of such reports.
 2. For the purposes of Section 9.52.050, a geologic report refers to both engineering geologic reports and geotechnical engineering reports.
 3. Geologic reports required by this section shall include a statement certifying that all of the applicable content requirements of this subsection have been addressed.
- F. Additional Limitations in Geologic Hazard Areas.
1. New construction shall be limited to the recommendations, if any, contained in the geologic report; and
 2. Safest Site Requirement. All new construction or substantial improvements shall be located within the area most suitable for development based on the least exposure to risk from coastal hazards as determined by a qualified geoprofessional as part of a geologic report prepared in accordance with subsection E. Notwithstanding the provisions of the underlying zone, as necessary to comply with this requirement.
 3. Hazard Disclosure Statement. All applications for new development or substantial improvements subject to geologic hazard permit shall provide a hazard disclosure statement signed by the property owner that acknowledges:
 1. The property is subject to potential natural hazards and that development thereon is subject to risk of damage from such hazards;
 2. The property owner has commissioned an engineering geologic report for the subject property, a copy of which is on file with City of Yachats Planning Department, and that the

property owner has reviewed the engineering geologic report and has thus been informed and is aware of the type and extent of hazards present and the risks associated with development on the subject property;

3. The property owner accepts and assumes all risks of damage from natural hazards associated with the development of the subject property.

G. Minimum Oceanfront Setbacks. In areas subject to the provisions of this section, the building footprint of all new construction or substantial improvement subject to a geologic hazard permit shall be set back from the ocean shore a minimum 25 feet from the top of the bank or greater if recommended by an Oregon certified engineering geologist.

H. Erosion Control Measures. All new construction shall be limited to the recommendations, if any, contained in the report from a ~~A~~-certified engineering geologist, geotechnical engineer, or qualified civil engineer. The report shall address the following standards:

1. Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;
2. Development plans shall minimize cut or fill operations so as to prevent off-site impacts;
3. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;
4. Permanent plantings and any required structural erosion control and drainage measures shall be installed within three months;
5. Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;
6. Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching, seeding, planting, or armoring with rolled erosion control products, stone, or other similar methods;
7. All drainage provisions shall be designed to adequately carry existing and potential surface runoff from the 20 year frequency storm to suitable drainageways such as storm drains, natural watercourses, or drainage swales. In no case shall runoff be directed in such a way that it significantly decreases the stability of known landslides or areas identified as unstable slopes prone to earth movement, either by erosion or increase of groundwater pressure;
8. Where drainage swales are used to divert surface waters, they shall be vegetated or protected as necessary to prevent offsite erosion and sediment transport;
9. Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:
 1. Energy absorbing devices to reduce runoff water velocity,
 2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
 3. Dispersal of water runoff from developed areas over large undisturbed areas.

10. Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;
 11. Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, site monitoring and clean-up activities; and
 12. Removal of Sedimentation. Whenever sedimentation is caused by stripping vegetation, grading, or other development, it shall be the responsibility of the person, corporation, or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems and to return the affected areas to their original or equal condition prior to final approval of the project.
- I. Storm Water Retention Facilities Required. For structures, driveways, parking areas, or other impervious surfaces in areas of 12% slope or greater, the release rate and sedimentation of storm water shall be controlled by the use of retention facilities when specified by the City. The retention facilities shall be designed for storms having a 25 year recurrence frequency. Storm waters shall be directed into a drainage with adequate capacity so as not to flood adjacent or downstream property.
- J. Certification of Compliance. Permitted development shall comply with the recommendations in any required geologic or engineering report. No development requiring a geologic report shall receive final approval (e.g., certificate of occupancy, final inspection, etc.) until the City receives a written statement by a qualified geoprofessional indicating that all performance, mitigation, and monitoring measures contained in the report have been satisfied. If mitigation measures involve engineering solutions prepared by a licensed professional engineer, then the City must also receive an additional written statement of compliance by the licensed professional engineer.
- K. Restoration and Replacement of Existing Structures.
1. A building or structure that is nonconforming under Chapter 9.76 of the Yachats Municipal Code that is destroyed by fire, other casualty or natural disaster shall be subject to the casualty loss provisions contained in Section 9.76.050. Application of the provisions of this section to a property shall not have the effect of rendering it nonconforming.
 2. A building or structure that conforms to the Municipal Code that is destroyed by fire, other casualty or natural disaster may be replaced with a building or structure of up to the same size provided a geologic report is prepared by a qualified geoprofessional. A geologic report prepared pursuant to this subsection shall adhere to the geologic report standards outlined in subsection E of this section. All recommendations contained in the report shall be followed, however the report need not establish that the site is suitable for development as required in subsection (F)(2) of this section. An application filed under this subsection shall be processed and authorized as a ministerial action by the City Planner.

(Ord. 73E § 3.070, 1992; Ord. 73G, 1993; Ord. 269, 2007; Ord. 322, 2013; Ord. 349 § 1, 2017; Ord. 367 § 1, 2021)

[...]

Chapter 9.52 Commentary: The proposed amendments limit substandard lots to one detached single-unit dwelling with or without an accessory dwelling unit.

CHAPTER 9.52
SUPPLEMENTARY USE AND DESIGN REGULATIONS

§ 9.52.150. General exceptions to lot size requirements.

If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Lincoln County Clerk at the time of the passage of the ordinance codified in this chapter has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family detached single-unit dwelling unit with or without one accessory dwelling unit consistent with the density development standards and meeting sanitary requirements of the zone.

[...]
Chapter 9.56.010 Commentary: The proposed amendments make changes to the procedures for partitions and subdivisions in accordance with state requirements and implement clear and objective standards.

CHAPTER 9.56
APPROVAL AND GENERAL REQUIREMENTS OF PARTITIONS AND SUBDIVISIONS

§ 9.56.010. Approval of partitions and subdivisions.

- ~~A. No plat or replat of a partition or subdivision of land in Yachats shall be recorded or have any validity unless and until it has the approval of the Planning Commission or is appealed and subsequently approved by the City Council or by court action~~
- A. Preliminary partitions, preliminary subdivisions, and replats shall be processed as an administrative review by the City Planner or their designee.
1. Public notice of the application shall be provided to owners of properties located within 100 ft. of the subject property, or within 500 ft. if the application includes 20 or more dwelling units.
 2. Appeals of the decision are limited to the applicant, and shall follow the same procedures as for appeals of Planning Commission decisions in Section 9.88.120.
- B. Final Plats shall be processed by the City Planner or their designee as a ministerial action without a public hearing.
- C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any partition or subdivision which requires approval per City Code including Section 9.56.010(A) or by an ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained from the City and the plat of that partition or subdivision recorded.
- D. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any partition or subdivision by reference to or exhibition or other use of a plat (or plan) of such subdivision before the plat for such partition or subdivision has been so recorded.

(Ord. 73E § 6.010, 1992; Ord. 211, Amended, 01/15/1999; Ord. 296, Amended, 04/14/2011)

§ 9.56.020. General requirements and minimum standards of design and development for partitions and subdivisions.

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

- A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. ~~Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.~~
- ~~B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.~~
- ~~C. Relation to Adjoining Street System. A partition or subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the Planning Commission adopts a plan for a neighborhood of which the partition or subdivision is a part, the partition or subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.~~

~~When a tract is partitioned or subdivided into lots of an acre or more, the Planning Commission may require an arrangement of lots and streets such as to permit a later repartitioning or resubdivision in conformance with the street requirements and other requirements contained in these regulations.~~
- B. Compliance With Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.
- C. Utilities and Infrastructure. All lots created through land division, excluding middle housing land divisions, shall have utilities and infrastructure such as streets, water, wastewater, and electrical systems that meet the requirements of Title 7 and Title 8.
- D. Surface Water Drainage. All subdivision and partition proposals, excluding middle housing land divisions, shall have surface water drainage facilities that meet the requirements of Title 8.
- E. Transportation Access. All lots created or reconfigured, excluding lots created by a middle housing land division, shall have transportation access that meet the applicable requirements of Title 7.
- F. Easements.
 - a. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.
 - b. A private easement established without full compliance with these regulations may be approved by the Planning Commission Reviewing Body provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

~~G. Public Accessways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways 10 to 20 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for a network of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.~~

G. Lots and Parcels.

- a. Every lot and parcel shall abut on a street and the frontage of each shall not be less than 25 feet.
- ~~b. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.~~
- ~~c. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the Planning Commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.~~
- d. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition or subdivision is located.
- e. Lots and parcels under 25,000 square feet in area must not exceed a depth to width ratio of two and one-half (2.5) to one. Lots and parcels over 25,000 square feet in area must not exceed a depth to width ratio of three and one-half (3.5) to one.

H. "Performance Agreement." Performance Agreement means an irrevocable letter of credit, surety bond, or cash guaranteeing the satisfactory completion of a project by a developer.

If the developer desires to record the plat prior to completion and approval of all improvements required by the ~~Planning Commission Reviewing Body~~, the ~~Reviewing Body~~ ~~Planning Commission~~ may accept in lieu of the completion of improvements a performance agreement or bond. The performance agreement shall be executed with the City Council in accordance with the seven requirements described below.

- a. Improvements. Improvements include all infrastructure, e.g. streets, water, sewer, storm drainage, pedestrian facilities, and any other improvements required as part of the tentative approval.
- b. Performance Agreement Required. When a performance agreement is required the applicant shall file an assurance of performance with the City supported by one of the following:
 - i. An irrevocable letter of credit executed by a financial institution authorized to transact business in the State of Oregon;
 - ii. A surety bond executed by a surety company authorized to transact business in the State of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
 - iii. Cash.
- c. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- d. Itemized Improvement Estimate. The developer shall furnish to the City an itemized cost estimate for each improvement, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

e. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

- i. Specifies the period within which each required improvement and repair shall be completed, and how performance funds are released;
- ii. A provision that if work is not completed within the period specified, a time extension may be granted or the City may complete the work and recover the full cost and expenses from the applicant;
- iii. Stipulates the improvement fees and deposits that are required.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the City.

f. If Developer Fails to Perform. If the developer fails to carry out all provisions of the agreement the City shall call on the performance agreement for completion of the project.

g. Termination of Performance Agreement. The developer shall not cause termination of nor allow expiration of the agreement without having first secured written authorization from the City.

I. Water. All lots in partitions or subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the City has received and accepted:

- a. A certification by the City Water Director that water will be available from the nearest point of supply; or
- b. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed partition or subdivision.

J. Sewer. No plat of a partition or subdivision shall be approved unless the City has received and accepted:

- a. A certification by the City Sewer Director that sewage service will be available at the nearest point of collection; or
- b. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner or subdivider to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision;
- c. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the partition or subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed partition or subdivision. A copy of any such statement signed by the partitioner or subdivider and endorsed by the Planning Commission chair shall be filed by the partitioner or subdivider with the real estate commissioner.

(Ord. 296, Amended, 04/14/2011; Ord. 317, Amended 09/12/2013)

§ 9.56.030. Additional requirements for subdivisions.

A. Private Streets.

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as a private street.
 - ~~2. At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the Planning Commission meeting.~~
 3. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.
- B. Blocks. No block shall be longer than 1,200 feet ~~between street lines.~~
- C. Parks and Open Space. ~~The Reviewing Body The Planning Commission~~ may require the subdivider to provide up to 5% of the subdivision area for park and recreation purposes if those areas have been identified as parkways, parks, and/or recreation areas by the comprehensive plan. ~~These areas shall be of a design and location acceptable to the Planning Commission, based on the suitability of the area for park and recreation purposes.~~
- D. Partial Development. If a proposed subdivision area includes only part of the tract owned by the subdivider, the ~~Reviewing Body Planning Commission~~ may require a sketch of the tentative layout of streets in the remainder of that tract.
- E. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded subdivision in Lincoln County, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.
- F. Pedestrian Walkways. ~~Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.~~
1. Materials and width. Pedestrian walkways shall be all weather surfaced and at least three feet in unobstructed width. Pedestrian walkway width shall be increased to six feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 2. Crossings with vehicle areas. Where the pedestrian walkway crosses driveways, drive aisles, parking areas, and loading areas, the walkway shall be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least four inches high.

(Ord. 73E § 6.020, 1992; Ord. 296, Amended, 04/14/2011)

§ 9.56.040. Partition procedure for dividing land.

- A. Preliminary Discussion. Prior to preparing a preliminary plan of a partition for submission the owner should discuss the proposed division with city personnel. The developer and the City staff should discuss the implication of the zoning, availability of water, method of sewage disposal, street construction requirements, topography of site and all other factors affecting the division of the property.
- B. Preliminary Plan Application. When a tract or area of land is to be partitioned, the preliminary plan of the proposed partition shall be filed in the office of the City together with an application for consideration. A sufficient number of copies of the preliminary plan, as determined by the City shall

also be submitted, in order that the preliminary plan may be distributed to other agencies. The preliminary plan when submitted shall include the following:

1. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
2. The tax lot number and the section, township and range in which the property is located;
3. The date, north point and scale of the drawing;
4. A vicinity sketch showing the location of the subdivision in relation to known landmarks in the City;
5. The approximate location and dimensions of all proposed boundary lines;
6. Approximate area of the property being subdivided and each proposed parcel;
7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
8. Existing zoning of the property;
9. Existing and proposed uses of the property;
10. Approximate location and use of all existing structures to remain on the site. Indicate those to be removed;
11. Any limitations to development; i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc.;
 - a. A copy of the request to the county health department for site inspection.
 - b. Review of Preliminary Plan by Other Departments. Within five working days after the partition application is submitted according to the provisions of this title, the City staff shall distribute copies thereof to appropriate agencies and departments for review, comments and recommendations. If the City receives no written response or time extension request within 20 days, it shall be considered the agency(s) and department(s) involved approve of the preliminary plan as submitted.

C. Approval of Preliminary Plan. Within ~~10 days after receiving all comments and recommendations from appropriate agencies or departments~~ 120 days from the date the Reviewing Body deems the application complete for purposes of processing, the ~~City staff shall refer the plan to the Planning Commission for Reviewing Body~~ shall issue a decision. ~~The applicant shall be notified of the time and place of the Planning Commission meeting.~~ Within seven days of the decision, the City Recorder shall proceed to prepare a notice of decision and mail it to the applicant, property owner (if different), the State Building Codes Division, those who provided written comments on the proposal, and those who requested a copy of the decision. Unless appealed, the decision shall become effective on the eleventh day after being rendered. The approval or conditional approval is valid for one year from the effective date of approval. After one year the preliminary plan may be resubmitted to be considered in light of changed conditions that may exist.

D. Submitting the Plat. Within one year after the approval of the preliminary plan becomes effective, a partition plat shall be submitted to the ~~Planning Commission~~ Reviewing Body for approval which is in substantial conformity to the approved preliminary plan and conditions of approval.

The partition plat shall be prepared by a professional land surveyor who is licensed in the State of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. In addition to the information as required on the

preliminary plan, and the information required by ORS 92, the following information shall be provided:

1. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than 30 days prior to the date that the partition plat is submitted for final approval. Such report shall also identify all easements of record;
 2. The deed dedicating to the public all common improvements, including, but not limited to, streets and roads, the donation of which was made a condition of approval of the preliminary plan for the partition;
 3. A copy of all protective deed restrictions proposed;
 4. The certification, performance agreement, bond, contract or other assurances regarding the availability or installation of water and sewer services as provided in Section 9.56.020;
 5. The location of the approved site for the septic system if applicable.
- E. Street Dedication. Any streets in a major partition shall be dedicated following the requirements and procedures for the dedication of streets as set forth in Section 9.64.040 prior to plat approval.
- ~~F. Plat Approval. Within 10 days of the receipt of a partition plat as provided in this title, the City staff shall refer the plat to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on the eleventh day after being rendered.~~
- F. Final Plat Approval Criteria. Final plats require review and approval by the Reviewing Body or their designee prior to recording. The final plat approval criteria and procedures are as follows:
1. Approval Process and Criteria. By means of a ministerial action, the Reviewing Body shall review and approve or deny the final plat application based on findings of compliance or noncompliance with all of the following criteria:
 - a. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, rights-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
 - b. All public improvements required by the preliminary plat have been installed and approved by the City or applicable service provider if different than the Yachats Department of Public Works;
 - c. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
 - d. All required streets, access ways, roads, easements, and other dedications or reservations are shown on the plat;
 - e. The plat and deed contain a dedication to the public of all public improvements, including, but not limited to, streets, public pathways and trails, access reserve strips, parks, and water and sewer facilities, as applicable;
 - f. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's); easements; maintenance agreements (e.g., for

access, common areas, parking, etc.); and other documents pertaining to common improvements recorded and referenced on the plat;

- g. Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat; and
- h. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each monument and its reference to some corner approved by the Coos County Surveyor for purposes of identifying its location.

G. When the approval becomes effective, the ~~Planning Commission chair~~ Reviewing Body or their designee shall sign the plat and its exact copy. The plat and exact copy shall then be delivered to the county surveyor who shall obtain the following officials' signatures on them:

1. The county tax collector whose signature shall certify that all taxes on the property have been paid;
2. The county assessor, whose signature shall certify that the plat is signed by the owner or owners of record;
3. The county surveyor, whose signature shall certify that the platting laws of this state and the requirements of this title have been satisfied.

H. The county surveyor shall deliver the signed plat to the office of the county clerk and notify the partitioner that it has been so delivered and may be offered for record.

I. Appeals. See Section 9.88.120.
(Ord. 73E § 5.030, 1992; Ord. 172, 1995; Ord. 211, Amended, 01/15/1999; Ord. 296, Amended, 04/14/2011)

[...]

CHAPTER 9.59
STANDARDS AND PROCEDURES FOR MIDDLE HOUSING LAND DIVISION

§ 9.59.010. Procedure for proposing Middle Housing Land Division.

A middle housing land division (MHL D) is an expedited land division of a lot or parcel on which middle housing is developed or proposed and meets the requirements of ORS 93.031 and ORS 197.360 through 197.380. The City Planner is the Reviewing Body and makes decisions about applications for MHL D as a ministerial action without a public hearing. The application submission and approval process for MHL D is as follows:

A. Applicability.

1. Eligible Zoning Districts. MHL Ds are available in zoning districts where middle housing is permitted.
2. Eligible Housing. Middle housing development that is eligible for an MHL D may consist of a single duplex, triplex, quadplex, cottage cluster, or structure containing townhouses.

B. Application Timing and Sequencing.

1. An application for a tentative plan for an MHL D may be submitted before, after, or at the same time as the submission of an application for building permits for the middle housing;
2. An application for a tentative plan for an MHL D may be submitted at the same time as an application for a subdivision or partition. The standard land division creates the parent lot(s), and the MHL D further divides the lot(s) into middle housing child lots.
3. An application of one or more than one MHL D submitted at the same time as an application for a subdivision or partition will be consolidated into a single application subject to the procedural requirements for the subdivision or partition. The MHL D application shall comply with the application requirements of this section.
4. Within the same calendar year as an original partition that was not an MHL D, one or more of the resulting vacant parcels may be further partitioned into not more than three (3) parcels through an MHL D.

B. Applicability of Middle Housing Regulations. A MHL D creates two (2) or more lots or parcels from a single parent lot on which middle housing is developed or proposed. After an MHL D is completed, the resulting lots or parcels are “child lots” or “middle housing lots.” The development is still subject to the requirements and standards that applied to the parent lot prior to the MHL D. In other words, the middle housing development is still defined and regulated as the original middle housing type after an MHL D is completed (e.g., a duplex that undergoes an MHL D does not become a townhouse development; the structure and property are still subject to the requirements/standards for a duplex).

- C. Tentative Plan Approval Criteria. Approval of a tentative plan for an MHL D will be granted if the Reviewing Body finds that the applicant has met all of the criteria in subsections (1) through (7), below. The City’s standard tentative plan approval criteria do not apply.
1. The middle housing development, including all existing and proposed structures, complies with:
 - a. The Oregon Residential Specialty Code; and
 - b. The applicable provisions of the YMC, including but not limited to the middle housing regulations, applicable to the parent lot.
 2. Exactly one dwelling unit will be located on each resulting child lot except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted.
 3. Separate utility service connections will be provided for each child lot.
 4. Easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Pedestrian access from each dwelling unit to a private or public road;
 - c. Access to any common use areas or shared building elements; and
 - d. Access to any dedicated driveways or parking.
 5. Buildings or structures on a resulting child lot will comply with applicable building codes provisions relating to new property lines.
 6. Notwithstanding the creation of new child lots, all structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
 7. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to the Public Works Standards.
- D. Tentative Plan Submittal Requirements. An application for an MHL D tentative plan shall include the following:
1. Any information required by the YMC’s standard land division preliminary submittal requirements per Chapter 9.56;
 2. A description of the manner in which the proposed land division will satisfy the approval criteria in 9.59.010(C).
 3. Copies of approved building permits or building permit applications, or comparable information necessary to demonstrate compliance with building code standards, and an accompanying site plan demonstrating compliance with criteria in Sections 9.59.010(C)(1) and (5).
 4. In addition to the items required by the City to be shown on a tentative plan or preliminary plat for a standard land division, the MHL D tentative plan shall show the following details:

- a. Separate utility connections for each dwelling unit, demonstrating compliance with approval criterion 9.59.010(C)(3).
 - b. Existing or proposed easements necessary for each dwelling unit on the plan, demonstrating compliance with the criterion 9.59.010 (C)(4).
5. Draft copies of all necessary easements for review by the city attorney.

E. Tentative Plan Conditions of Approval.

1. The City may attach conditions of approval of a tentative plan for an MHL D to:
 - a. Prohibit further division of the resulting child lots.
 - b. Require that a notation appear on the final plat indicating:
 - i. The approval was given under ORS 92.031.
 - ii. The type of middle housing approved on the subject site and noting that this middle housing type shall not be altered by the MHL D.
 - iii. Accessory dwelling units are not permitted on resulting child lots.
 - c. Require that all public improvements and site improvements that are required to satisfy approval criteria in 9.59.010(C) and applicable standards of the YMC are constructed prior to issuance of a Certificate of Occupancy for the development.
2. The preliminary approval of an MHL D is void if and only if a final MHL D plat is not approved within 3 years of the preliminary approval.

F. Tentative Plan Procedure.

1. Standard Procedure. Unless the applicant requests to use the procedure for an expedited land division as provided in subsection (2), the City shall review an MHL D under the same procedure that applies to a standard land division. An application of one or more than one MHL D submitted at the same time as an application for a standard subdivision or partition will be consolidated into a single application subject to the procedural requirements for the standard subdivision or partition.
2. Expedited Procedure. Unless the applicant requests to use the City's standard land division procedure, the city shall apply the procedure used for an expedited land division, as provided below and in ORS 197.365. A decision for an MHL D processed under ORS 197.365 is not subject to the requirements of ORS 197.797.
 - a. The Reviewing Body shall make a decision to approve or deny the application and shall provide notice of the decision to the applicant within 63 days of receiving a completed application as described in ORS 227.178. Notice shall not be provided to any other person.
 - b. The MHL D review process does not include a hearing and the City does not accept public comment from third parties.
 - c. The City shall issue a written determination of compliance or noncompliance with the approval criteria in subsection (C). An approval may include conditions of approval pursuant to subsection (E) to ensure that the application meets all applicable requirements.

- d. The written determination shall include a summary statement explaining the determination and an explanation of the applicant's right to appeal the determination under ORS 197.830 to 197.855.
- e. The applicant shall pay a fee according to the City's fee schedule.
- f. Only the applicant may appeal a decision for an MHL D processed as an expedited land division made under this section.

G. Final Plat Requirements. An application for an MHL D final plat shall meet the YMC's requirements and approval criteria per Chapter 9.56.

Chapter 9.60 Commentary: The amendments clarify that conditions of approval may not include reductions in height for housing, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal.

CHAPTER 9.60 PLANNED UNIT DEVELOPMENT

[...]

§ 9.60.030. Procedure for proposing P.U.D.

- A. Preliminary Plan Application. An applicant shall submit a preliminary plan of a planned unit development to the City. The preliminary plan shall include the following data:
 - 1. The name, address and phone number of the land owner and developer;
 - 2. The tax lot number and the section, township and range in which the property is located;
 - 3. The date, north point and scale of the drawing;
 - 4. A vicinity sketch showing the location of the P.U.D. in relation to known landmarks in the City;
 - 5. The approximate location and dimensions of all proposed boundary lines;
 - 6. Approximate area of the property being subdivided and each parcel;
 - 7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
 - 8. Existing zoning of the property;
 - 9. Existing and proposed uses of the property;
 - 10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
 - 11. Any limitations to development; i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of 12% or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
 - 12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
 - 13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

14. Proposed use of all open spaces including a plan for landscaping;
15. Proposed grading and drainage pattern;
16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
17. Relationship of the proposed development to the surrounding area and to the comprehensive plan.

B. Review of Preliminary Plan by Other Departments. The City Planner shall distribute copies of the preliminary plan for review and comment to the Yachats Department of Public Works; Yachats Rural Fire Protection District; Oregon Department of Transportation, if the proposed development is within 1,000 feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall have a minimum 14 days for review prior to the Planning Commission meeting.

C. Approval of Preliminary Plan.

1. Preliminary plans shall be processed and decisions made in accordance with the schedule identified in the most current Oregon Revised Statutes. The Planning Commission may grant time extensions upon written request by the applicant prior to expiration of the approval or conditional approval.
2. If the preliminary plan for the planned unit development is approved, the Planning Commission (or City Council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:
 - a. Increasing the required setbacks;
 - ~~b. Limiting the height of buildings;~~
 - b. Controlling the location and number of vehicular access points;
 - c. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission;
 - d. Increasing the number of parking spaces and improving design standards for parking areas;
 - e. Limiting the number, size, location and lighting of signs;
 - f. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
 - g. Requiring additional view-obscuring screening or fencing;
 - h. Requiring performance bonds to assure that the planned unit development is completed as approved within the time limit as established by the Planning Commission;
 - i. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.

2. Conditions shall not include reductions in density or height for housing less than those permitted by the underlying zone, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal.

D. Submitting the Map.

1. Within two years after the approval of the preliminary plan, a map of the P.U.D. shall be submitted to the Planning Commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.
2. In addition to the information as required on the preliminary plan the following information shall be provided:
 - a. Accurate legal description of all parcels and roads;
 - b. The deed dedicating to the public all common improvements, including, but not limited to, streets and roads, the donation of which was made a condition of approval of the preliminary plan for the P.U.D.;
 - c. A copy of all protective deed restrictions;
 - d. Street and drainage construction plans;
 - e. The certification, performance agreement or statement regarding the availability of water and sewerage services as provided in Section 9.60.040;
 - f. The location of the approved site for the septic system if applicable.

- E. Map Approval. Within thirty days of the receipt of a P.U.D. map as provided in this title, the City staff shall refer the map to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on fifteen days after rendered. When the approval becomes effective, the City Planner shall endorse his or her approval on the map. The map shall then be recorded in the offices of Lincoln County. Approval of the submitted map shall be considered as final when a copy of the recorded map is provided to the City.

(Ord. 73E § 7.030, 1992; Ord. 175, 1995; Ord. 320, Amended 09/12/2013)

[...]

CHAPTER 9.62
TOWNHOUSE PLANNED UNIT DEVELOPMENT

[...]

§ 9.62.040. Procedure for proposing Townhouse P.U.D.

- A. Preliminary Plan Application. An applicant shall submit at least five copies of a preliminary plan of a townhouse planned unit development to the Planning Commission for study at least 30 days prior to the Planning Commission meeting at which it will be discussed. The preliminary plan shall include the following data:
1. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
 2. The tax lot number and the section, township and range in which the property is located;
 3. The date, north point and scale of the drawing;
 4. A vicinity sketch showing the location of the Townhouse P.U.D. in relation to known landmarks in the City;
 5. The approximate location and dimensions of all proposed boundary lines;
 6. Approximate area of the property being subdivided and each parcel;
 7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
 8. Existing zoning of the property;
 9. Existing and proposed uses of the property;
 10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
 11. Any limitations to development; e.g., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of 12% or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
 12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
 13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
 14. Proposed use of all open spaces including a plan for landscaping;
 15. Proposed grading and drainage pattern;
 16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities; plan.
 17. Relationship of the proposed development to the surrounding area and to the comprehensive

- B. Review of Preliminary Plan by Other Departments. Within five days after the Townhouse P.U.D. application is submitted and prior to consideration of the preliminary plan by the Planning Commission, the City Recorder shall distribute copies of the preliminary plan to the Yachats Public Works Department; Yachats Rural Fire Protection District; Oregon Department of Transportation, if the proposed development is within 1,000 feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall be given at least 10 days to review the plan, suggest revisions, and return the plans to the Planning Commission.
- C. Approval of Preliminary Plan.
1. When all comments and recommendations from appropriate agencies or departments have been received or within 45 days after receiving the application as provided for in this title, whichever date shall occur first, the City staff shall place the preliminary plan on the agenda of the next scheduled meeting of the Planning Commission and notify the applicant of the meeting date and time. Following consideration of the preliminary plan, the replies from the other agencies and departments and such other testimony offered, the Planning Commission shall schedule a hearing within 45 days. At the conclusion of the hearing, the Planning Commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the preliminary plan. Unless appealed, the decision of the Planning Commission shall become effective on the fifteenth day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval.
 2. If the preliminary plan for the townhouse planned unit development is approved, the Planning Commission (or City Council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:
 - a. Increasing the required setbacks;
 - ~~b. Limiting the height of buildings;~~
 - b. Controlling the location and number of vehicular access points;
 - c. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission, and the Yachats Rural Fire Protection District;
 - d. Increasing the number of parking spaces and improving design standards for parking areas;
 - e. Limiting the number, size, location and lighting of signs;
 - f. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
 - g. Requiring additional view-obscuring screening or fencing;
 - h. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.
 2. Conditions shall not include reductions in density or height for housing less than those permitted by the underlying zone, except to resolve a health, safety, or habitability issue or to comply with a statewide land use planning goal.

B. Approval of Final Plan.

1. Within three years after the approval of the preliminary plan, a map of the Townhouse P.U.D. may be submitted to the Planning Commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.
2. In addition to the information as required on the preliminary plan the following information shall be provided:
 - a. Accurate legal description of all parcels and roads;
 - b. The deed dedicating to the public all common improvements, including, but not limited to, streets and roads, the donation of which was made a condition of approval of the preliminary plan for the Townhouse P.U.D.;
 - c. A copy of all protective deed restrictions;
 - d. Street and drainage construction plans;
 - e. The certification regarding the availability of water and sewerage services as provided in Section 9.60.040;
 - f. The location of the approved site for the septic system if applicable.
 - g. Within thirty days of the receipt of a Townhouse P.U.D. map as provided in this title, the City staff shall refer the map to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on the 15th day after rendered. When the approval becomes effective, the City Recorder shall endorse his or her approval on the map. The map shall then be recorded in the offices of the county clerk, with a copy of the certified map retained by the City. Approval of the submitted map shall be considered as final when properly endorsed and recorded.

(Chapter Added by Ord. 302, 2011)

[...]

Chapter 9.68 Commentary: The amendments:

- *Maintain reference to State Building Code but remove building code requirements from the zoning and land use code*
- *Remove redundant use allowances from the chapter*
- *Incorporate statutory requirements for manufactured dwelling parks*
- *Create clear and objective standards for manufactured dwelling parks*
- *Implement disaster recovery housing provisions in accordance with state requirements*

CHAPTER 9.68
MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND
RECREATIONAL VEHICLES

§ 9.68.010. General provisions.

- ~~A. Label of Compliance. Approval for installation of any manufactured dwelling is limited to units manufactured after June 15, 1976 and bearing a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.~~
- ~~B. State Standards. Installation of manufactured dwellings are to follow State of Oregon standards adopted and administered by the State Building Code Agency. See OAR 814-34-050 to 814-23-080. These state standards are summarized as follows:~~
- ~~1. Support blocking shall be installed according to the manufacturers' instructions approved by the State Building Codes Agency and, unless higher loading requirements are justified by soils analysis, the blocking shall support the manufactured dwellings on a soil with a bearing capacity of 1,500 pounds per square foot. OAR 814-23-060.~~
 - ~~2. Plumbing, electric and gas service connections shall be made according to the instructions approved by the State Building Codes Agency. OAR 814-23-050.~~
 - ~~3. A single wide manufactured dwelling in certain listed areas along the coast and the Columbia River shall be tied down with devices that meet federal standards as approved by the State Building Codes Agency. OAR 814-23-065.~~
 - ~~4. Manufactured dwelling accessory buildings and structures shall comply with state construction and installation standards. OAR 814-023-070. Manufactured dwelling accessory structures are skirting, some porch and steps, awnings, cabanas and some carports. In the manufactured dwelling field, an awning is not a sunshade for a window, but is any structure with a roof and not more than one wall. A structures is a manufactured dwelling accessory structure if it depends in part on the manufactured dwelling for its structural support. Accessory structures are not required by the state, but must meet standards if installed.~~
 - ~~5. A building or other structure associated with a manufactured dwelling that is not a manufactured dwelling accessory structure must comply with state building code standards for ramadas to relate the ramada to the manufactured dwelling. OAR 814-23-0[3]70. A ramada is primarily a roof built to go over a manufactured dwelling but is not supported by the manufactured dwelling.~~
- ~~C. Tie Down Requirements (to Exclude Manufactured Dwellings Attached to Basements).~~
- ~~1. Minimum tie down requirements are to conform to standards established by the State Building Codes Agency.~~

~~2.—Minimum number of tie-downs required:~~

- ~~a.—Single wide: as specified by state code plus cross tie-downs at no greater than 12 foot intervals.~~
- ~~b.—Double wide: one at each corner plus cross tie-downs at no greater than 12 foot intervals.~~
- ~~c.—Triple wide: three per side on outside units plus cross tie-downs at no greater than 12 foot intervals.~~

~~3.—Tie Down Materials. Steel straps or cables that have been treated to make them weather resistant must be used for ties.~~

- ~~a.—Steel straps 1.025" x.035" commercially available.~~
- ~~b.—Steel cable at least three eighths inch in diameter.~~
- ~~c.—Turnbuckles shall be at least one-half inch in diameter with closed or welded eyes.~~

~~4.—Anchors. Anchors must have a rod made of steel not less than five eighths inch in diameter, and must have a tensioning head or a drop forged, closed eye for use with a turnbuckle. In addition, it must be able to withstand a pull of at least 4,800 pounds without failure. All anchors should be installed as nearly vertically as possible. The heads of the anchors should come to rest next to the concrete, and should be directly below the "I" beam of the manufactured dwelling frame.~~

~~D.—Grade. The portion of the lot on which the manufactured dwelling shall rest must be leveled to a $\pm$ 3" variance from the mean elevation. This leveling shall expose an area of bearing soil or fill material so compacted as to receive approval by a soil engineer as meeting state requirements.~~

~~E.—Supports. Bearing weight of manufactured dwellings shall be supported by one of the following:~~

~~1.—Types:~~

- ~~a.—Placing on a permanent concrete or block basement, or perimeter foundation. Standard floor beams will be used across the width of the foundation. "I" beams of the manufactured dwelling floor shall be secured by lag bolts at each juncture of an "I" beam with foundation floor beams.~~
- ~~b.—Placing upon concrete block piers, each of which rests upon a continuously poured concrete ribbon six inches in depth and 16 inches in width extending the full length of the manufactured dwelling less one foot. Each ribbon must contain a minimum of two reinforcing bars of at least one-half inch in diameter. One ribbon is required under each longitudinal "I" beam member of the manufactured dwelling's floor frame structure.~~

~~2.—Support Placement:~~

- ~~a.—A manufactured dwelling pier shall be limited to 32 inches above the leveled site.~~
- ~~b.—Piers, when used, shall be no more than 10 feet apart under each "I" beam, and end piers should be no further than five feet from the ends of the manufactured dwelling.~~

~~F.—Extensions:~~

- ~~1.—Cabanas, expando units, patio awnings, carports, and other manufactured dwelling extensions, shall be considered part of the manufactured dwelling in determining setbacks.~~
- ~~2.—All manufactured dwelling extensions shall be installed in accordance with plans approved by the State Building Codes Agency.~~

3. ~~Extensions must be secured by tie-downs in the same manner as the manufactured dwelling; a minimum of one tie per corner of the extension.~~

~~G. Skirting.~~

1. ~~Skirting shall be weather resistant, noncombustible or not more combustible than three eighths inch exterior grade plywood.~~
2. ~~Untreated wood shall not be nearer than six inches to any earth, unless separated by three inches of metal or concrete. EXCEPTION: For metal skirting, supporting members of untreated lumber shall be separated from the ground by not less than two inches.~~
3. ~~Adequate access shall be provided.~~
4. ~~Ventilation openings shall be provided for each 25 linear feet of skirting.~~
5. ~~Each opening shall have a minimum net area of 36 square inches and shall be located within two feet of the external corners of the manufactured dwelling and shall have a corrosion resistant louver or mesh cover.~~
6. ~~Skirting shall be completed within 90 days after placement of the manufactured dwelling.~~

- ~~H. Ramadas shall be considered as part of the structure in determining setbacks; they shall conform to all requirements of the statewide building code and shall be constructed to allow the manufactured dwelling to be moved.~~

(Ord. 73E § 9.010, 1992)

~~§ 9.68.020. Permitted locations.~~

- ~~A. Manufactured dwellings shall be permitted only in the following locations:~~

1. ~~Manufactured dwelling parks;~~
2. ~~Approved manufactured dwelling subdivisions;~~
3. ~~Approved planned unit developments;~~
4. ~~As temporary dwellings during the construction of a permitted use for which a building permit has been issued. (See R-1, R-2, R-3, and R-4 zones, Sections 9.12.020(B), 9.16.020(B), 9.20.020(B) and 9.24.020(B).)~~

~~All manufactured dwellings shall be required to comply with current H.U.D. electrical, plumbing and structural standards.~~

- ~~B. Recreational vehicles may be parked on the owner's personal lot only, unless in commercial storage. (Ord. 73E § 9.020, 1992)~~

§ 9.68.030. Manufactured dwelling parks.

- ~~A. Compliance Required. No land within the City shall be developed for use as a manufactured dwelling park and no plan for such park shall be filed or recorded until submitted to and approved by the Planning Commission.~~

- ~~E. Applications or manufactured dwelling parks shall be processed as an administrative review by the City Planner or their designee.~~

1. Public notice of the application shall be provided to owners of properties located within 100 ft. of the subject property, or within 500 ft. if the application includes 20 or more dwelling units.
2. Appeals of the decision are limited to the applicant, and shall follow the same procedures as for appeals of Planning Commission decisions in Section 9.88.120.

~~B.—Permitted Locations:~~

- ~~1.—Residential zone R-3;~~
- ~~2.—Residential zone R-4;~~
- ~~3.—Commercial zone C-1.~~

B. Standards for Manufactured Dwelling Parks. Manufactured dwelling parks may be permitted provided they meet the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following standards shall apply:

1. Permitted Uses. A manufactured dwelling park may contain manufactured dwellings, recreational vehicles (connected to water, electric, and sewer systems), and prefabricated structures.
2. Public utilities underground;
3. Maximum of 12 manufactured dwellings per acre;
4. Minimum size of park, ~~two acres~~ one acre excluding street rights-of-way;
5. A minimum of 2,500 square feet per manufactured dwelling space;
6. Setbacks and lot coverage must comply with the zone in which it is located;
7. Each access road connecting with a public street shall have a surface width of at least 36 feet and all other access roads shall have a surface width of at least 20 feet. All access roads and parking areas and walkways shall be surfaced to minimum city road standards and be well drained;
8. Pedestrian walkways. ~~shall be separated from vehicular ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. They shall be all-weather surfaced at least three feet wide;~~
 - a. Connections to abutting properties. On-site pedestrian walkways shall connect or be stubbed to allow for an extension to the abutting property when there is an existing or planned walkway on the abutting property, or when the abutting property is undeveloped.
 - b. Internal connections. The pedestrian walkway system shall provide connections to parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities.
 - c. Materials and width. Pedestrian walkways shall be all-weather surfaced and at least three feet in unobstructed width. Pedestrian walkway width shall be increased to six feet if the walkway abuts perpendicular or angled parking spaces, unless the spaces are equipped with wheel stops.
 - d. Crossings with vehicle areas. Where the pedestrian walkway crosses drieways, drive aisles, parking areas, and loading areas, the walkway shall be clearly identifiable through the use of elevation changes, a different paving material, or other similar method. Striping does not meet this requirement. Elevation changes for crossings must be at least four inches high.

- e. Walkways adjacent to vehicle areas. Where the pedestrian walkway is parallel and adjacent to a drive aisle, the walkway shall be a raised path or be separated from the drive aisle by a raised curb, bollards, landscaping, or other physical barrier. If a raised path is used, it must be at least four inches high. Bollard spacing must be no further apart than five feet on center.
- 9. Developed recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per manufactured dwelling space, whichever requirement is the greater;
- 10. All areas not used for manufactured dwelling spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be ~~completely and permanently~~ landscaped. ~~The landscaping shall be maintained in good condition.~~ There shall be landscaping within the front and side setback area, and in all open areas of the manufactured dwelling park not otherwise used for manufactured dwelling park purposes;
- ~~11. All manufactured dwellings shall be located at least 20 feet from the property boundary line abutting upon a public street or highway, 60 feet from the center line of a state highway and at least 10 feet from the other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the Planning Commission may allow the ten-foot setback to be reduced to five feet;~~
- 12. Manufactured dwellings shall not be located closer than 15 feet from any other manufactured dwelling or permanent building within the manufactured dwelling park, nor closer than 10 feet to any park or roadway. Manufactured dwelling accessory buildings, when not attached to the manufactured dwelling, shall not be closer than six feet from any manufactured dwelling or structure;
- 13. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the unit for setback purposes;
- 14. ~~Manufactured dwellings shall conform to foundation and tie-down standards as set forth in Section 9.68.010;~~
- 15. Two off-street parking spaces shall be provided at each manufactured dwelling site;
- 16. Buffering or screening, if required by the Planning Commission, shall be screened with a screening buffer (see definition in YMC Section 9.04.030).
- 17. A minimum of 50% of the manufactured dwelling park spaces must be available for occupancy before the first occupancy is permitted.

C. Site and Development Plan.

- 1. All applications submitted for approval of a manufactured dwelling park development shall consist of four copies of a development plan. Such plan shall be submitted at least six days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:
 - a. Name of person who prepared the plan;
 - b. Name(s) of persons owning and/or controlling the land proposed for a park;
 - c. Name of manufactured dwelling park and address;
 - d. Scale and north point of the plan;
 - e. Boundaries and dimensions of the manufactured dwelling park;

- f. Vicinity map showing relationship of manufactured dwelling park to adjacent properties and surrounding zoning;
 - g. Location and dimensions of each manufactured dwelling site, with each site designated by number, letter or name;
 - h. Location and dimensions of each existing or proposed building;
 - i. Location and width of manufactured dwelling park streets and pedestrian ways;
 - j. Location of each lighting fixture for lighting the park;
 - k. Location of recreational areas and buildings and common area;
 - l. Location and type of landscaping plantings, fences, walls or combination of any of these, or other screening materials;
 - m. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
 - n. Location of available fire hydrants;
 - o. Enlarged plot plan of a typical manufactured dwelling space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping;
 - p. The plan shall indicate positions of the manufactured dwellings so that the Planning Commission may determine entrances, setbacks, etc.;
 - q. The plan shall show the topography of the park site with contour intervals of not more than five feet, except that the building official or planning director may require closer contour intervals;
 - r. A drainage plan.
2. At the time of application to construct a new manufactured dwelling park, the applicant shall submit, in addition to the above and as part of the development plan, four copies of the following plans:
 - a. A survey and plat of the property;
 - b. New structures;
 - c. A certification by the City water Director that water will be available from the nearest point of supply;
 - d. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon, and/or certification by the City sewer Director of approval to connect to the City sewer system;
 - e. Method of garbage disposal.

D. Decision upon Development Plan. The ~~Reviewing Body~~~~Planning Commission~~ may:

1. Deny or withhold approval if the project does not meet applicable standards for manufactured dwelling parks in this chapter;
2. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the ~~Reviewing Body~~~~City Council~~;

3. Approval will expire in one year unless the plan is substantially implemented.

E. Manufactured Dwelling Park License.

1. Signed approved copies of the development plan and all components thereof shall be forwarded to the City Recorder and city building official.
2. No license for occupancy of any manufactured dwelling park, or building or facility shall be issued by the City building official until such time as the development has been completed according to the finished plan approved by the ~~Reviewing BodyPlanning Commission~~. Deviations from the approved plan must be submitted to the ~~Reviewing BodyPlanning Commission~~ for approval as revisions of the plan.
3. Licenses issued hereunder shall be valid for a period of one year and renewable thereafter, unless a shorter or longer time is noted and approved by the ~~Reviewing BodyPlanning Commission and the City Council~~ on the signed approved copies of the development plan.

F. Basic Provisions and Regulations.

1. Fire Hazards. The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between manufactured dwellings and other buildings in the park.
2. Fire Hydrants. Approved fire hydrants shall be installed so that all manufactured dwellings, recreational vehicles and other structures are within 300 feet down the center line of an approved fire hydrant.
3. Label of Compliance. All manufactured dwellings installed in manufactured dwelling parks after the effective date of the ordinance codified in this title shall bear a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.
4. Inspections. The building official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If it is not in compliance, the owner must make whatever repairs are required before a license or license renewal for the park will be issued. An extension of time to make repairs may be allowed by the ~~Reviewing BodyPlanning Commission~~, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.
5. Management Responsibility. Either the owner, an operator or resident manager or similar supervisor or representative of the owner shall be available and responsible for the direct management of the manufactured dwelling park.
6. Telephone. At least one public telephone for the use of the park residents shall be provided and available for use at all times.
7. Water and Sewer Connections. All manufactured dwellings, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City.

G. Applicability. Manufactured dwelling parks established prior to July 2, 2001 may apply for a subdivision application if the manufactured dwelling park meets the following requirements:

1. Park complies with the YMC or is an approved nonconforming use.
2. No changes to the site plan or increasing number of lots.
3. Lots continue to be used for manufactured dwellings.
4. Property owner signs a waiver of right of remonstrance to formation of Local Improvement District (LID).

(Ord. 73E § 9.030, 1992; Ord. 175, 1995; Ord. 372, 8/16/2024)

§ 9.68.040. Requirement for manufactured dwelling subdivisions.

A. Unless otherwise stated in this article, all provisions in Chapter 9.56, Article II shall apply to the development of manufactured dwelling subdivisions. Development of manufactured dwelling subdivisions in Yachats is further subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72.

~~B. Permitted Locations for Manufactured Dwelling Subdivisions.~~

- ~~1. Residential zone R-3;~~
- ~~2. Residential zone R-4;~~
- ~~3. Commercial zone C-1.~~

~~B. Compliance Required. No land within the City shall be developed for use as a manufactured dwelling subdivision and no plan for such a subdivision shall be filed or recorded until submitted to and approved by the Planning Commission.~~

~~B. Applications for manufactured dwelling subdivisions shall be processed as an administrative review by the City Planner or their designee.~~

- ~~1. Public notice of the application shall be provided to owners of properties located within 100 ft. of the subject property, or within 500 ft. if the application includes 20 or more dwelling units.~~
- ~~2. Appeals of the decision are limited to the applicant, and shall follow the same procedures as for appeals of Planning Commission decisions in Section 9.88.120.~~

C. Conformity to the Comprehensive Plan. The manufactured dwelling subdivision development shall conform to the City comprehensive plan of that portion of the City within which the development is located.

D. Design Standards. The following standards and requirements shall govern the application of a manufactured dwelling subdivision development in an area in which it is permitted.

1. A manufactured dwelling subdivision shall not be less than ~~five acres~~ one acre of contiguous land, ~~unless the Planning Commission finds that a particular parcel of less than five acres one acre is suitable for a manufactured dwelling subdivision by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.~~
2. Lots within previously unplatted areas of the City shall contain a minimum of 6,500 square feet with a width of no less than 65 feet, and a length of no less than 80 feet.
3. Lots within previously platted areas of the City shall contain a minimum of 6,000 square feet, with a width of no less than 50 feet, and a length of no less than 80 feet.

4. No building, structure or land within the boundaries of a manufactured dwelling subdivision shall be used for any purpose except for the uses permitted as follows:
 - a. Manufactured dwellings, factory built dwellings or other remanufactured homes for residential purposes only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport or garage and storage buildings. Accessory buildings shall not be permitted in the front yard;
 - b. ~~Single-family~~ Detached single-unit dwellings;
 - c. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use;
 - d. Conditional uses as permitted by the Planning Commission.
5. Lot Coverage. The maximum coverage by all structures shall not exceed 35% of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed 65% of the lot area.
6. Yard Regulations. Minimum setbacks and yard regulations shall be as indicated below:
 - a. Front Yards. No garage or parking structures shall be closer than 20 feet from the property line. All other buildings shall be set back at least 20 feet.
 - b. Side Yards. A yard of not less than five feet shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.
 - c. Rear Yards. Dwelling units shall be set back not less than 10 feet from the rear property line. Accessory buildings shall be set back not less than five feet from the rear property line.
 - d. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
7. Building or Structural Height Limitations.
 - a. Accessory Buildings. The maximum building or structural height shall be one story or 15 feet, whichever is the lesser.
 - b. Nonresidential buildings shall not exceed one and one-half stories or 15 feet, whichever is the lesser.
8. Fences. Fences, walls, hedges and landscaping shall be no greater than three feet in height in the front yard or side yard of a corner lot.

E. Permits. Prior to the placement of a unit on a lot or parcel of land the owner of the unit shall obtain from the City Recorder a building permit placement of a manufactured dwelling application. In addition, at the time of application in accordance with Section 9.88.040, the owner shall furnish the Planning Commission with a copy of specifications and a drawing of the proposed footing and foundation for such a unit, and the method for anchoring the unit. No unit shall be occupied until the placement of the unit has been approved and inspected by the Lincoln County building inspector.

(Ord. 73E § 9.040, 1992; Ord. 175, 1995)

§ 9.68.050. Manufactured dwelling planned unit development.

- A. Manufactured dwelling planned unit developments within the City shall be in compliance with this chapter and the provisions set forth in Chapter 9.60.

~~B. Permitted locations for manufactured dwelling planned unit developments:~~

- ~~1. Residential zone R-3;~~
- ~~2. Residential zone R-4;~~
- ~~3. Commercial zone C-1.~~

(Ord. 73E § 9.050, 1992)

§ 9.68.060. Recreational vehicles.

A. Residential vehicles may be occupied as residential dwellings, with no time limit, in RV parks and manufactured home parks, if lawfully connected to water and electrical supply systems and a sewage disposal system.

B. Recreational vehicles may be parked by an owner on his or her own land for non-rental temporary living purposes as follows:

1. The recreational vehicle shall be accessory to a permanent residential dwelling.
2. Recreational vehicles shall not be connected to the City sanitary sewer system.
3. No more than 30 days per calendar year with no more than 14 consecutive days for any one stay. Requests for extended time limits requires approval by the Planning Commission through a Variance procedure.
4. Review Procedure. An executed permit is required before any person occupies a recreational vehicle for temporary living purposes. Failure to complete the application form and secure an executed permit in advance is a violation of City Code.

(Ord. 301, Amended, 9/8/2011)

§ 9.68.070. Disaster emergency housing provision.

~~In the event of a presidentially declared major disaster, manufactured dwellings may be placed in any zone in the City on a temporary basis, so that residents who may become disaster victims may remain in the community as long term recovery is accomplished.~~

A manufactured dwelling or recreational vehicle may be used as a temporary on-site residence during the repair or reconstruction of a single-unit dwelling or manufactured home which has been rendered uninhabitable by a natural disaster, including wildfires, earthquakes, flooding, or storms. The following standards apply in these circumstances:

- A. A building permit shall be issued for the new or remodeled dwelling, provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property.
- B. Recreational vehicles are not required to be connected to utilities.
- C. Occupancy of Recreational Vehicles and Manufactured Dwellings. A recreational vehicle or Manufactured Dwelling may be placed on the lot or parcel until no later than the date:

1. The dwelling has been repaired or replaced and an occupancy permit has been issued;

2. The City makes a determination that the owner of the dwelling is unreasonably delaying in completing repairs or replacing the dwelling; or
3. Twenty-four months after the date the dwelling first became uninhabitable.

(Ord. 73E § 9.070, 1992)

Chapter 9.69 Commentary: The amendments codify general affordable housing siting allowances in line with ORS 197A.445(1-8), allow density and height bonuses for affordable housing on land zoned for residential uses in line with ORS 197A.445(9-10), and allow affordable housing on land zoned for commercial uses in line with ORS 197A.460.

CHAPTER 9.69
AFFORDABLE HOUSING ALLOWANCES AND BONUS

§ 9.69.010. Purpose.

The purpose of this chapter is to codify the requirement of local governments to allow affordable housing without requiring a zone change or conditional use permit if certain criteria and standards are met, per ORS 197A.445 and ORS 197A.460.

§ 9.69.020. Applicability.

Affordable housing projects allowed pursuant to this Subsection 9.69.020 must meet subsection (A) and either subsection (B) or (C) below:

- A. Affordability. The affordability of the units is enforceable, including as described in ORS 456.270 to 456.295, for a duration of no less than 30 years, and shall meet one of the following:
 - 1. Each unit on the property is made available to own or rent to families with incomes of 80% or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or
 - 2. The average of all units on the property is made available to families with incomes of 60% or less of the area median income; or
 - 3. Manufactured dwelling park units affordable to households with incomes of 120% or less of AMI.
- B. Ownership. The housing is owned by:
 - 1. A public body, as defined in ORS 174.109;
 - 2. A nonprofit corporation that is organized as a religious corporation; or
 - 3. Affordable housing non-profit.
- C. Zoning. The property is zoned for or allows for one or more of the following:
 - 1. Commercial uses;
 - 2. Places of assembly for religious institutions; or
 - 3. Industrial uses provided the property is publicly owned, adjacent to lands zoned for residential uses or schools, and not specifically designated for heavy industrial uses.

§ 9.69.030. Standards.

Only affordable housing developed pursuant to Subsection 9.69.020 is subject to the following standards.

A. Site Suitability. The site shall be suitable for development of affordable housing. Affordable housing shall not be located on lands where the City determines that:

1. The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;
2. The property contains a slope of 25% or greater;
3. The property is within a 100-year floodplain;
4. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land or natural areas (but not including open spaces or historic resources); or
5. The property is zoned for industrial use and does not meet the criteria in subsection 9.69.020(C)(3) above.

B. Density and Height in Areas That Are Zoned for Residential Uses. Except as provided by subsection 9.69.030(C) below, the greater of density and height standards in subsections (B)(1) or (B)(2). below, shall apply:

1. Any City density bonus for affordable housing; or
2. Without consideration of any local density bonus for affordable housing:
 - i. For property with existing maximum density of 16 or fewer units per net acre, based on the proposed housing type, 200% of the existing density and 12 additional feet;
 - ii. For property with existing maximum density of 17 or more units per net acre, and 45 or fewer units per acre, based on the proposed housing type, 150% of the existing density and 24 additional feet; or
 - iii. For property with existing maximum density of 46 or more units per net acre, based on the proposed housing type, 125% of the existing density and 36 additional feet.

C. Exceptions to the density and height bonuses.

1. The density and height bonuses provided by this section do not apply to housing in areas that are not zoned for residential uses.
2. The City may reduce the density or height of the density bonus as necessary to address a health, safety, or habitability issue, including fire safety, or to comply with a protective measure adopted pursuant to a statewide land use planning goal provided the City adopts findings supported by substantial evidence demonstrating the necessity of this reduction.

CHAPTER 9.72 CONDITIONAL USES

§ 9.72.010. Authorization to grant or deny conditional use permits.

Conditional uses listed in this title may be permitted, enlarged, altered or denied by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88.
- B. In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily-unit dwelling, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests of the surrounding City as a whole. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the height of buildings;
 - 3. Controlling the location and number of vehicle access points;
 - 4. Increasing the street width;
 - 5. Increasing the number of required off-street parking spaces;
 - 6. Limiting the number, size, location and lighting of signs;
 - 7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
 - 8. Designating sites for open space;
 - 9. Setting a time limit for which the conditional use is approved;
 - 10. Regulation of noise, vibration, odors and sightliness;
 - 11. Requiring surfacing of parking areas;
 - 12. Regulation of hours of operation and duration of use or operation;
 - 13. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
 - 14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.
- C. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use or a nonconforming use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

- D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission.

(Ord. 73E § 10.010, 1992; Ord. 175, 1995)

[...]

Chapter 9.76 Commentary: The amendments update review procedures to comply with state requirements.

CHAPTER 9.76 NONCONFORMING LOTS AND USES

§ 9.76.010. Purpose.

There were lots, structures, uses and development activity that were lawful before the ordinance codified in this title was adopted or amended, but which have become either prohibited, regulated or restricted under the new terms and conditions of this title. They shall hereafter be referred to as pre-existing, nonconforming lots, structures, uses and development activity .

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such structures, uses and development activity and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, aesthetics and functional aspects of the community.

It is therefore the intent of this title to allow these structures, uses and development activity that existed prior to the adoption of the ordinance codified in this title to continue, including normal maintenance, repair or replacement in case of damage due to disaster or any means of destruction.

(Ord. 73E § 11.010, 1992; Ord. 342, 2016)

§ 9.76.015. Procedures.

Applications for the continuation, change, or expansion of a nonconforming use shall be processed as an administrative review by the City Planner or their designee, with public notice and an opportunity to appeal to the Planning Commission.

§ 9.76.020. Continuation of nonconforming use or structure.

Subject to the provisions of ORS 215.130 and subsequent provisions of this chapter, a lawful nonconforming structure, use or development activity may be continued.

(Ord. 73E § 11.020, 1992; Ord. 342, 2016)

§ 9.76.030. Discontinuance of nonconforming use.

- A. If a nonconforming use involving a structure is discontinued or if a nonconforming trailer house is removed for a period of one year, further use of the property shall conform to this title.
- B. If a nonconforming use or development activity not involving a structure is discontinued for a period of six months, further use of the property shall conform to this title.

(Ord. 73E § 11.030, 1992; Ord. 342, 2016)

§ 9.76.040. Change of nonconforming use.

- A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.
 - B. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the ~~Planning Commission~~ City Planner or their designee determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.
- (Ord. 73E § 11.040, 1992)

§ 9.76.050. Destruction of nonconforming use.

If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80% of its fair market value as indicated by the records of the county assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this title except that replacement of nonconforming signs shall be in accordance with the provisions of this title. (Ord. 73E § 11.050, 1992)

§ 9.76.060. Expansion of nonconforming uses.

A nonconforming use existing at the time that zoning was or is adopted in the area of such use, or changed in the area, may be expanded if such expanded use does not result in an increase in the degree to which a structure or use is nonconforming.

(Ord. 73E § 11.060, 1992; Ord. 175, 1995)

§ 9.76.070. Discontinuance of nonconforming uses.

A nonconforming use determined by the Planning Commission to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the Planning Commission to be the amortized life of the use.

(Ord. 73E § 11.070, 1992)

§ 9.76.080. Undersized lots of record.

- A. Any lot having an area or dimension less than the minimum shall be designated a building site provided the following criteria are met:
 - 1. The lot is shown on an officially approved and recorded subdivision map; and
 - 2. The lot was of legal area and dimension for a building site or was a legal nonconforming building site at the time the ordinance codified in this title was adopted.
 - B. No lot, or combination of contiguous lots, either vacant or containing a single-family unit dwelling, shall be replatted so that an undersized lot is created, nor shall a lot be replatted if setbacks or dimensions less than the minimum would result.
- (Ord. 73E § 11.080, 1992)

[...]

CHAPTER 9.88
ADMINISTRATION AND ENFORCEMENT

[...]

§ 9.88.040. Form of petitions, applications and appeals.

All petitions, applications and appeals provided for in this title shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the material to be used; the external sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure or part thereof; ~~the number of families, if any, to be accommodated thereon~~; and such other information as is needed to determine conformance with this title.

(Ord. 73E § 14.030, 1992)

[...]

§ 9.88.090. Final action on application for permit or zone change request.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

- A. The City shall take final action on an application for a permit or zone change request, including resolution of all local appeals, within 120 days after the application is deemed complete. This 120 day period may be extended for a reasonable period of time at the request of the applicant.
- B. If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. Refusal by the applicant to submit the required additional information shall deem the application complete on the forty-fifth day after the governing body first received the application.
- C. All documents or evidence provided by the applicant shall be submitted to the City and be made available to the public at the time the notice of public hearing required by Section 9.88.060(B) is provided.
- D. If the application was complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, the City's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

- 1. Up to the issuance of the notice of a public hearing, an applicant for a housing project may submit a written request to apply newly adopted standards (those operative at the time of the request) to a submitted land use application. If an applicant requests review under newly adopted standards:
 - a. Any applicable timelines for completeness review and final decisions restart as if a new application were submitted on the date of the request.
 - b. Submission of additional information may be required if the request affects or changes information in the application.

c. Additional fees may be required to cover those additional costs incurred by the city to accommodate the request.

(Ord. 73E § 14.070, 1992)

[...]