

1. 10:00 A.M. Agenda

Documents:

[2023-06-13 Planning Commission Work Session Agenda.pdf](#)

2. Meeting Material

Documents:

[Return To Code Work.jt.pdf](#)

[Yachats Draft Code Amendments.12.14.22.Pdf](#)



CITY OF YACHATS
PLANNING COMMISSION WORK SESSION
Tuesday, June 13, 2023, at 10:00 am
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/85827094803>

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Work Session

- I. Continue work on Title 9 Yachats Municipal Code

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting are the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 06/08/2023 By: Kimmie Jackson, Deputy City Recorder

MEMORANDUM

TO: Yachats Planning Commissioners
City Planner Katherine Guenther

FROM: John Theilacker, Planning Commission Chair

DATE: June 8, 2023

RE: Continuing with Yachats Municipal Code Work

I believe we now have an opportunity to resume from last December our focus on portions of the Yachats Municipal Code, particularly Title 9, that we found in need of immediate fixes. At our December 2022 meeting, we approved our final draft set of new or amended definitions for various terms in Title 9, we revised the purpose section of this Title, and thanks to Loren’s expertise, we proposed to add a new section that explains how to calculate “Height of Building”. I have asked Kimmie to include this draft code work (dated 12-14-22) in our packet for our Tuesday, June 13th, work session. Loren’s height calculation illustration is not included.

Before we recommend these amendments for City Council’s formal adoption, we agreed in December that we wanted to address other portions of Title 9 where some of these terms are used. At a minimum, we wanted to fix the standards for hotels, motels, inns, and resorts, and we wanted to establish appropriate impervious coverage standards. I suggest we first focus on hotels, motels, inns, and resorts.

In preparation for Tuesday’s work session, please review the final draft code amendments of 12-14-22 in your packet, as well as existing Chapters 9.24 (R-4 District) and 9.28 (C-1 District) (available on-line), paying particular attention to hotels, motels, and resorts when permitted “by-right”, when permitted by conditional use, and the standards which apply to such uses.

For example, in the R-4 District, Section 9.24.020.K permits a motel, hotel, or resort by-right when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses.

According to Section 9.24.030.P, a motel, hotel, or resort is permitted subject to Conditional Use approval when proposed on less than one acre of land with accessory commercial uses. This provision omits the text “.....with direct access provided from U.S. Highway 101 only...”, which we assume was intentional – that hotels, motels, and resorts do not have to have direct access to Highway 101 when permitted by Conditional Use, as was the case with the recent Agate Point CUP application.

In the C-1 District, Section 9.28.010.N permits a motel or resort by-right (hotel excluded?) when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses. Section 9.28.020.T permits motels, hotels (now added), and resorts by Conditional Use when proposed on less than one acre with accessory commercial uses (excludes the Hwy. 101 direct access requirement), and Section 9.28.020.V permits motels or resorts (hotel again excluded?) as part of a Formula business on a minimum of one acre with accessory commercial uses, but only when having direct access provided from U.S. Highway 101.

In the R-4 District, there is a minimum lot size standard of 1,500 sq.ft. per hotel, motel, or resort guest unit with public water and sewer; for motels only (?) there is a vehicle access requirement calling for ingress/egress from a street with a minimum right-of-way width of 35 feet, and a minimum all-weather surface width of 25 feet; and no commercial use can have access to or from a cul-de-sac.

The Agate Point CUP application proposed for a small lot zoned R-4 District, with single-family dwellings abutting the proposed use on at least two sides, was controversial. Many of us on the PC were frustrated by the inconsistencies found in the R-4 District standards when we were considering this application. Now is a good opportunity to, at a minimum, clean up the text and address these inconsistencies. Also, no specific standards exist for hotels, motels, or resorts in the C-1 District. Should there be?

Looking forward to hearing your thoughts/ideas!

Proposed Amendments
to the Yachats Municipal Code,
Title 9 – Zoning and Land Use

(December 2022 Draft)

In 2022, the Planning Commission and City Planner identified problematic provisions of Title 9, Zoning and Land Use, of the Yachats Municipal Code and proposed appropriate amendments. The work began by focusing on two Code sections – 9.04.020. Purpose, and 9.04.030. Definitions. The following text is the final draft of the Commission’s proposed amendments. Adoption of these amendments will require other changes primarily to Title 9 to ensure internal consistency.

Title 9 – Zoning and Land Use

Section 9.04.020 Purpose.

The following text shall substitute for the existing Purpose text:

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

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. Ensure that land uses complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast.”
3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. Ensure that sufficient vacant and redevelopable buildable land shall be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.

5. Ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.
6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and insure preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats' environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient design, siting, and construction materials and methods.
9. Protect and enhance the City's natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.
10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards."

Section 9.04.030 Definitions.

The term "apartment" and its definition will be deleted.

The term "Porch" will be separated from the existing term "Deck/Porch" and defined separately.

The term "Lot Coverage" and its definition will be deleted, favoring instead the new term "Impervious Surface Ratio" and its definition.

The following new or revised definitions shall be added to, or substituted for, the existing definitions:

"Bed and Breakfast Facility"

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

"Building Code"

"Means building, fire, safety, and other codes adopted by state, county and municipal agencies."

"Building Coverage"

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

“Clear Vision Area”

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

“Deck”

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

“Dwelling”

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

“Dwelling, Accessory”

“Means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property.”

“Dwelling, Vacation Rental”

“Means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of “bed and breakfast facility.” The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC, and b) no more than one (1) individual unit may be located in a single dwelling in the R-1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R-3, R-4, and C-1 Districts. A dwelling that is listed with an agent as a

vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental.”

“Existing grade”

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

“Finished grade”

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

“Height of Building”

“Means the maximum vertical height of a building or structure measured from average finished grade to the highest point of a building or structure. (See Section 9.52.171 of the YMC for determining the height of a building.)”

(A new section – 9.52.171. Determining the Height of Buildings, is proposed at the end of this document that includes narrative and illustrative explanations for determining the maximum vertical height of buildings.)

“Hotel”

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

“Hostel”

“Means budget-priced transient lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.”

“Impervious Surface”

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

“Impervious Surface Ratio”

“Means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.”

“Inn”

“Means any building used for transient lodging other than a hotel, motel, resort, vacation rental dwelling, or bed and breakfast facility, containing guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. Such uses have an inn keeper on the premises during normal business hours, with optional food and drink services limited to guests of the inn.”

“Lot line, Street Side”

“Means the side lot line at abutting street.”

“Motel”

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

“Parking Space, Accessible”

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

“Parking Space, Off-street”

“Means a parking space located outside of a public right of way, the numbers and dimensions of which are as required by Chapter 9.48 of YMC. Off-street parking spaces shall have all-weather surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle.”

“Patio”

“Means a paved outdoor area adjoining a structure.”

“Porch”

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

“Resort”

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

“Transient Lodging”

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

“Yard”

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

“Yard, Front”

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

“Yard, Rear”

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

“Yard, Street Side”

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

Proposed new section related to Height of Building:

Section 9.52.171. Determining the Height of Buildings.

“Calculating maximum vertical building height shall be accomplished as follows, and as illustrated below: Establish the finished grade at each building or structure primary corner. For each side of the building or structure, calculate the average finished grade. Add the average finished grades for all sides and divide by the number of sides. This will result in the average finished grade for the entire building or structure. Maximum vertical building height shall be measured from that point.

For purposes of calculating maximum vertical building height, use finished grades immediately adjacent to the building or structure’s primary walls.”