

1. Agenda

Documents:

[2023-08-08 Planning Commission Work Session Agenda.pdf](#)

2. Meeting Materials

Documents:

[City Of Albany CUP.pdf](#)

[Memo To PC 8.8.23.Pdf](#)

[Yachats Draft Code Amendments.08.08.2023.Pdf](#)



CITY OF YACHATS  
PLANNING COMMISSION WORK SESSION  
Tuesday, August 8, 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/87461950197>

Meeting ID: 874 6195 0197

**Work Session**

I. Continued Discussion of Possible Amendments to 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 07/08/23 By: Kimmie Jackson, Deputy City Recorder



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

# Conditional Use

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees (*subject to change every July 1*): staff will contact you for payment after submittal.

#### Type II (staff decision with appeal option):

- Existing Building
- New Construction

*Note: If staff's decision is appealed and a public hearing is scheduled, additional fee applies.*

#### Type III (public hearing):

- Existing Building
- New Construction
- Home Business
- Parking Lot Modification
- Additional fee if Design Standards apply
- Additional fee if Traffic Report is required

Construction Value<sup>1</sup> \_\_\_\_\_

- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

<sup>1</sup> This valuation is composed of the estimated cost of all improvements to the land related to the proposed site plan review project, but not the cost of the land itself. Building valuation is computed either from the Building Valuation Table used by the City of Albany's Building Division, or an actual construction bid submitted by the applicant. If the two valuations are different, the highest valuation will prevail. Land improvements include, but are not limited to, patios, decks, sidewalks, parking areas, and landscaping.

### CONDITIONAL USE SUBMITTAL CHECKLIST

**PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**

**NEIGHBORHOOD MEETING SUMMARY.** (if required)

Some types of development require the developer/applicant to hold a neighborhood meeting before submitting a development application to the City. Refer to ADC 1.140(2) and Table 1.100-1 to determine whether a neighborhood meeting required. **If a neighborhood meeting is required**, see ADC 1.140(3)-(6) for neighborhood meeting standards.

**REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES.**

Requests for Conditional Use will be approved if the review body finds that the application meets all the

following criteria, either outright or with conditions that bring the proposal into compliance.

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Conditional Use complies with each of the following review criteria (ADC 2.250). Each criterion must have at least one finding of fact and conclusion statement. (See last page for example findings of fact.)

1. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
2. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
3. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
4. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
5. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
6. Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

**DESIGN STANDARDS.** Refer to Article 8 of the Albany Development Code (ADC). Submit detailed findings of fact that explain how the proposed development meets all of the applicable design standards.

**SITE PLAN.** The site plan must be labeled as such and include the following information. If any listed item below is not provided, please include a written explanation why it should not be applicable to this development.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the site.
- Names and addresses of the property owner(s), applicant(s), developer(s), surveyor, and engineer, as applicable.
- Date plan was drafted and a north arrow.
- Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable, and fully dimensioned.
- Total gross and net land areas of the entire site. (“Net” is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the lengths of all existing property lines of the development site.
- Label and show the zoning designations, property boundaries, land uses, and approximate building locations of all adjacent properties.
- Label and show the area and square footage of any land to be dedicated to the public; include its intended purpose (e.g., right-of-way, parkland, conservation easement, etc.).
- Label and show the locations and construction type of all *existing* and *proposed* driveways.
- Label and show the locations of all *existing and proposed* structures, wells, septic tanks, and drain fields, the distances between them and the existing property lines, and each other. Indicate what is to be removed, relocated, and/or retained. If relocated on the site, show, and label the new location.
- Label and show the locations of all public improvements to be constructed as part of the development

of the site (e.g., streets, sidewalks, and utilities).

- Label and show the locations and sizes of all *existing and proposed* public sewer and water mains and private service lines from the main to the site; culverts, ditches, and drainpipes, and electric, gas, and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way. Include invert elevations of sewer lines at points of proposed connections.
- Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
- Location, size, type, and capacity of the existing and proposed drainage system including pipe size, slope, and detention facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, type, and capacity of the downstream drainage system that would serve the proposed development. Also provide any supporting calculations.
- Location, size, type, and capacity of all existing and proposed post-construction stormwater quality facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.
- Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as City boundary lines.
- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any City approved plan or proposed with the application.
- Label and show the locations, widths, ownership, and purpose of all existing and proposed easements on the site and on adjacent properties.
- Label and show existing and proposed contour (topography) lines drawn at one-foot intervals, or at a larger interval if approved by the City Engineer. Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.
- Percentage of the site covered by existing and proposed structures and paved areas. Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.
- Show the typical cross sections at adjacent property boundaries showing pre- and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
- Locations and species of trees with individual trunks, or multiple trunks that when combined, are larger than 25 inches in circumference measured at 4½ feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences which are greater than six inches in circumference. Identify any trees proposed for protection and the method of protection. Indicate which, if any, you propose to remove. (A tree felling application may also be required. See ADC 9.205 for tree felling regulations.)
- Locations and dimensions of all delivery and loading areas.
- Locations and dimensions of all parking and circulation areas.
- Location and dimensions of all vision clearance areas per ADC Article 12.180.
- Locations and dimensions of all trash disposal areas. Include elevation drawing of trash enclosure.
- Locations of all proposed signs. (Sign permits are issued separately from this review.)
- Location, design, and illumination detail of proposed site and building lighting.
- Location and type of proposed pedestrian amenities and common areas (when applicable).
- Location and design drawings of all proposed utility vaults and mailboxes.

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## ADDITIONAL PLAN INFORMATION

The following may not apply to every site. If an item does apply, show the information on the proposed site

plan. If an item does not apply, attach a short explanation as to why it does not apply.

- Label and show the width, direction, and flow of all watercourses on the site.
- Label and show areas within the 100-year Floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and Local Wetland Inventory maps. Land not on these maps still may contain wetlands.
- Label and show location of the following significant natural resources: 1) Significant Wetlands, Riparian Buffers, and Habitat Assessment overlays identified on the City's Natural Resource overlay; 2) Floodplain overlay; 3) Willamette River Greenway overlay district; 4) existing channels as shown on the most current version of the Albany Storm Water Master Plan; and 5) Hillside Development overlay with slopes greater than 12 percent.
- Label and show location of the following natural features: 1) non-significant wetlands identified on the City's Local Wetlands Inventory; 2) wooded areas with five or more trees over eight inches in diameter measured four and a half feet from the ground; and 3) springs.
- Location of airport height restrictions.
- Location of Willamette Greenway.
- Location of historic districts, structures, and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

**ELEVATION DRAWINGS.**

Fully dimensioned drawings of each elevation of each building. Include building height, materials, and colors to be used.

**FLOOR PLAN DRAWINGS.** (If applicable)

Floor plans shall include dimensions and square footages.

**CONCEPTUAL LANDSCAPE AND IRRIGATION PLANS.**

The site plan may show locations where landscaping will be provided, including any vegetated post-construction stormwater quality facilities. Before occupancy or final inspection of the development, a final landscape plan must be submitted for review and approval. That plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants.

**PUBLIC UTILITY PLANS.**

Submit full-sized copies of preliminary water, sewer, and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine the proposed development is feasible but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

- **Preliminary Water Plans**
- **Preliminary Sanitary Sewer Plans**
- **Preliminary Storm Sewer Plans**

Include detention calculations demonstrating the proposed detention facility is correctly sized, and which show how the Storm Drain Control structure will function.

**Note:** Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

**OTHER PERMITS, PLANS, OR REPORTS THAT MAY BE REQUIRED**

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development permit is required.
- NATURAL RESOURCES IMPACT REVIEW.** If any of the property is within one of Albany’s Significant Natural Resource (SW, RC, HA) overlay districts, refer to ADC Sections 6.260-6.310 to determine if a Natural Resource Impact Review may be required.
- MITIGATION PLAN.** If the project is proposed within any of Albany’s Significant Natural Resources overlay districts (SW, RC, HA), a mitigation plan may be required. See ADC Sections 6.400 and 6.410.
- GEOTECHNICAL REPORT FOR HILLSIDE DEVELOPMENT.** If any of the property is within this Hillside Development (HD) overlay, refer to ADC Sections 6.170-6.235 to determine if Hillside Development standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report on the site.
- HISTORIC REVIEW.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, refer to Article 7 to determine if historic review is required.

**ADDITIONAL APPLICATION INFORMATION**

Submit answers to the following proposal questions (separately or on this sheet).

Gross Land area of the site to be developed \_\_\_\_\_

Net land area (gross land minus land to be dedicated to the public) \_\_\_\_\_

Does the site contain any existing structures, private wells, septic tanks, or drain fields?  Yes  No

If yes, describe (Show the location of these on the site plan map indicating whether or not they will remain.) \_\_\_\_\_

Current use of the property \_\_\_\_\_

Number and surface type of all existing driveways at the site \_\_\_\_\_

Existing uses and zoning of properties adjacent to the site (including across the street if applicable)

<u>Current Uses</u>	<u>Zoning</u>
North: _____	_____
South: _____	_____
East: _____	_____
West: _____	_____

Is there a phasing plan?  Yes  No

**If yes,** indicate how many phases and clearly outline and label the boundaries of the phases on the site plan. Number of phases \_\_\_\_\_

Are you applying the Cluster Development overlay district provisions to this project?  Yes  No

**If yes,** attach written findings of fact that demonstrate how this project meets ADC Sections 11.400 through 11.530.

Lot coverage calculations are required for all applications except Change of Use and Temporary Merchant license.

**LOT COVERAGE**

Percent lot coverage allowed \_\_\_\_\_ Proposed lot coverage percent \_\_\_\_\_

Net land area of the site \_\_\_\_\_ Square footage of all building pads \_\_\_\_\_

Square footage of all parking/access areas \_\_\_\_\_

**REQUIRED PARKING**

Indicate the square footage of each use within the proposed structure(s). Employee and/or company vehicle information may be needed as well. Refer to ADC Article 9 for commercial and industrial parking space requirements and categories. For residential use, see Article 9.020 and Table 9.020-1.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Number of bicycle parking spaces provided [see ADC 9.120(13)] \_\_\_\_\_

Building heights (Must also be shown on all elevation drawings) \_\_\_\_\_

**SUPPLEMENTAL INFORMATION FOR MULTIPLE DWELLING UNITS**

**(ADDITIONS TO EXISTING DEVELOPMENT OR COMPLETELY NEW DEVELOPMENT)**

1. **Gross land area** of the subject property \_\_\_\_\_ sq. ft.
2. **Land area** proposed for dedication to the public \_\_\_\_\_ sq. ft.
3. **Net land area** (gross land minus dedication area) \_\_\_\_\_ %
4. **Lot Coverage:** maximum allowable by the ADC for the zone is \_\_\_\_\_ % [See Article 3, Table 3.190-1.]  
 Lot coverage includes parking, driveway, and building pad areas. It does not include patios or internal pedestrian walkways. **Analysis for the applicant:**  
 Building foundation coverage is \_\_\_\_\_ sq. ft. = \_\_\_\_\_ % of total net site  
 Parking and driveway areas are \_\_\_\_\_ sq. ft = \_\_\_\_\_ % of total net site  
 Density calculation analysis for the \_\_\_\_\_ Zoning District.  
 [See Article 3, Table 3.190-1 for the minimum land area required per dwelling unit.]  
 \_\_\_\_\_ Single dwelling units at \_\_\_\_\_ sq. ft. per unit = \_\_\_\_\_ sq. ft.  
 \_\_\_\_\_ Duplex units at \_\_\_\_\_ sq. ft. per duplex = \_\_\_\_\_ sq. ft.  
 \_\_\_\_\_ Two or more attached single units at \_\_\_\_\_ sq. ft. per unit = \_\_\_\_\_ sq. ft.  
 \_\_\_\_\_ Three or more 1-bedroom units at \_\_\_\_\_ sq. ft. per unit = \_\_\_\_\_ sq. ft.  

**Total = \_\_\_\_\_ sq. ft. (should be no greater than 3 above)**
5. If the net land area does not support the number of dwelling units, the site must either be approved for a variance (which is a separate application) or qualify for density bonus(es). [See Section 3.220 for the bonus provisions.] **On a separate sheet(s) of paper identify any bonus(es) being requested;** explain how this project qualifies and submit the percentage for each and recalculated density based upon the bonus(es).
6. **Proposed number of units per acre** (number of units divided by net acres): \_\_\_\_\_  
 Regardless of any bonus provisions applicable, the maximum number of units per acre allowed by the ADC for this zone is \_\_\_\_\_ (See ADC 3.020.)
7. **Parking Analysis:** Parking spaces must be shown and dimensioned on the site plan. [See Article 9 for design standards.] Note: There are other categories of parking for special uses. If any pertain to the application, list the use(s) and the parking requirement in the following format:  
 \_\_\_\_\_ Studio and 1-bedroom units at 1 space/unit + 1 visitor space for every 4 units = \_\_\_\_\_ spaces  
 \_\_\_\_\_ 2-bedroom units at 1.5 spaces/unit + 1 visitor space for every 4 units = \_\_\_\_\_ spaces  
 \_\_\_\_\_ 3-4-bedroom units at 2 spaces/unit + 1 visitor space for every 4 units = \_\_\_\_\_ spaces  
**Total required \_\_\_\_\_ spaces      Total provided per plan \_\_\_\_\_ spaces**  
**Number of parking spaces by type:** Standard \_\_\_\_\_ Disabled \_\_\_\_\_ Compact \_\_\_\_\_ Garages \_\_\_\_\_  
**Size of parking space by type:** Standard \_\_\_\_\_ Disabled \_\_\_\_\_ Compact \_\_\_\_\_ Garages \_\_\_\_\_



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## FIRE DEPARTMENT SUPPLEMENTARY QUESTIONNAIRE

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Does the Business plan to <b>STORE</b> hazardous materials?                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does the Business plan to <b>USE</b> hazardous materials?                                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Does the Business <b>GENERATE</b> hazardous materials or hazardous waste?                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Is your Business currently reporting hazardous substances to the State Fire Marshal's Office? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**Note:** Hazardous materials are materials that pose a potential threat to fire and life safety. Examples include paints, solvents, compressed gases, pesticides, poisons, gasoline, propane, and laboratory chemicals. Please call the Albany Fire Marshall if you have questions about this section. 541-917-7700.

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## CONDITIONAL USE PROCESS AND PROCEDURE

**Purpose (ADC 2.230).** The City does not allow some uses outright, although they may have beneficial effects and serve important public interests. These uses are subject to the Conditional Use regulations because they may have adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use review process provides an opportunity to allow the use when it will have minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.

Uses identified as requiring Conditional Use approval may be permitted, enlarged, or altered according to the provisions of the ADC. In addition, when a use is not authorized in any district or when it is unclear how to classify a particular use or development within the intent of this Code, the use or type of development may be established by a conditional use approval.

**Procedure (ADC 2.240).** A Conditional Use application is reviewed as either a **Type II** or a **Type III** procedure, according to the Schedule of Permitted Uses.

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## EXAMPLE OF FINDINGS OF FACT

### Criteria For Findings Of Fact:

A Conditional Use will be granted if the approval authority finds the application conforms with the criteria found in Article 2.250 of the ADC, and to applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

### Format For Findings Of Fact:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

### Example:

**Criterion:** The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping; or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.

**Fact:** The proposed use will occur in an existing commercial building located in the Community Commercial zoning district. The existing site meets all setback and landscaping requirements of the zoning district. The proposed use will not increase the existing intensity of the site (lot coverage) because the request does include any expansion of the building or parking area.

**Conclusion:** The proposed use will be compatible with the existing uses in the area.

## MEMORANDUM

**TO:** Yachats Planning Commission  
Yachats City Planner Katherine Guenther

**FROM:** John Theilacker, Chair  
Yachats Planning Commission

**DATE:** August 2, 2023

**RE:** Yachats Municipal Code Amendments, Title 9,  
Conditional Use Standards and Criteria

At our August 8<sup>th</sup> Planning Commission work session, we will continue our discussion of the Yachats Municipal Code, specifically Title 9, Zoning and Land Use.

At our July work session and regular meeting, we discussed hotels, motels, and resorts as uses permitted in the R-4 and C-1 Zones. We had agreed to change the R-4 Zone to prohibit such uses when they did not have direct access to Highway 101, but continued to debate whether to permit such uses in the C-1 Zone when they did not have direct access to Highway 101. We had agreed that, at a minimum, Conditional Use approval would be required in such cases, but Commissioner opinions varied on an appropriate numeric limit of guest units per hotel, motel, or resort to address potential traffic and emergency response concerns.

We also referred to the Agate Point Conditional Use application and public testimony offered at the hearing that included potential traffic increases on Yachats Ocean Road, and related impacts on the neighborhood character. We talked about new standards or criteria that we might propose in the Code for hotels, motels, or resorts proposed for the C-1 Zone without direct access to Highway 101 to address similar concerns.

I'm proposing that we shift our next work session discussion to conditional uses in general since many of the Commission's expressed concerns with hotels, motels,

and resorts proposed without direct access to Highway 101 would likely apply to other uses currently permitted by Conditional Use. I propose that we consider adding the following general standards and criteria to Section 9.72 (Conditional Use) of the Municipal Code:

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

When added to Section 9.72, an applicant for Conditional Use would need to demonstrate how his or her proposed use meets these standards and criteria, or what mitigations he or she proposes to increase compliance. The Planning Commission would need to find that the Conditional Use application meets these standards and criteria, or would meet these standards and criteria with conditions imposed by the Commission as part of its approval, or does not meet these standards and criteria.

With these general standards and criteria in place, we should not need to establish specific parameters, such as number of guest rooms, to permit a hotel, motel, or resort without direct access to Highway 101 in the C-1 Zone.

These general standards and criteria would be in addition to specific standards and criteria for certain uses. For example, for hotels, motels, and resorts, we would want to keep many of the standards proposed on page 9 of our July work product.

Attached to this memo is the City of Albany, Oregon's Conditional Use Checklist and Review Criteria that the Community Development Department provides to all Conditional Use applicants. The standards and criteria I've suggested above are listed on page 2 of Albany's document.

Although I think that Albany's Conditional Use Checklist and Review Criteria document is far more than what Yachats might need, their section on "Site Plan" also starting on page 2 is illuminating. I would like to see our Code's section on Conditional Use include a subsection that requires a site plan submittal of all applicants, and lists the information to be provided on a site plan. This should make the City Planner's and the Planning Commission's application reviews much easier.

Finally, I have updated our July work product with regard to correcting the standards for conditional uses proposed on page 9. Since it would be awkward to fit these standards within the R-4 and C-1 Zone text, I am proposing that we add a new section to Chapter 9.52 Supplementary Use and Design Regulations, which would apply to all permitted and conditionally permitted hotels, motels, and resorts. Let's discuss on Tuesday.



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

*(August 2023 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 is the final draft of the Commission’s proposed amendments approved at their December 2022 meeting, including a new section for the determination of height of buildings.*

*In 2023, the Planning Commission has continued its work on problematic provisions of Title 9. This draft presents proposed changes to Title 9, specifically within the R-4 Residential Zone and C-1 Retail Commercial Zone, and Conditional Uses, for hotels, motels, resorts, inns, and hostels, and Off-Street Parking for hostels.*

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## 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 nonintersecting 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 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”**

**“See Hotel or Motel”**

**“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 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.”

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

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

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

*by modifying paragraph P. as follows:*

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

*and by adding a new paragraph Q. as follows:*

“Q. Hostels.”

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

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

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

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

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

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

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

*by modifying paragraph T. as follows:*

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

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

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

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

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

and by adding a new paragraph W. as follows:

“W. Hostels.”

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

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

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

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

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

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

