

1. 3:00 P.M. Agenda

Documents:

[2022-10-18 Planning Commission Agenda.pdf](#)

2. Meeting Material

Documents:

[Yachats Draft Code Amendments.10.13.22.Pdf](#)  
[2022-09-20 Planning Summary.pdf](#)



CITY OF YACHATS  
PLANNING COMMISSION MEETING  
Yachats OR  
Tuesday October 18, 2022, at 3:00 pm  
Public Meeting via ZOOM Meeting

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**Regular Meeting**

- I. Call to Order
- II. Announcements and Correspondence
- III. Citizen Concerns
- IV. New Business
  - a.
- V. Old Business
  - a. Housing Needs Assessment – Jacquelyn Danos
  - b. Parking – Loren Dickinson
  - c. Boardwalk – Loren Dickinson
  - d. Wetlands survey status – John Theilacker
  - e. Title 9 definitions review – John TheilackerReports
  - a. Planner’s Monthly Report – Katherine Guenther
  - b. Meeting Summary of September 20, 2022
- VI. Other Business
  - a. From the Commission
  - b. From staff

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 10/6/22

## Planning Commission Discussion of Possible City of Yachats Municipal Code Amendments

*[Note: Incorporates Planning Commission input through September 20th regular meeting up to “Impervious Surface”, but still considering “height of building” and reconsidering “hotel/motel” and “dwelling, vacation rental.”]*

### Title 9 – Zoning and Land Use

#### **Section 9.04.020 Purpose.**

*The Planning Commission reached consensus on substituting the following 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, ocean side 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 Planning Commission reached consensus on the following new or revised definitions:

##### **"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."

##### **"Bed and Breakfast Facility"**

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

*The Planning Commission reached consensus on deleting the term “apartment” and its definition.*

*The Planning Commission reached consensus to strike “Porch” from the existing term “Deck/Porch” and define each separately.*

*The Planning Commission deferred a decision on “Height of Building” to permit further research and thought. See also accompanying City of Bend code regulations regarding building height provided by Commissioner Danos.*

*Discussion of selected definitions has ended at this point.*

### **“Height of Building”**

Existing: “Means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height, then divide the two (2) building heights by two (2). Add together the average height for each side and divide by the number of sides.”

Sample alternatives:

“Means the vertical distance measured from the average between the highest to lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest

point of the roof. When determining whether to utilize existing or proposed grade, whichever is most restrictive and results in the lowest allowed building height.” (Jac.)

“Means the vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the peak height of the highest gable of a pitch, shed, or hip roof.” (City of Florence)

“Means the vertical distance above a referenced datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the gables of a pitched or hipped roof. For the purpose of residential zones, building height shall be the vertical distance above a referenced datum measured to the highest point of the roof. The referenced datum shall be whichever of the following two measurements results in the greater building height:

- (A) The referenced datum is the lowest grade when the highest ground surface within a five-foot horizontal distance of the exterior wall of the building is not more than ten (10) feet above the lowest grade.
- (B) The referenced datum is ten (10) feet higher than the lowest grade when the highest ground surface described in item (A) above is ten (10) feet or more above the lowest grade.” (City of Eugene)

*(Note: Samples of building height definitions typically included an illustration to help explain the method for determining building height. I did not include them here.)*

Members of the Planning Commission in attendance at the August 9<sup>th</sup> work session had reached consensus on a combined definition for hotel/motel as follows:

### **“Hotel/Motel”**

“Means any building or group of buildings used for transient residential purposes, containing six (6) or more guest units.”

Commissioner Danos, who was unable to attend the August 9<sup>th</sup> work session, advocated at the September 20<sup>th</sup> regular meeting to individually define the terms “hotel”, “motel”, “resort”, and “hostel” so that developers, residents, City staff, Commissioners, Councilors, and other interested parties would know the unique differences between these uses, and between these uses and vacation rental dwellings, as defined herein. The following sample definitions are offered for Planning Commission consideration.

### **“Hotel”**

“Means any building or group of buildings used for lodging containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days] or long-term basis (extended stay). Hotels typically utilize lobbies with spacious indoors, usually have a check-in

area with 24/7 concierge and/or on-site guest services and are designed with interior corridors for accessing rooms without being outside. Rooms may or may not include kitchen facilities. Hotels may offer guest amenities, including indoor and/or outdoor pool, gym, spa, business center, lounge, restaurants on-site, café, room service, event planning, gift shop, and the like. Hotels are typically serviced accommodations. A serviced accommodation is one where the hotel staff caters to the guests' needs for the duration of their stay."

### **"Motel"**

"Means any building or group of buildings used for transient lodging containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. Motels typically cater to the traveling public, and guest rooms are usually accessible via covered walkways or balconies that are adjacent to the parking lot, or otherwise designed so that ingress/egress is outside in the elements and a short distance from vehicles. Rooms may or may not include kitchen facilities. A motel may include a small check-in area or room and offer a limited number of guest amenities, including a small indoor eating area, an outdoor pool, picnic area, and the like."

### **"Inn"**

"Means establishments or buildings which provide short-term [thirty (30) or fewer days] accommodations with limited food and drink services. Inns do not have separate restaurants but have small sections with limited offerings and rooms are smaller with fewer amenities."

### **"Resort"**

"Means any building or group of buildings used for transient lodging containing six (6) or more guest rooms and designed primarily to accommodate people looking for relaxation or pleasure, especially one providing rest and recreation facilities for vacationers. Resorts typically utilize lobbies with spacious indoors, have a check-in area, offer full staff such as receptionist, concierge, housekeeping, and groundskeepers. Resorts can require sufficient land to accommodate a variety of lodging options and offer an array of special vacation/get-a-way oriented amenities and features. These can include a wide range of indoor and outdoor guest services, such as pool, gym, spa, business center, lounge, restaurants on-site, café, gift shop, tennis court, golf practice area, dog park, sitting areas and fire pits, walking paths, RV parking, and the like. Resorts are serviced accommodations. A serviced accommodation is one where the resort staff caters to the guests' needs for the duration of their stay."

### **"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."

### **“Transient lodging”**

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

*In addition, the definition for “dwelling, vacation renta”l needs to distinguish such uses from other forms of transient lodging, and is proposed to be modified as follows:*

### **“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.”

### **“Impervious surface”**

Existing: (Not currently defined)

Sample definition:

“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, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.” (PA municipality)

### **“Impervious surface ratio”**

Existing: (Not currently defined)

Sample definition:



“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.” (PA Municipality)

*(Note: “Impervious surface ratio” could be substituted for the term “lot coverage”, and serve as a standard for all base zoning districts. For example, for the R-1 District:*

*“Maximum impervious surface ratio” – 30%*

### **“Lot coverage”**

Existing: (Not currently defined, although the term “lot coverage”, as a standard within all base zoning districts, is limited to buildings, porches and decks.)

Sample alternatives:

“Means that portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.” (City of Florence)

“Means the percentage of the gross lot area that is fully covered by impervious surfaces.” (PA municipality)

“Lot coverage means the portion of the lot area that is covered with the following improvements:

- (1) The area of the exterior perimeter of all buildings, including dwellings, accessory buildings, garages, and car ports; and
- (2) The area of all structures that are thirty (30) inches in height above the existing grade, including porches, decks, stairways; and
- (3) Paved or graveled areas designated for off-street parking; and
- (4) That portion of the area of decks, less than thirty (30) inches in height above the existing grade, patios, courtyards, and graveled and paved areas, other than designated off-street parking, which exceeds twenty-five (25) percent of the allowable lot coverage; and
- (5) Fifty (50) percent of areas covered with a defined pattern of void spaces to accommodate soil, live vegetation, and drainage between the structural elements, such as Grasscrete or similar treatments.

The following improvements shall not be included in the calculation of lot coverage:

- a. Projections from buildings such as eaves, overhangs, and bay windows which meet the requirements of Section \_\_\_\_\_; projections into required yards;
- b. Arbors not exceeding one hundred twenty-five (125) square feet in area; and
- c. Decks, less than thirty (30) inches in height above the existing grade, patios, courtyards, and graveled and paved areas, other than designated off-street parking, whose total

area does not exceed twenty-five (25) percent of the allowable lot coverage.” (City of Cannon Beach)

**“Lot line, street side”**

Existing: (Not currently defined)

Proposed definition:

“Means the side lot line at abutting street.” (Loren)

**“Patio”**

Existing: (Not currently defined)

Sample definitions:

“Means a paved outdoor area adjoining a house.” (Jac.)

“Means an area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.” (Jac.)

**“Parking space, off-street”**

Existing: Means a parking space located outside of a public right of way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle. Required off-street parking spaces shall not be located in a required yard that abuts a street.”

Sample alternative:

“Means a parking space located outside of a public right of way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle.”

*(Note: The text which is proposed to be deleted from the existing paragraph above is a regulation, and would most appropriately be added to Section 9.48.010 of Title 9.)*

**“Parking space, accessible”**

Existing: (Not currently defined)

Sample definition:

“Means an off-street parking space for handicap access to or from a vehicle, designed in accordance with the Americans with Disabilities Act (ADA). The accessible parking space shall be at least nine (9) feet wide with an adjacent access aisle at least six (6) feet wide. The access aisle shall be at least eight (8) feet wide for an accessible parking space designated as “van-accessible” or reserved for wheelchair users only.” (Oregon Transportation Commission, edited)

### **“Porch”**

Existing: “Means an outside walking area, the floor of which is elevated more than eight (8) inches from the ground.”

Sample alternative:

“Means an open structure that has breathable walls, but protection above it, usually, a covered shelter projecting in front of the entrance of the building.” (Jac.)

### **“Yard”**

Existing: Means a space other than a court on the same lot with a building open to the ground.”

Sample alternatives:

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

“Means a required space on the same lot with a building, unoccupied, and unobstructed from a point 30 inches above grade upward, except as otherwise provided herein.” (City of Eugene)

### **“Yard, Front”**

Existing: Means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

Sample alternative:

“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.” (City of Florence)

### **“Yard, Rear”**

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

Sample alternative:

“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.” (City of Florence)

### **“Yard, Street Side”**

Existing: (Not currently defined)

Sample definition:

“Means a yard extending across the full length of a corner lot, the depth of which is the minimum horizontal distance between the lot line abutting the street and a line parallel thereto at the nearest point of the foundation of the main building. The minimum depth for a street side yard is the same as that required for the front yard of a corner lot.” (John T.)

“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.” (Lincoln County) *(Check for compatibility with definition of “lot, corner”)*

*(Note: Most zoning ordinances don’t include the term “street side yard” because a corner lot is typically regulated as having two required front yards, one required side yard, and one required rear yard.)*

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**City of Yachats  
Planning Commission  
Summary Minutes  
September 20, 2022**

Attendance 17

- I. (1:47) John Theilacker called the Planning Commission Regular meeting to order September 20, 2022, at 3:01 PM.  
Present: Loren Dickinson, Jacqueline Danos, Julie Bailey, John Theilacker, Co- Chair and Tod Davies  
Absent: Lance Bloch, Chair and Christine Orchard  
Staff: Deputy Recorder, Kimmie Jackson, Katherine Guenther, Planner
- II. (4:03) Announcements and Correspondence - We received the Housing Needs Assessment consultants' survey, and they received 102 responses. The housing presentation at the joint meeting of City Council and Planning Commission was very well done. The parking study - not much progress, unable to set a date. Will try to get a date from council at tomorrow's meeting.
- III. (07:50) - Citizen Concerns - None
- IV. (08:15) Call Public Hearing
  - a. Proposed Yachats Municipal Code Amendments – Titles 5 and 9, Fences, Walls and Hedges
  - b. Theilacker gave general procedures for the advertised public hearing and noted that these proposed changes to the YMC will not take effect until adopted by City Council. Changes to the Code are considered a Legislative action.
  - c. Planner Guenther explained that these proposed changes originated from a resident complaint received regarding hedges, and then the PC recognized there needed to be further updates. The underlined text in the document is new language.
  - d. Dickenson stated that the proposed text need to incorporate the word “means” throughout the document.
  - e. The only public hearing testimony questioned how this change affects the Agate Point development. Theilacker stated that the change would not impact the Agate Point project, it was denied.

(24:25) - Close the public comment

(25:00) Discussion from commission and insert the corrections on grammatical errors and insert the work “Means” throughout the document; and received a public testimony via email.

(27:15) Motion to move proposed YMC amendments Title 5 and 9 to city council with suggested modifications and changes:

Dickenson, 2<sup>nd</sup> the motion; All in favor:

Aye: Loren Dickinson, Jacqueline Danos, Julie Bailey, John Theilacker, Co- Chair and Tod Davies

Nay: None

Absent: Lance Bloch, Chair and Christine Orchard

1 Council will need to hold two public hearings, read & vote at both meetings before ordinance  
2 changes can be passed.

3 (30:24) Close public hearing.

4 **Open Regular Meeting**

5 V. (30:36) Call to Order

6 VI. New Business - None

7 VII. Old Business

8 a. (30:44) Wetlands inventory status – Theilacker/Guenther – Contacted Pacific Habitat  
9 Services, the City’s consultant from 2011, and they will work with the city; contacted  
10 Dept. State Lands, who sent official comments to the City in 2015, and they will work  
11 with the City to seek completion of the LWI. Next steps – Theilacker/Guenther to speak  
12 with City’s consultants to seek draft document completion.

13 (34:58) b. Code Enforcement hiring update – memo was sent to city manager & council  
14 for urgent hiring; need to continue to monitor this; article in the Yachats News regarding  
15 to code enforcement.

16 VIII. (39:49) City Planner

17 a. Planners Monthly Report – Guenther spoke with Roslund regarding a part 2 at the  
18 fireside no formal application received yet. Theilacker attended the water  
19 conservation meeting on ordinances for outdoor activity like landscaping, irrigation.  
20 May need to take another look at our drought verbiage. Need to gather better info  
21 on usage and show people what we’re doing, and info on permeable paving and  
22 the benefit of trees.

23 (47:10) – Danos said the one lot that was split, remembered asking them to come  
24 back to show everything; the survey was completed by  
25 Gary Nyus Aug 2020, two conditions, widen the existing easement for ingress and  
26 egress by 5 feet, the setbacks were met based on the staff report.

27 IX. (55:20) Other Business

28 a. From the Commission - None

29 b. From staff – None

30 (55:50) Definition Code Changes – discussion of possible code amendments for Title 9- Zoning  
31 and Land Use; the definition on hotel, motel, resort, and hostel make synonymous may not  
32 work; take a 2<sup>nd</sup> look at definition & define accessory uses; the coastal communities do have  
33 different definitions for each; the consensus is to define each separately; if there are different  
34 requirements then it’s appropriate to define. For hostel, need definition and parking  
35 requirements; possibly write new sections at a later time; move to next session and provide new  
36 definitions. Look into the building height, look at a couple examples of the definition for the next  
37 work session; keep in mind based on finished grade will be the building height.

38 Theilacker adjourned the regular Commission meeting adjourned at 4:32pm. Oct. 11<sup>th</sup> is the  
39 next PC work session.

40

41 Prepared by Kimmie Jackson