

1. 10:00 A.M. Agenda

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[2023-01-10 Planning Commission Work Session Agenda.pdf](#)

2. Meeting Material

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[TITLE 9 DEFINITIONS - Code Search.pdf](#)

[JGD Parking Management Recommendations.pdf](#)

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CITY OF YACHATS
PLANNING COMMISSION WORK SESSION
Tuesday, January 10, 2023, at 10:00 am
To Be Held Via Zoom

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Work Session

I. Code Changes required by Title 9 Definition Changes

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 be 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 101/04/23 By: Kimmie Jackson, Deputy City Recorder

TITLE 9 DEFINITIONS
Code Search and Comments
(January 6, 2023)

At their December 20th, 2022 meeting, the Planning Commission approved proposed draft amendments to Title 9, Zoning and Land Use, specifically Sections 9.04.020 Purpose, 9.04.030 Definitions, and adding a new Section 9.52.171 Determining the Height of Buildings. Such amendments will need to be reviewed and adopted by the Mayor and City Council upon the conduct of a public hearing prior to taking effect. To facilitate changes to several terms and their definitions in Section 9.04.030, a word search of the Code was conducted to identify potential conflicts between existing and proposed terms. The results of that search are documented below. In some cases, additional changes to the Code text will be necessary, and are also discussed below.

APARTMENT – this definition is being deleted. The word was found 13 times in City Code, but no changes are required. Dictionary definition will suffice.

LOT COVERAGE – this definition is being deleted and the new term “Impervious Surface Ratio” is being added. 14 occurrences of “Lot Coverage” were found. This term cannot simply be replaced with “Impervious Surface Ratio” wherever it is used within the Code because the two do not have the same meaning. “Lot Coverage” as defined today applies only to buildings and structures, while “Impervious Surface Ratio”, as proposed, applies to buildings, structures, and any other impervious surfaces proposed for a lot (e.g. concrete, asphalt, gravel, patio, deck, etc.). The new term will require a little more study by the PC and City Planner before it can be added. The PC should also ensure that new impervious surface ratio requirements, which will likely vary by zoning district, allow for a reasonable amount of cover in relation to minimum lot size.

BED AND BREAKFAST facility – the phrase was found in City Code 11 times. No changes are required.

BUILDING CODE – The phrase was found in City Code 12 times. No changes are required.

BUILDING COVERAGE – Since today’s “Lot Coverage” definition equates to “Building Coverage”, it is recommended that where used, the term “Lot Coverage” be replaced with “Building Coverage”. In some cases, a building coverage standard may be unnecessary if an impervious surface ratio maximum is included.

CLEAR VISION AREA - This phrase is only used in Section 9.64.010 of City Code. However, the text for the pending Fences, Walls, and Hedges amendment not only has a different “Clear Vision Area” definition, but references to “Clear Vision Area” are made in Sections 9.12.040;

9.16.040; 9.20.040, 9.24.040; 9.48.010; and 9.64.010 of the amendment. Prior to returning the Fences, Walls, and Hedges amendment to City Council for a vote, the PC should ensure that the proposed definition of “Clear Vision Area” included in that amendment is consistent with that proposed for the Title 9 Definition changes.

DECK – Deck is used 5 times, and no changes are required.

DWELLING – The term is used 53 times in the City Code. There is another definition in Section 4.08.020. It is recommended that the definition in 4.08.020 be changed to refer to the new definition of “Dwelling” proposed for Title 9.

DWELLING, ACCESSORY (ADU) – ADU is not found in the City Code. “Additional dwelling” is found once.....no conflict. The PC will need to determine which of the existing residential zoning districts should allow ADU’s as a permitted use, and whether ADU’s should also be permitted in the existing commercial district. Also, the PC and City Planner should determine if a minimum lot size is necessary to permit an ADU in addition to a principal dwelling, and if any other standards should be applied.

DWELLING, VACATION RENTAL – Vacation rentals are defined in detail in Section 4.08.020. However, the PC decided that that definition in 4.08.020 should be deleted, and replaced with the new definition proposed for Title 9. Within Section 4.08.020, a cross-reference to the new zoning definition should be added. Also, the term “Dwelling, Vacation Rental” should be added as a permitted use in all residential districts.

EXISTING GRADE – The phrase “Existing grade” is not found in City Code. There are 8 sections making reference to “Natural grade,” and others which refer to “Natural grade or Finished grade” for the computation of the “Height of Building” (below). Sections that would need to change to use only “Finished Grade” include: 9.12.040.C, 9.52.180A.3, 9.16.040, 9.28.030, 9.20.040, and 9.24.040.

FINISHED GRADE – Refer to the sections referenced above for needed changes.

HEIGHT OF BUILDING – There are 5 references to the calculation of building height in Sections 9.12.040.C, 9.16.040, 9.20.040, 9.24.040, and 9.28.030. Each of these sections should be modified to refer to the calculation proposed for the new Section 9.52.171.

HOTEL – There are several references to the term “Hotels and Motels.” This term should be expanded to include “Hotels, Motels, Inns, Resorts, or Hostels”. The PC should also decide if hotels, motels, inns, resorts, and hostels will all be permitted in the R-4 and C-1 Districts similar to how hotels, motels, and resorts are permitted today (e.g., by-right when having Hwy. 101 frontage and a lot size of over an acre; conditional use when not), and the PC needs to update/revise the standards that apply to these types of uses. This will require a bit more work by the PC and Katherine before the new term or terms are added.

HOSTEL – See “Hotel” changes above.

IMPERVIOUS SURFACE – There is one reference to “Impervious surface” in the City Code, in Section 9.52.050. No change is required.

IMPERVIOUS SURFACE RATIO – See “Lot Coverage” above.

INN – See “Hotel” changes above.

LOT LINE, STREET SIDE – No changes required.

MOTEL – See “Hotel” changes above.

PARKING SPACE, ACCESSIBLE – This term is not in the City Code. The PC may wish to eventually update the parking requirements of Title 9 to add accessible space standards.

PARKING SPACE, OFF-STREET – No changes required.

PATIO – No changes required.

PORCH – There are 8 uses of “Porch” in the City Code. No changes, other than the definition, are required.

RESORT – See “Hotel” changes above.

TRANSIENT LODGING – No changes required.

YARD – No changes required.

YARD, FRONT – Referred to in the Code as “Front Yard”. No changes required.

YARD, REAR – Referred to in the Code as “Rear Yard”. No changes required.

YARD, STREET SIDE – Referred to in the Code as “Side Yard”. Recommend that the term “Corner side yards”, wherever used, be replaced with “Yard, Street Side”, or “Street Side Yards.”

Parking Management Report Recommendations: Jacqueline Danos

These are in a rough priority order listing. Where and how striping and signage is done I trust the Public Works & Streets Commission and staff to decide. Whenever possible I highly recommend using Universal Design Standards.

1. Striping of current street parking. Striping along 2nd, 3rd, 4th, Pontiac and the east side of Highway 101 between Yachats River Road and Prospect and between prospect and 2nd street.
2. Branded signage as recommended directing drivers to available street parking.
3. Bicycle parking – hold meetings and/or survey regular bicyclists in the area for optimum locations for branded(?) bike stalls. Install a branded covered bicycle parking with seating, if possible, at the southwestern corner of Highway 101 and Ocean View Drive, where the current street parking will be vacated.
4. Branded Wayfinding. Wayfinding signage, with distances, for automobiles as well as bike and pedestrian routes. If tourists can see short safe routes to walk or ride a bike into the downtown core from their various hotels and vacation rentals, they are more likely to walk or ride which removes the parking congestion currently seen during peak tourism seasons. Coordination with the local hotels and vacation rentals for possible inclusion on the properties with “You are here” designations.
5. Time limitations in certain areas of the downtown core such as along 2nd street across from the community garden, along Prospect and along Hwy 101 between Prospect and 2nd.
6. Talk to businesses about shared parking facilities – signage stating parking for the business only when it is open but allowing public parking during hours when the business is closed. This would include signage designating no parking during the Post Office hours of operation allowing public parking when it is not open.
7. A review of parking mandates in the municipal code
8. Circulation changes per the recommendation made in the report. Perhaps there is funding such as through the **DLCD Rural Transportation Equity** program to develop a revised circulation plan as well as getting sidewalks and bicycle infrastructure to the north end of town which could be designed *outside* the standard ODOT Transportation Engineering guidelines.
9. As an aside; when discussing circulation plans one possibility never discussed would be to open the parking lot behind the commons to connect La De Da Lane, 4th street thru to 6th street. This area can be a “shared street” with removeable bollards that can be used to block cars from entering during festivals and events but would allow access as a traffic alternative to Hwy 101 if needed. It would also create a broader “Placemaking” for the downtown core connecting the farmers market, community park, skate park, and City Hall as more of a “City Campus”.
10. Recommend not moving forward with any work inside of the Community Park. That would include La De Da Lane. La De Da Lane is badly in need of repaving which will destroy any striping done before that takes place. Another issue is that there are current discussions happening with a redesign of the skate park, as well as a broader redesign. Spending funds on an area that is most likely to be completely changed in the near future could be a waste of the funds and employee time.
11. And food for thought: Whenever a street is due for repaving or any work that requires pavement cuts, look toward future needs and install additional conduits and piping. Yachats might not need it immediately, but it costs a lot less to install extra now when the street is opened, rather than having to re-cut and re-pave if/when new forms of underground infrastructure such as high-speed internet, recycled water, underground utilities, etc. come up.

TO: Lance Bloch
FROM: John T.
DATE: November 9, 2022
SUBJECT: Fences, Walls, and Hedges Code Amendment

Lance, I've been reviewing the proposed fences, walls, and hedges code amendment that Council remanded to the Planning Commission and have the following thoughts:

1) Regarding the definitions proposed for Section 9.04.030:

I'm fine with striking the words "grown as" from "Hedge" as suggested by Mayor Vaaler;

I'm fine with deleting the second sentence starting with "The size of...." from "Required Yard" as suggested by one of the Councilors;

I'm not fine with deleting the second and third sentences starting with "Knuckle selvage is...." from "Selvage" as suggested by Mayor Vaaler; and

I'm fine with keeping the words "the particular use from view" from "Sight-Obscuring Fence" as questioned by Councilor O'Shaughnessey.


I don't think the Mayor or Council got beyond Section 9.04.030 with their comments.

2) I'd like to ask you three additional questions not raised by Council.

"Hedge", as defined, means an evergreen planting which is ~~grown as~~ a sight-obscuring fence between two properties."

"Sight-Obscuring Fence" is to be defined as "a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view."

"Screening Buffer" is to be defined as "a fence, hedge, or wall that blocks at least 70 percent of the view between uses. The buffer shall not...."

Since a hedge is defined as a sight-obscuring fence, and a sight-obscuring fence is to be continuous, how can a hedge which needs to block at least 70 percent of the view, be considered continuous? 

As a remedy, what if we defined hedge without using the words "sight-obscuring fence"? The City of Philomath defines a "hedge" as follows:

“Hedge – typically vegetation planted for the purpose of serving as a boundary, buffer, or divider between areas, or for landscaping or privacy.”

Also, for Sections 9.12.040, 9.16.040, 9.20.040, and 9.24.040, what if we deleted “Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot,.....” from the first part of that standard (since it really doesn’t matter what use exists or is planned on an abutting property), and simply worded it as:

“A fence, wall, hedge, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the clear-vision area would be impaired as defined in herein), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of YMC. When such a fence, wall, hedge, or sight-obscuring fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.”



Finally, Section 9.64.010(B): Fences, Hedges and Walls reads as follows:

“Fences, hedges, and walls may be located within required yards, but shall not exceed three (3) feet in height within the clear-vision area diagram below. Hedges that front.....”

Can we revise this to read as:

“Fences, hedges, and walls may be located within required yards as permitted by zoning, but shall not exceed three (3) feet in height within the clear-vision area as illustrated in the diagram below. Hedges that front.....”

There just seemed to be some wording missing.