

## **LIST OF PROPOSED YMC TITLE 9 REVISIONS**

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*Note: The following comments are based on my review of Title 9, Zoning and Land Use of the Yachats Municipal Code, and limited observation of local building and development. I believe it would be very helpful for the Planning Commission to review some number (10?) of recently approved building permits for new development in the City and visit those sites where development has since occurred, or is occurring, to see the results. That would allow us to evaluate: a) is the site developed to our zoning requirements, and b) are there site or development components that could be better addressed through new or amended ordinance provisions?*

### **Commercial**

1. In the C-1 District, Section 9.28.010 allows by-right any use permitted outright in any of the residential zones (R-1, R-2, R-3, R-4). If the City's commercially zoned land is at a premium (scarce relative to the other four districts), perhaps some new residential uses should be discouraged from locating in the C-1 District. Some forms of residential use may be incompatible with commercial uses. For example, the C-1 District could be amended to allow for residential dwellings (apartments) on upper floors of commercial buildings, and to allow for live/work units. The total prohibition of single-family dwellings in the C-1 District may be politically challenging. If desired, establishing a new single-family dwelling on an existing lot of record (but preventing the subdivision of C-1 land for new residential lots) could be considered a permitted use. In addition, the current ordinance requirement of Conditional Use approval for a proposed mix of commercial and residential uses on the same site probably should be deleted in favor of allowing a mix of commercial and residential uses on the same site as a by-right use. This change would help to encourage the establishment of multi-story buildings with commercial uses on the first floor and residential use of upper floors.
2. Within the C-1 District, Section 9.28.010.K permits by-right an auto service station with Highway 101 access (and without supplemental standards). Section 9.28.020.V.2 permits an auto-service station with Highway 101 access, and which is part of a Formula business, subject to Conditional Use

approval. Auto service stations are evolving to the point where vehicle services are limited primarily to fuel dispensing, with almost equal attention given to retail services (the sale of fast-food and pre-packaged goods) offered to motorists. The number of fuel dispensing stations within a service station has also increased, which in turn increases the number of vehicles which can be fueled at one time, and many of these stations now tend to be 24/7 operations. New auto service stations, or quick-service food stores that also sell gas, typically generate more traffic than their older counterparts, and can lead to other issues, such as excessive outdoor lighting during the evening hours. It would be cleaner to simply make any auto service station in the C-1 District subject to Conditional Use approval.

3. The C-1 District lacks any site landscaping requirements for new development except where a proposed commercial use abuts a residential (zoning) district, in which case a fence, wall, hedge, or landscaping is required to buffer the commercial use from the residential district. An attractive commercial site design usually includes landscaping, which can be provided along street frontages, within parking areas, used to screen dumpsters and loading areas, and as foundational plantings. This can be achieved through zoning by limiting the total lot coverage or maximum impervious coverage, and/or by requiring a minimum percentage of the site to be landscaped, and by requiring parking lot landscaping based on a minimum number of spaces and parking lot design. Retention of existing native vegetation (trees and shrubs) on-site should also be encouraged by allowing it to off-set some of the required new planting material. A list of native trees, shrubs, and ground plantings appropriate for coastal environments should be prepared and included as an appendix in Title 9.
4. Parking lot landscaping should also be required for other types of uses with extensive surface parking, such as churches, garden apartment complexes, medical clinics, etc. Landscape design standards should encourage developers to utilize rain gardens, vegetative swales, and other areas of the proposed site that can infiltrate stormwater.

### **Lot Coverage**

1. In the R-1 District, the lot coverage provision of Section 9.12.040.D limits buildings and structures to a maximum of 30% of the total lot area. It would be good for the Planning Commission to review some recently approved

building plans to see if this lot coverage requirement is being observed. If some recently approved residential dwellings have exceeded the 30% lot coverage requirement, should this limitation be increased? This comment applies to the lot coverage regulations for all four residential districts.

2. As a related issue, the term “Lot Coverage” is somewhat misleading, and might be more appropriately termed “Building Coverage”. Under the current zoning provisions, any residentially or commercially zoned lot can be covered up to 100% with impervious surfaces. A lot which is fully covered with impervious surfaces is not likely to address stormwater runoff, which can impact abutting lots. A newly defined “Lot Coverage”, or “Maximum Impervious Coverage” standard should be added to all of the residential and commercial districts which limits the extent of total lot coverage, and instead allowing stormwater due to development to be infiltrated, detained, or absorbed on-site.

### **Home Occupations**

1. Within the R-2 District, Section 9.16.030.C (Home Occupations) includes the text “...See Definitions”. The text for Home Occupations in the R-1 District does not include “...See Definitions”, and should to be consistent with the text in the other R Districts.
2. As a related issue, Home Occupations that meet all the standards (1 thru 8) of Section 9.72.050.D can be permitted administratively by the City Planner, i.e., without the need for Conditional Use approval. Assuming that most Home Occupations proposed in Yachats in the past have met these standards and have been permitted administratively, perhaps this use would be more appropriately listed as a permitted use rather than one that is subject to Conditional Use. Under Permitted Uses, “Home Occupations” could be reworded as follows: “Home occupations when conforming to the Supplementary Use and Design Regulations of Chapter 9.52”. The nine standards for home occupations currently found in the Conditional Use chapter (9.72) could be moved to Chapter 9.52, and standard 9 revised to read: “Home occupations that do not conform to standards 1 through 8 above may be permitted subject to Conditional Use approval.”

### **On Lot Sewage**

1. Within Chapter 9.12 (R-1 District), the standards of Section 9.12.040 require a minimum lot area of 7,500 sq.ft. for one-family dwellings where both public water and sewer exist, and a minimum lot area of 20,000 sq.ft. for one-family dwellings where public water exists but public sewer does not. This increase in the required minimum lot area is necessary to accommodate an on-lot sewage disposal system. However, in Chapter 9.16 (R-2 District), the standards of Section 9.16.040 only require a 1,500 sq.ft. increase in the minimum lot area for one-family dwellings, and an increase of 7,500 sq.ft. for two-family dwellings, where no public sewer exists. These increases in required minimum lot area appear inadequate for accommodating an on-lot sewage disposal system. The same inadequacy is true for Section 9.20.040 in Chapter 9.20 (R-3 District). Interestingly, for Chapter 9.24 (R-4 District), the standards of Section 9.24.040 require an increased minimum lot area of 20,000 sq.ft. where no public sewer exists. There may only be a few areas of the City remaining without access to public sewer, in which case resolving this issue may not be a high priority, but nevertheless could be problematic.
2. As a related issue, in Chapter 9.28 (C-1 District), Section 9.28.030.A.1.C increases the required width of a lot when public sewer is not available, but the remaining standards do not address a minimum lot area requirement when public sewer is not available. This is probably an oversight.

### **Planned Unit Development**

1. The provisions of Chapter 9.60, Planned Unit Development, require a minimum of 40% of a PUD's total acreage to be dedicated or reserved as usable common open space (see Section 9.60.020.H). Yet, Chapter 9.62, Townhouse Planned Unit Development, states that the Planning Commission may require up to 5% of a TPUD's total acreage be set aside for park and recreation purposes (see Section 9.62.050.C). No other open space is required for a TPUD. The significant difference in required open space for these two types of planned unit developments seems unusual and perhaps made in error. Why would the residents of a townhouse PUD need less open space than a PUD consisting of other dwelling unit types? The much smaller open space requirement for a TPUD may also incentivize developers to build townhouse developments rather than PUD's with other dwelling types.

## **Motel, Hotel, and Resort Uses**

1. 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....”. Is this omission intentional or an oversight? In the C-1 District, Section 9.28.010.N 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. Section 9.28.020.V.1, which permits a motel, hotel, or resort subject to Conditional Use, includes the text “...with direct access provided from U.S. Highway 101 only”.
2. As a related issue, note that in the C-1 District, Section 9.28.020 only provides for a motel, hotel, or resort by Conditional Use when proposed on less than an acre of land with direct access provided from....when it is part of a Formula business. However, a motel, hotel, or resort which is not part of a Formula business, and when proposed for lots under an acre, is not listed as a use permitted by Conditional Use. Is this omission intentional or an oversight?

## **Procedural issues**

1. At the Planning Commission’s December, 2021 meeting, there seemed to be some confusion among staff and Commissioners as to whether a complete Conditional Use application required the submittal of a site development plan. Section 9.72.030 of Chapter 9.72, Conditional Use, states: “Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission.” Clearly this provision and the sentence that follows it assume that the Conditional Use application includes a site plan that is reviewed and approved by the Planning Commission. To minimize this confusion in the future, a section listing minimal submittal requirements for CU applications should be added to Section 9.72.020 of Chapter 9.72, Conditional Use. Uses requiring Conditional Use approval are typically considered uses of special impact,

and as such, a site plan accompanying other application material is necessary to allow City staff and the Planning Commission to understand and address potential impacts, and include reasonable conditions to mitigate such impacts as part of a CU approval. It would be good to review the City's Conditional Use application form to see what submittals are currently required of an applicant, and whether this form should also be updated to require a site plan. The following sample text outlines the contents of a site plan required as part of a Conditional Use application. Additional application materials may be required based on the specific use.

*Site Plan. The application for conditional use shall be accompanied by a proposed site plan to include the following information:*

- (1) Site plan shall be drawn to scale of one inch equals 100 feet.*
- (2) Either as part of the site plan, or on a separate sheet drawn to the same scale as the site plan, existing site features shall be shown, including ground topography (contours), wooded or naturally vegetated areas, trees of 8 inches DBH or greater, floodplains, shorelines, wetlands, riparian corridors, geologic hazard zone, and any existing buildings, roads, trails, fences, or other physical improvements, and all existing easements.*
- (3) Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.*
- (4) Dimensional features showing compliance with the applicable area, width, coverage, yard, natural and historic protection standards, and other design standards as specified in this Chapter.*
- (5) Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.*
- (6) Location, dimensions, and arrangement of all areas devoted to open space, retention of existing trees and vegetation, proposed ground cover, trees and other native plantings, and recreation.*
- (7) Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.*
- (8) A copy of the last recorded subdivision plan of which the property is part.*
- (9) Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.*

2. The provisions of Sections 9.84.030 and 9.88.060 regarding public notice requirements for amending the City's Zoning Ordinance text or map appear to be out-of-date based on current Oregon Planning Law (google Oregon Ballot Measure 56). The City Planner should work with the City's Attorney to evaluate the current public notice requirements of Title 9 and craft new language for these two Sections consistent with Oregon Planning Law.