

COMPOSITE LIST OF PROPOSED YMC REVISIONS

Version 05-11-2022

AUTHORS (colors indicate author)

Dickinson 12-21-2022 – **Danos** 03-01-2022 – **Theilacker** 03-05-2022 –

Other Author and date of comment as noted

Date of comment as noted above – *except later comment as specifically noted below*

GENERAL COMMENTS:

Dickinson: Items with an asterisk * would be intended to add aesthetic conditions to individual sections, without having to write a separate Architectural Design Standards ordinance. There are probably several other Ordinance Sections which could be easily added to or modified to enact additional enhancement standards without causing undue hardship on the public. These could include landscaping, screening, etc.

Danos: Reviewing the code, definitions need to be revised for several areas within the code to be better comprehended. My first recommendations would be to revise the following within the DEFINITIONS section of the code:

Theilacker: *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?*

A. DEFINITIONS - YMC 9.04.030

Comment John Ayer 3-19-2022: Recommendation that definitions for or related to “Dwellings” be grouped, rather than spread out in alphabetical order. *Dickinson comment 5-11-2022: This could be said of all sub-definitions in a particular family, i.e. “Lots”, “lot lines”, etc. Lincoln County generally organizes their zoning ordinance definitions in this manner. If generalized in YMC, it would require substantial revision of the Definitions, but may be of some clarifying benefit and should be considered.*

Consider adding **"ACCESSORY DWELLING UNIT"** At the moment the code has a definition for an **"ACCESSORY STRUCTURE or ACCESSORY USE"** but does not have a definition for an ADU.

"ACCESSORY STRUCTURE OR ACCESSORY USE": Means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use. Currently ADUs allowed in R-3, R-4 and C-1 zones. They are not listed under Permitted Uses for any zone using the wording "Accessory Dwelling Unit" which is the wording best currently understood for an accessory building installed on a property for use as residential or as an office/studio.

Sample definitions:

"ACCESSORY DWELLING UNIT (ADU)": Means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

"ACCESSORY DWELLING UNIT (ADU)": Means a residential living unit on the same parcel as a single-family dwelling or a multifamily structure. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled single-family unit or a unit in a multifamily dwelling.

"APARTMENT":

Current Definition: Means a dwelling unit as defined in this section.

Revised Definition Suggestion:

"APARTMENT": Dwelling unit, which includes at least a sleeping area, full bath and kitchen rented for a fixed amount and time.

"Building Code" (add) – suggested: "means applicable building, fire and safety codes adopted by state, county and municipal agencies in which the subject property is located." Or similar wording.

"Building Coverage" see comments for **"Lot Coverage"** below

"Clear Vision" (add) – is used several places within Title 9. Reference Ordinance section or write?

Consider adding "COTTAGE CLUSTER"

Samples:

"COTTAGE CLUSTER" means a residential development containing a cohesive cluster of small dwelling units gathered around one or more Common Green Spaces. Cottage cluster may also have shared community garden plots, recreation facilities, and other ancillary uses.

“COTTAGE CLUSTER” means a grouping of no fewer than three detached dwelling units on the same lot of record, with each dwelling unit having a footprint of less than 900 square feet, all dwellings sharing a common area on the lot of record, and internal ADA- compliant pathways connecting each dwelling to common space, vehicle parking, and sidewalks.

“DECK/PORCH”

Current Definition: Means an outside walking area, the floor of which is elevated more than eight (8) inches from grade.

Revised suggestion: Separate the two words and add a definition for “PATIO” This can help clarify and assist in including the need for permeable paving as well as what is included in lot coverage allowed.

Definition Suggestions:

“DECK”: A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a building.

“Deck”: Means an unenclosed amenity area or platform that may be attached to a dwelling and is intended for the purpose of outdoor dining, lounging and other similar accessory residential use.

“HEIGHT OF BUILDING”

Current definition: 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 for each side: Add the shortest building height and the tallest 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.

Revised Definition suggestion:

“HEIGHT OF BUILDING”: Building height 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

“Hotel” (revise?) – consider adding descriptions “on-site staff for check-in and management, cleaning. Does not have kitchen facilities.”? Definition could be made clearer. Research other cities’ & county definitions.

“HOTEL” and “MOTEL” currently the code has two different definitions, and it does have a separate definition for an **“APARTMENT HOTEL”** which is:

"APARTMENT HOTEL" means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units but excluding all facilities coming within the definition of "bed and breakfast facility."

Current definition: "Hotel" means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of "bed and breakfast facility."

"Motel" means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of "bed and breakfast facility."

Revised Definition Suggestions:

"HOTEL or MOTEL" means a facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc.

"HOTEL": Means any structure or any portion of any structure containing three or more units, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house.

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.

"Lot Line, Street Side" (add) – describes side lot line at abutting street. Research other cities' & county definitions. *Dickinson comment 5-12-2022: This might require further definition of the main heading of "Lot", i.e. adding "Corner Lot".*

Multi-Family JD recommended 3-19-2022: Add a definition for multi-family units with individual bedrooms and bathrooms, but that have common living, dining & kitchen areas.

"PATIO": a paved outdoor area adjoining a house.

"PATIO": 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.

"Parking Space" (revise) – delete last sentence "Required off-street parking shall not be located in a required yard that abuts a street" – this requirement belongs in Parking 9,48., if it is truly applicable to all zoning districts. If it is applicable only to the Commercial zone, it belongs within that zone's Standards.

"Parking Space, Accessible" (add) – Needed to make reference to ADA requirements, and proposed new paragraph in C., below.

The term **"RECREATIONAL VEHICLE"** appears in several locations within the code. Without clarifying definition as what a "recreational vehicle" is anything from a 10' pull behind trailer to a 50' vehicle would fall under the term "recreational vehicle".

Suggestions for Additional Recreational Vehicle definitions:

"Recreational Vehicles" (RVs) shall be defined as campers, camping tents, travel trailers, motor homes, boats, or similar recreational vehicles. Boats must be on a trailer, except for non-motorized personal watercraft.

"Motorized recreational vehicle" means a motor home built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab. All these vehicles are powered by internal combustion engines that run on gasoline, diesel, batteries or other fuel. Van campers and pickup truck campers are excluded from the recreational vehicle definition. Inoperative vehicles are prohibited.

"Non-motorized recreational vehicle" means a conventional travel trailer, or a fifth wheel trailer utilized for recreational purposes and designed to be towed by a vehicle. Boats, horse trailers, utility trailers for storing recreational equipment or other equipment and all-terrain vehicles stored on trailers utilized for recreational purposes are considered non-motorized recreational vehicles. Pickup truck camper shells which have been removed from the vehicle and stored are considered non-motorized recreational vehicles and shall conform to the provisions of this title

"Oversized Recreational Vehicle" an oversized vehicle is any vehicle, which exceeds any of the following dimensions: twenty (20) feet in length, nine (9) feet in height or seven (7) feet in width. Motor homes and recreational vehicles exceeding these measurements are examples of oversized vehicles.

"Off-Highway Recreational Vehicle" (OHRV) shall be defined as jet skis, four-wheelers, or snowmobiles, or similar off-highway recreational vehicles, and may be on a trailer or not.

"PORCH": Is an open structure that has breathable walls, but protection above it, usually, a covered shelter projecting in front of the entrance of a building.

JD recommended 3-19-2022: Add definition for **"Tiny Houses"**

"Yard" (clarify) – contains reference to a "court", but "court" not defined. Is a definition for "court" needed (research others' definitions)?

"Yard, Street Side" (add) – describes side yard at abutting street – used several places in YMC. *Additional comment 05-12-2022: LC definition "Is 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." This requires a compatible definition of a "corner lot".*

COMMENTS AFFECTING MULTIPLE RESIDENTIAL ZONING DISTRICTS – 9.12 R1, 9.16 R2, 9.20 R3, and 9.24 R4:

In **.040E Standards sections of R1, R2, R3, and R4** – suggest adding to "see also Definitions 9.04.030 parking space".

*In **.040 Standards sections of R1, R2, R3, and R4** – it may be beneficial to set a standard for maximum % of front yard paved, with remaining areas landscaped?

.040 Standards R1, R-2, R-3, and R-4 Zoning Districts

C. Building Height – change to reflect better definition. We should discuss a review of allowable height especially on the west side of the city. Currently there are some CC&R restrictions, but they are very old and can easily be changed leaving a lot of areas at risk of being over built with regards to heights of single-family homes.

D. Lot Coverage: Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total area. **Revise deck/porch/patio definitions and include permeable paving specification.**

On Lot Sewage: 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.

COMMENTS – 9.12 R1 RESIDENTIAL ZONE

Chapter 9.12.020 – R-1 Residential Zone

E. Planned Unit Development (PUD): Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60

Revised recommendation: The code states that a PUD is allowed in R-1 zones but must meet the requirement of 2 contiguous acres. This requirement should be included under this section as allowable but should state at the beginning “on a minimum two (2) contiguous acre lot a P.U.D. is allowable.

9.12.040 Standards States in part:

B-2Corner side yards shall not be used for.....permanent storage of trailers, boats, and recreational vehicles.....**See Comments for 9.68.060 Recreational Vehicles**

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.

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.

COMMENTS – 9.24 R4 RESIDENTIAL ZONE

Motel, Hotel, and Resort Uses

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”.

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?

COMMENTS – 9.28 C1 RETAIL COMMERCIAL ZONE

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.

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.

***In C1 Standards (9.28.030)** – consider making an F.1 and F.2, where F.2 would set a standard for parking setbacks from street lot lines: “Where parking is established between the building and Front or Street Side property lines, parking spaces shall be set back ____ (____) feet from the property line.” This would establish a landscape strip between parking and the street. It would require that parking requirement 9.48.010.H. also be revised. Since this as proposed would not apply to districts other than C1, it belongs in C1 Requirements rather than in Parking 9.48. It would need to be coordinated with Items C.4 and C.5., below.

9.28.030 C1 Retail Commercial Zone Standards –

G. Residential – only uses:

1. Yards: Yards proposed to be less than the minimum yard requirements which apply in the residential zones shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses

I am confused by this because when the house installed on the commercial lots located at 7th and 101 the explanation regarding the extent to which that lot was being covered was that the underlying zone dictated the allowed lot coverage (R-4 or C-1). The standard above seems to disagree with that. Do “Yard requirement” and “Lot coverage” overlap in meaning/requirements?

Perhaps clarification and adjustment need to be made:

****Regarding lot coverage of R-2, R-3, R-4 and C-1, if a single-family home is placed on a lot zoned anything but R-1 restrict lot coverage to the coverage allowed on a R-1 lot rather than allow a single-family home built on a lot zoned for multi-family or commercial to occupy the coverage allowed for the higher density use.

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.

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.

Commercial

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.

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? **See previous comments in 9.24 R4 Zone, above.**

COMMENTS – 9.48 PARKING

In Section 9.48.010 Parking General Requirements:

Add a paragraph relating to “clear vision”, 9.64.010.A. May require different wording so as relate to private property instead of street design and construction.

*Revisit D, distance from building to parking – the current 500 feet perhaps should be reduced given the scale of our community. That distance is half-way through town. I would suggest something more like 200 feet.

E. Off-Street Parking: Rather than referring to Chapter 9.48 give the number of required spaces and size under each residential zone.

Revisit F., drainage – delete last word “sidewalks” and substitute “property”. That way the requirement would preclude drainage from private property across sidewalks, rights-of-way, etc.

F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum City Road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.

Revise with: Add permeable paving preference.

Revise: And be so drained as to avoid flow of water across public sidewalks.

To: Avoid run off affecting or across adjoining properties, public streets and sidewalks.

Revise G., last sentence – the 5 foot high fence requirement appears to be in conflict with the “clear vision standards” – wording is unclear – clarify. Some clarification and coordination between G. and H. is needed, as noted in 5., below, and B.3., above.

*Revise H., distance of parking to lot line – the current requirement of placing a parking bumper 4.5 ft. from the lot line yields a 2 ft. or less “no-man’s” land strip, unsuitable for shrubs or ground cover. It also does not take into account the screening fence required in G. **Along streets**, I suggest increasing required distance to perhaps 6 feet which would yield a more reasonable 3.5 ft. space for shrubbery between the fence required in G, and the property line. *Shrubbery between the fence and the street would be an aesthetic enhancement. This would have to be considered taking into account B.3., above. *Perhaps also add a requirement that the strip be landscaped with native shrubbery. Where **not along streets** but taking into account the required screening fence, consider reducing that setback to a distance sufficient for the fence. Consider making an H.1 and H.2 to separate the two conditions. Considerable rewriting would be required.

Revisit J., four spaces rule – could stand some clarification on how the required driveway intersects with the street and that all exiting of the parking lot must be by forward-moving actions. Safety consideration.

Introduce a section concerning parking lot drive aisles – required widths for 90 degree and angled parking, how drive aisles exit onto streets, how drive aisles need to conform to clear vision standards (by reference), etc.

Add a section that commercial and governmental use parking lots require “accessible parking spaces” in accordance with applicable requirements of the Americans With Disability Act. It appears to be included nowhere else in the Code. This important requirement and should be listed.

(add from 9.40.030 “Parking Space” definition) “Required off-street parking shall not be located in a required yard that abuts a street” **However** – this requirement is unclear. Does it apply to residential zones, Commercial and Public Facilities zones, or both? Is this really what is intended? It may conflict with other requirements. Review in broad scope.

*Perhaps introduce a landscaping requirement within commercial and governmental use parking lots – possibly a percentage of the parking lot be landscaped / a minimum ___ (__) foot wide planter island be required for each 10 spaces, or both or something similar.

Perhaps introduce a section regulating how parking spaces abut sidewalks: That sidewalks in front of parking spaces are required to be a minimum of 7.5 feet wide where parking spaces abut without a curb bumper – and – sidewalks 5 feet wide shall have a curb bumper installed at 2 to 2.5 ft from the sidewalk edge (both to accommodate vehicle overhangs so they do not protrude into ADA-required sidewalk width).

COMMENTS – 9.68 MANUFACTURED DWELLING PARKS and RECREATIONAL VEHICLES

Chapter 9.16.020 R-2 Permitted uses (pertains to R-1 thru R-4):

B. States that a recreational vehicle is allowed during construction and must be removed within one year.

Then C: Recreational Vehicle. See Chapter 9.68.020

9.68.020 B states Recreational vehicles may be parked on owner’s personal lot only, unless in commercial storage. **Does not address use or long-term personal storage**

9.12.040 Standards States in part:

B-2Corner side yards shall not be used for.....permanent storage of trailers, boats, and recreational vehicles.....

9.68.060 Recreational Vehicles:

Recreational vehicles may be parked by an owner on his or her own land for non-rental temporary living purposes as follows:

- A. The recreational vehicle shall be accessory to a permanent residential dwelling.
- B. Recreational vehicles shall not be connected to the City sanitary sewer system.
- C. No more than thirty (30) days per calendar year with no more than fourteen (14) consecutive days for any one stay. Requests for extended time limits requires approval by the Planning Commission through a Variance procedure.
- D. Review Procedure. An executed permit is required before any person occupies a recreational vehicle for temporary living purposes. Failure to complete the application form and secure an executed permit in advance is a violation of City Code.

Recommendation: Clarity is needed regarding the use and storage of recreational vehicles. What types and sizes of Recreational Vehicles are meant; 20'? 35'? 50'? Fifth wheel? Boat trailer? Can they be permanently stored on a residential property? If so, how? It also could be helpful to include a limitation on vehicle size i.e.. "Oversized vehicles" when revising parking codes.

Attached is a sample draft for revising Section 9.68.060. (Mattison Document 2019)

COMMENTS – Other YMC Sections as noted

Section 9.40.030 Standards, Public Facilities Zone – Are some of the standards listed in the C1 zone needed in this zone (parking, landscaping, etc.)?

Section 9.52.060, County Road 804 requirements – this section will require some revision when the City takes possession of that road. Perhaps keep the same requirements, review, add / remove some.

Section 9.52.070 Shoreland Setbacks – add "and Protection" to the title. The section includes protection standards in addition to setbacks.

Section 9.52.160.B. (clarify) – Clarify that the setback reduction to minimum 5 feet applies to the residence living areas as well, per recent City Planner interpretation.

9.60 Planned Unit Development

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.

Section 9.64 Street Construction and Design – perhaps should be renamed to “**Street and Driveway Design and Construction**” to better describe its contents.

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.

ADDITIONAL COMMENTS with multiple ramifications

Home Occupations

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.”

Procedural issues

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. 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.*

- (2) Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.*
- (3) 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.*
- (4) 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.*
- (5) 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.*
- (6) Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.*
- (7) A copy of the last recorded subdivision plan of which the property is part.*
- (8) Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.*