

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

(August 2023 Draft)

In 2022, the Planning Commission and City Planner identified problematic provisions of Title 9, Zoning and Land Use, of the Yachats Municipal Code and proposed appropriate amendments. The work began by focusing on two Code sections – 9.04.020. Purpose, and 9.04.030. Definitions. The following is the final draft of the Commission’s proposed amendments approved at their December 2022 meeting, including a new section for the determination of height of buildings.

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

Title 9 – Zoning and Land Use

Section 9.04.020 Purpose.

The following text shall substitute for the existing Purpose text:

“The purpose of this title is to establish a set of zoning, subdivision, and land development regulations for the City designed to protect and promote the public health, safety, and general welfare, advance the position of Yachats as a small, coastal community, and achieve the following objectives:

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. Ensure that land uses complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast.”

3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. Ensure that sufficient vacant and redevelopable buildable land shall be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.
5. Ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.
6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and insure preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats' environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient design, siting, and construction materials and methods.
9. Protect and enhance the City's natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.
10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards."

Section 9.04.030 Definitions.

The term "apartment" and its definition will be deleted.

The term "Porch" will be separated from the existing term "Deck/Porch" and defined separately.

The term "Lot Coverage" and its definition will be deleted, favoring instead the new term "Impervious Surface Ratio" and its definition.

The following new or revised definitions shall be added to, or substituted for, the existing definitions:

“Bed and Breakfast Facility”

“Means any single-family dwelling containing rooms for rent in accordance with Section 9.72.050 of YMC, excluding any dwelling that meets the definition of Dwelling, Vacation Rental.”

“Building Code”

“Means building, fire, safety, and other codes adopted by state, county and municipal agencies.”

“Building Coverage”

“Means the portion of the lot area that is covered by buildings. The area of the buildings shall be measured at their exterior perimeter. Buildings include dwellings, accessory structures, garages and carports.”

“Clear Vision Area”

“Means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the nonintersecting ends of the two (2) other sides. See the regulations of Section 9.64.010.A of this Title.”

“Deck”

“Means an unenclosed structure or platform, constructed outdoors, that may either be independent or attached to a building and is intended for the purpose of outdoor dining, lounging, and other similar accessory use.”

“Dwelling”

“Means a building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily, by one or more families, but excluding hotels, motels, and resorts, with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.”

“Dwelling, Accessory”

“Means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property.”

“Dwelling, Vacation Rental”

“Means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of “bed and breakfast facility.” The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC, and b) no more than one (1) individual unit may be located in a single dwelling in the R-1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R-3, R-4, and C-1 Districts. A dwelling that is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental.”

“Existing grade”

“Means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of a site.”

“Finished grade”

“Means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan.”

“Height of Building”

“Means the maximum vertical height of a building or structure measured from average finished grade to the highest point of a building or structure. (See Section 9.52.171 of the YMC for determining the height of a building.)”

(A new section – 9.52.171. Determining the Height of Buildings, is proposed at the end of this document that includes narrative and illustrative explanations for determining the maximum vertical height of buildings.)

“Hotel”

“Means any building used for lodging other than a motel or resort, containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days], or long-term (extended stay), basis. The building has a lobby and check-in area, and is designed with interior corridors for accessing rooms without being outside. Guest rooms may include kitchen facilities, and guest amenities may include pool, gym, lounge, and accessory commercial uses such as restaurants, bars, gift shop, or day spa.”

“Hostel”

“Means budget-priced transient lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.”

“Impervious Surface”

“Means a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to the infiltration of water, including, but not limited to, structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, porches, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.”

“Impervious Surface Ratio”

“Means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.”

“Inn”

“See Hotel or Motel.”

“Lot line, Street Side”

“Means the side lot line at abutting street.”

“Motel”

“Means any building or group of buildings used for transient lodging other than a hotel or resort, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. The building(s) is designed so that ingress/egress to guest rooms is from outside the building and a short distance from parked vehicles. Guest rooms may include

kitchen facilities, and guest amenities may include a pool, gym, limited food and beverage services, lounge, and accessory commercial uses such as a gift shop.”

“Parking Space, Accessible”

“Means an off-street parking space for handicap access to or from a vehicle, designed in accordance with any local, state or federal laws, including the federal Americans with Disabilities Act (ADA).

“Parking Space, Off-street”

“Means a parking space located outside of a public right of way, the numbers and dimensions of which are as required by Chapter 9.48 of YMC. Off-street parking spaces shall have all-weather surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle.”

“Patio”

“Means a paved outdoor area adjoining a structure.”

“Porch”

“Means a covered area adjoining an entrance to a building and usually having a separate roof.”

“Resort”

“Means any building or group of buildings used for transient lodging other than a hotel, motel, or inn, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis, and designed primarily to accommodate vacationers, conferences, or events such as weddings. The building(s) have a lobby and a check-in area, and often occupy sufficient land area for multiple lodging options, conference facilities, guest amenities (ex. pool, tennis, gym), vehicle (including RV) parking, and accessory commercial uses, such as restaurants, bars, gift shop, day spa, and the like.”

“Transient Lodging”

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

“Yard”

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

“Yard, Front”

“Means an area lying between the side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.”

“Yard, Rear”

“Means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.”

“Yard, Street Side”

“Means a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.”

Proposed new section related to Height of Building:

Section 9.52.171. Determining the Height of Buildings.

“Calculating maximum vertical building height shall be accomplished as follows, and as illustrated below: Establish the finished grade at each building or structure primary corner. For each side of the building or structure, calculate the average finished grade. Add the average finished grades for all sides and divide by the number of sides. This will result in the average finished grade for the entire building or structure. Maximum vertical building height shall be measured from that point.

For purposes of calculating maximum vertical building height, use finished grades immediately adjacent to the building or structure’s primary walls.”

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

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

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

by modifying paragraph P. as follows:

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

and by adding a new paragraph Q. as follows:

“Q. Hostels.”

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

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

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

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

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

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

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

by modifying paragraph T. as follows:

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

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

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

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

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

and by adding a new paragraph W. as follows:

“W. Hostels.”

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

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

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

Amending Chapter 9.72. **Conditional Uses, Section 9.72.010 Authorization to grant or deny conditional use permits**, by adding a new paragraph B as follows, and re-lettering the paragraphs that follow:

- B. Prior to taking action on a conditional use permit application, the Planning Commission shall consider whether the proposed use complies with the following general standards and criteria:
 - 1. The proposed use conforms with the Yachats Comprehensive Plan.
 - 2. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

3. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
4. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
5. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
6. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
7. The proposal complies with all applicable provisions of the Yachats Municipal Code, or where the applicant has identified where the proposal does not comply, the applicant has obtained a Variance for such in accordance with Chapter 9.80 of this Code.
8. Activities and developments within special purpose districts must comply with the regulations described in Section 9.52.050 (Geologic Hazard), Chapter 9.36 (Estuary Natural), and Section 9.54 (Flood Hazard), as applicable.

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

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

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

