



Oregon  
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)



## NOTICE OF ADOPTED AMENDMENT

07/26/2013

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yachats Plan Amendment  
DLCD File Number 001-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

### Appeal Procedures\*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, August 08, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Larry Lewis, City of Yachats  
Gordon Howard, DLCD Urban Planning Specialist  
Dave Perry, DLCD Regional Representative

<paa> YA

FORM **2**

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED TO DLCD**  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

☐ In person ☐ electronic ☐ mailed

DATE  
STAMP

DEPT OF  
JUL 22 2013  
LAND CONSERVATION  
AND DEVELOPMENT  
For DLCD Use Only

Jurisdiction: **City of Yachats**

Local file number: **NA**

Date of Adoption: **July 11, 2013**

Date Mailed: **March 12, 2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

✓ Land Use Regulation Amendment

☐ Zoning Map Amendment

✓ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

- A. Chapter 9.28 C-1 Retail Commercial Zone is amended to allow a Mixed Use development as a conditional use with amended development standards.
- B. Existing items reviewed by the Planning Commission but not through a public hearing process are amended to either 1) be reviewed through a public hearing process or, 2) become an outright regulation or standard.
- C. Amends standards regarding recreational vehicles used for temporary living purposes to be allowed outright in multi-family residential zones with amended standards.
- D. A new land use regulation allows development of townhouses with requirements through a public approval process.

Does the Adoption differ from proposal? **No**

Plan Map Changed from: **NA**

to:

Zone Map Changed from: **NA**

to:

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

|                          |          |                          |                          |                          |                          |                          |                          |          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
|--------------------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|----------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                 | <b>2</b> | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b> | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input type="checkbox"/> | ✓        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | ✓        | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? ☐ YES ✓ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

✓ **Yes** ☐ **No**

If no, do the statewide planning goals apply?

☐ **Yes** ☐ **No**

If no, did Emergency Circumstances require immediate adoption?

☐ **Yes** ☐ **No**

**DLCD file No.** 001-13 (19726) [17550]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Yachats and DLCD

Local Contact: **Larry Lewis, City Planner**

Phone: **(541) 547-3565**

Extension:

Address: **P.O.Box 345**

Fax Number: **541-547-3063**

City: **Yachats**

Zip: **97498**

E-mail Address: **larry@ci.yachats.or.us**

**CITY OF YACHATS  
ORDINANCE NO. 318**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 9.04  
DEFINITIONS AND 9.28 RETAIL COMMERCIAL ZONE**

**WHEREAS**, Mobile vending units are not currently identified in the Zoning and Land Use Code as a specific land use. Mobile vending units have been considered to be a retail use and therefore have been permitted in the C-1 Retail Commercial Zone without any standards; and

**WHEREAS**, the Planning Commission discussed this issue and determined that mobile vending units are very different than a typical retail use that occupies a building; and

**WHEREAS**, the Planning Commission held a Public Hearing on April 16, 2013 and voted to recommend amending the Yachats Municipal Code by adding a definition of mobile vending unit and that mobile vending unit be identified as an outright permitted use in the C-1 zone with standards; and

**WHEREAS**, the City Council held a Public Hearing on July 11, 2013 and voted to adopt the recommended amendments to the Yachats Municipal Code;

**NOW THEREFORE**, the City of Yachats ordains the Yachats Municipal Code, Chapters 9.04 Definitions and 9.28 and 9.28 C-1 Retail Commercial Zone shall be amended in part as follows:

**Section 1 – Amend Chapter 9.04 – General Provisions and Definitions, Section 9.040.030 Definitions**

*(Add new definition)*

“Mobile Vending Unit” means any motorized or non-motorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which any goods, wares, merchandise or food are peddled, vended, sold, served, displayed, offered for sale or given away. This includes any display consisting solely of the goods, wares or merchandise being peddled, sold, served, displayed or offered for sale.

**Section 2 – Amend Chapter 9.28 – C-1 Retail Commercial Zone - Section 9.28.010 Permitted Uses**

*(Add new permitted use)*

- P. Mobile vending unit subject to the following restrictions:
  1. Prior to operating a mobile vending unit the operator shall:
    - a. Have written authorization from the property owner for the operation of a mobile vending unit;
    - b. Obtain a city business license.
    - c. Submit a description of operating characteristics, vehicular access and parking, and any other information required by the City. The operating characteristics, access and parking, and additional information are subject to review and approval by the City.
  2. Mobile vending units shall not be located in the public right-of-way (the exception to this is a “festival or community event” approved by City Council).
  3. The mobile vending unit operator/applicant is responsible for obtaining all required agency permits and approvals.

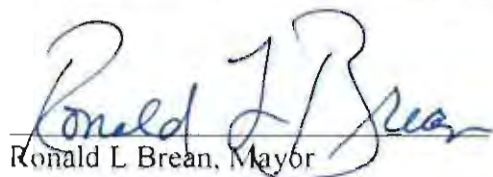
**Ordinance No. 318 - Mobile Vending**

1

**PASSED AND ADOPTED** by the City Council of the City of Yachats on this 11<sup>th</sup> day of July 2013.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

**APPROVED** by the Mayor this 11<sup>th</sup> day of July 2013.

  
Ronald L. Brean, Mayor

Attest:

  
Nancy Batchelder, City Recorder



**CITY OF YACHATS  
ORDINANCE NO. 319**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 9.52 -SUPPLEMENTARY  
USE AND DESIGN REGULATIONS**

**WHEREAS**, after amendments to recreational vehicle provisions were adopted in 2011, Chair Guenther discovered conflicting code language in Section 9.32.030 'General provisions regarding accessory uses' and Section 9.68.060 'Recreational vehicles'; and

**WHEREAS**, in 2011 amendments were made to Section 9.68.060 however Section 9.52.030 was not amended; and

**WHEREAS**, the Planning Commission held a Public Hearing on April 16, 2013 and voted to recommend amending the Yachats Municipal Code Chapters 9.52 - Supplementary Use and Design Regulations; and

**WHEREAS**, the City Council held a Public Hearing on July 11, 2013 and voted to adopt the recommended amendments to the Yachats Municipal Code;

**NOW THEREFORE**, the City of Yachats ordains the Yachats Municipal Code, Chapter 9.52 shall be amended in part as follows:

**Section 9.52.030            General provisions regarding accessory uses.**

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

A. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five feet to a property line.

1. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser.

2. Accessory buildings are not permitted in the front yard.

~~B. A single recreational vehicle or manufactured dwelling may be occupied as a temporary accessory use to a dwelling in excess of fourteen (14) days not to exceed thirty (30) days under the following conditions:~~

~~1. That the device comply with residential setback requirements;~~

~~2. That a sight obscuring fence may be required to be provided to effectively screen the use from outside of the parcel upon which it is located;~~

~~3. That the water supply and sewerage disposal system be approved by the county sanitarian; or~~

~~4. That the indoor house plumbing be used;~~

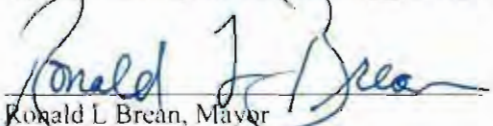
~~5. That a building permit recreational vehicle or manufactured dwelling placement permit certifying either subsection (B)(3) or (4) of this section be filed at the city office prior to locating the device, thus signifying compliance with the above provisions.~~

**C.B.** Fences, hedges and walls may be located within required yards, but shall not exceed three feet in height in any required yard which abuts a street other than an alley. Higher screen may be allowed with proper setbacks for clear vision in accordance with Section 9.64.010.

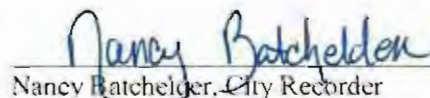
**PASSED AND ADOPTED** by the City Council of the City of Yachats on this 11<sup>th</sup> day of July, 2013.

Ayes: 5            Nays: 0            Abstentions: 0            Absent: 0

**APPROVED** by the Mayor this 11<sup>th</sup> day of July, 2013.

  
Ronald L. Brean, Mayor

Attest:

  
Nancy Batchelder, City Recorder

**Ordinance No. 319 - Recreational Vehicles**

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CITY OF YACHATS  
www.ci.yachats.or.us  
PO BOX 345  
YACHATS OR 97498-0345



ATTN: PLAN AMEND. SPEC.  
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