



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/26/2011

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 001-11

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: Tuesday, October 11, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA

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



Jurisdiction: City of Yachats

Local file number: NA

Date of Adoption: September 8, 2011

Date Mailed: September 20, 2011

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

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
Comprehensive Plan Map Amendment
Zoning Map Amendment
Other:

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

- Chapter 9.28 C-1 Retail Commercial Zone is amended to allow a Mixed Use development as a conditional use with amended development standards.
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.
Amends standards regarding recreational vehicles used for temporary living purposes to be allowed outright in multi-family residential zones with amended standards.
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:

- 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19
checkboxes with checkmarks at 2 and 10

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-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.

Please list all affected State or Federal Agencies, Local Governments or Special Districts:
City of Yachats and DLCD

Local Contact: Larry Lewis, City Planner
Address: P.O.Box 345
City: Yachats Zip: 97498
Phone: (541) 547-3565 Extension:
Fax Number: 541-547-3063
E-mail Address: larry@ci.yachats.or.us

CITY OF YACHATS

ORDINANCE NO. 301

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE, CHAPTERS 9.16, 9.20, 9.24, AND 9.68, IN PART REGARDING STANDARDS FOR USE OF RECREATIONAL VEHICLES FOR TEMPORARY LIVING PURPOSES

WHEREAS, The Planning Commission held a public hearing on August 16, 2011 at which they approved the language for the amendments and are now forwarding their recommended amendments to the Zoning & land Use Code to the City Council; and

WHEREAS, the Yachats City Council held a public hearing on September 8, 2011 at which time they accepted the recommendation of the Planning Commission for changes to the Yachats Municipal Code;

NOW THEREFORE, the City of Yachats ordains the Yachats Municipal Code Chapters 9.16, 9.20, 9.24 and 9.68, shall be amended, in part as follows:

Chapter 9.16 R-2 Residential Zone

Section 9.16.020 Permitted uses.

In an R-2 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

C. Recreational vehicle. See Chapter 9.68

(This is a new subsection 'C'. Subsequent subsections are re-lettered accordingly.)

Section 9.16.030 Conditional uses.

In an R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

~~E. Recreational vehicle. See Chapter 9.68;~~

(Existing subsection 'E' deleted. Subsequent subsections are re-lettered accordingly.)

Chapter 9.20 R-3 Residential Zone

Section 9.20.020 Permitted uses.

In an R-3 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

C. Recreational vehicle. See Chapter 9.68

(This is a new subsection 'C'. Subsequent subsections are re-lettered accordingly.)

Section 9.20.030 Conditional uses.

In an R-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

~~D. Recreational vehicle. See Chapters 9.68 and 9.72;~~

(Existing subsection 'D' deleted. Subsequent subsections are re-lettered accordingly.)

Chapter 9.24 R-4 Residential Zone

Section 9.24.020 Permitted uses.

In an R-4 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

C. Recreational vehicle. See Chapter 9.68

(This is a new subsection 'C'. Subsequent subsections are re-lettered accordingly.)

Section 9.24.030 Conditional uses.

In an R-4 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

~~D. Recreational vehicle. See Chapters 9.68 and 9.72;~~

(Existing subsection 'D' deleted. Subsequent subsections are re-lettered accordingly.)

Chapter 9.68 Manufactured Dwellings, Manufactured Dwelling Parks and Recreation Vehicles

Section 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 vehicle and the use on the owner's lot must be approved as conditional use by the planning commission.~~

~~B. A renewable yearly parking permit is obtained from the city recorder. Fees are set by the city council.~~

~~C. The permit is effective for parking one hundred twenty (120) days per calendar year with no more than ninety (90) consecutive days for any one stay.~~

~~D. The vehicle must be hooked up to city sewer and water.~~

~~E. A lot owner may permit a visitor to park his or her recreational vehicle on the owner's lot for dwelling purposes provided~~

~~1. the duration of stay for parking and dwelling in the recreational vehicle does not exceed two weeks;~~

~~2. Users of the recreational vehicle must use sanitation facilities within the lot owner's home. (Ord. 73E § 9.060, 1992)~~

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.

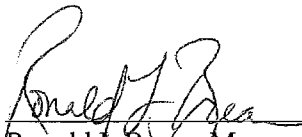
C. No more than thirty (30) days per calendar year with no more than fourteen (14) consecutive days for any one stay. Requests for extended time limits requires approval by the Planning Commission through a Variance procedure.

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.

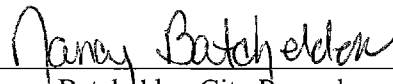
PASSED AND ADOPTED by the City Council of the City of Yachats on this 8th day of September, 2011.

Ayes: 4 Nays: 0 Abstentions: 0 Absent: 1 Feather Kile

APPROVED by the Mayor this 8th day of September, 2011.



Ronald L. Brean, Mayor

Attest:


Nancy Batchelder, City Recorder

**CITY OF YACHATS
ORDINANCE NO. 302**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE TO ADD CHAPTER 9.62 –
TOWNHOUSE PLANNED UNIT DEVELOPMENT; AND, AMENDING SECTIONS 9.16.020, R-2
PERMITTED USES, 9.20.020 R-3 PERMITTED USES, 9.30.020 R-4 PERMITTED USES, AND CHAPTER
9.04 GENERAL PROVISIONS AND DEFINITIONS**

WHEREAS, The Planning Commission held a public hearing on August 16, 2011 at which they approved the language for the amendments and are now forwarding their recommended amendments to the Zoning & land Use Code to the City Council; and

WHEREAS, the Yachats City Council held a public hearing on September 8, 2011 at which time they accepted the recommendation of the Planning Commission for changes to the Yachats Municipal Code;

NOW THEREFORE, the City of Yachats ordains to add Chapter 9.62 – Townhouse Planned Unit Development to the Yachats Municipal Code and amend Chapter 9.16 R-2 Residential Zone, Section 9.16.020 Permitted uses; Chapter 9.20 R-3 Residential Zone, Section 9.20.020 Permitted uses, Chapter 9.24 R-4 Residential Zone. Section 9.24.020 Permitted uses, and Chapter 9.04 General Provisions and Definitions, in part, as follows:

Section 1 Adding Chapter 9.62 – Townhouse Planned Unit Developments

Section 9.62.010 Purpose.

The purpose of the Townhouse P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title to allow for different ownership patterns by allowing townhouses in certain zones subject to specific development standards, to regulate the development of townhouses, and to outline specific development criteria and design parameters to protect public health, safety, and welfare. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

Section 9.62.010 Definitions.

“Parent Lot” means the legal lot or lots in existence prior to the townhouse planned unit development.

“Townhouse” means a residential building having a minimum of two accesses to the outside, which is detached from any other building or separated from any other building by one or more common walls, and which has its own underlying townhouse lot. A building may contain not more than two residential units in the form of stacked flats provided that the upper residential unit shall at all times be owned by the same owner as both the lower residential unit and the townhouse lot on which it is situated.

“Townhouse Lot” means the underlying real estate associated with a townhouse.

Section 9.62.020 General requirements.

A. In the case of a townhouse planned unit development the regulations contained in this chapter and the underlying zoning district may, if necessary, be modified as they apply to streets, blocks and lots, lot area, lot width, lot depth, lot coverage, and building setbacks when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, and open space are provided.

B. A townhouse planned unit development may be established in the R-2, R-3, and R-4 residential zones and the C-1 Retail Commercial zone.

C. A townhouse planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs.

D. Requirements pertaining to density and parking shall be guided by the standards of the zone in which the townhouse planned unit development is proposed, i.e. the maximum number of townhouse dwelling units shall not exceed that allowed by the underlying zone.

E. No building shall exceed a height of thirty (30) feet except:

1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; and/or

2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.

F. The lot coverage for individual lots may exceed the maximum lot coverage of the underlying zone. The maximum lot coverage of the parent lot may not exceed the maximum lot coverage allowed in the underlying zone.

G. All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the planning commission.

H. The planning commission or city council may require easements necessary for orderly extension of public utilities to future adjacent developments.

I. If there are lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests those lands and/or structures must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the state of Oregon. The association shall be formed and continued for the purpose of maintaining such common areas and structures.

J. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.

Section 9.62.030 Procedure for proposing Townhouse P.U.D.

A. Preliminary Plan Application. An applicant shall submit at least five copies of a preliminary plan of a townhouse planned unit development to the planning commission for study at least thirty (30) days prior to the planning commission meeting at which it will be discussed. The preliminary plan shall include the following data:

1. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
2. The tax lot number and the section, township and range in which the property is located;
3. The date, north point and scale of the drawing;
4. A vicinity sketch showing the location of the Townhouse P.U.D. in relation to known landmarks in the city;
5. The approximate location and dimensions of all proposed boundary lines;
6. Approximate area of the property being subdivided and each parcel;
7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
8. Existing zoning of the property;
9. Existing and proposed uses of the property;
10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
11. Any limitations to development; e.g. topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of twelve (12) percent or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
14. Proposed use of all open spaces including a plan for landscaping;
15. Proposed grading and drainage pattern;
16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
17. Relationship of the proposed development to the surrounding area and to the comprehensive plan.

B. Review of Preliminary Plan by Other Departments. Within five days after the Townhouse P.U.D. application is submitted and prior to consideration of the preliminary plan by the planning commission, the city recorder shall distribute copies of the preliminary plan to the Yachats Public Works Department ; Yachats Rural

Fire Protection District; Oregon Department of Transportation, if the proposed development is within one thousand (1,000) feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall be given at least ten days to review the plan, suggest revisions, and return the plans to the planning commission.

C. Approval of Preliminary Plan.

1. When all comments and recommendations from appropriate agencies or departments have been received or within forty-five (45) days after receiving the application as provided for in this title, whichever date shall occur first, the city staff shall place the preliminary plan on the agenda of the next scheduled meeting of the planning commission and notify the applicant of the meeting date and time. Following consideration of the preliminary plan, the replies from the other agencies and departments and such other testimony offered, the planning commission shall schedule a hearing within forty-five (45) days. At the conclusion of the hearing, the planning commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the preliminary plan. Unless appealed, the decision of the planning commission shall become effective on the fifteenth day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval.

2. If the preliminary plan for the townhouse planned unit development is approved, the planning commission (or city council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:

- a. Increasing the required setbacks;
- b. Limiting the height of buildings;
- c. Controlling the location and number of vehicular access points;
- d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission, and the Yachats Rural Fire Protection District;
- e. Increasing the number of parking spaces and improving design standards for parking areas;
- f. Limiting the number, size, location and lighting of signs;
- g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
- h. Requiring additional view-obscuring screening or fencing;
- i. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.

D. Approval of Final Plan.

1. Within three years after the approval of the preliminary plan, a map of the Townhouse P.U.D. may be submitted to the planning commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.

2. In addition to the information as required on the preliminary plan the following information shall be provided:

- a. Accurate legal description of all parcels and roads;
- b. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the Townhouse P.U.D.;
- c. A copy of all protective deed restrictions;
- d. Street and drainage construction plans;
- e. The certification regarding the availability of water and sewerage services as provided in Section 9.60.040;
- f. The location of the approved site for the septic system if applicable.
- g. Within thirty days of the receipt of a Townhouse P.U.D. map as provided in this title, the city staff shall refer the map to the planning commission for a decision. The applicant shall be notified in writing of the time and place of the planning commission meeting. Unless appealed, the decision shall become effective on the fifteenth day after rendered. When the approval becomes effective, the city recorder shall endorse his or her approval on the map. The map shall then be recorded in the offices of the county clerk, with a copy of the certified map retained by the city. Approval of the submitted map shall be considered as final when properly endorsed and recorded.

Section 9.62.040 Development of a Townhouse P.U.D.

A. Building Permits.

1. Building permits for all or any portion of a Townhouse P.U.D. shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for development of public facilities.

2. If no building permits have been issued within two years of the date of final approval of the Townhouse P.U.D. approval shall be terminated automatically unless a request to extend the time limit is approved by the city council.

B. Abandonment. Upon abandonment of a particular development authorized under this section, or if the development has not been substantially completed within five years from the date of its final approval, the city council may determine that the granting of approval shall be nullified.

C. Parks and Open Spaces. The planning commission may require the developer to provide up to five percent of the Townhouse P.U.D. area for park and recreation purposes. These areas shall be of a design and location acceptable to the planning commission, based on the suitability of the area for park and recreation purposes.

D. Partial Development. If a proposed Townhouse P.U.D. area includes only part of a tract owned by the subdivider, the planning commission may require a sketch of the tentative layout of streets in the remainder of that tract.

E. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded P.U.D. in Lincoln County, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the P.U.D. bearing that name, or unless the party files and records the consent of the party that platted the P.U.D. bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

F. Water. All lots in the Townhouse P.U.D. shall be served by a public water system. No plat or map of a Townhouse P.U.D. shall be approved unless the city has received and accepted a certification by the city water superintendent that water will be available from the nearest point of supply.

G. Sewer. No plat or map of a Townhouse P.U.D. shall be approved unless the city has received and accepted:

1. A certification by the city sewer superintendent that sewage service will be available at the nearest point of collection.

2. Where sewerage service is not available, the Department of Environmental Quality or county health department shall approve the proposed use of the land for the Townhouse P.U.D. A statement that public sewerage service is not available and that the proposed method of sewage disposal has been approved will be provided to the purchaser of each lot or parcel in the proposed Townhouse P.U.D. A copy of any such statement signed by the developer and endorsed by the planning commission chair shall be filed by the developer with the real estate commissioner.

H. Power. All lots in a Townhouse P.U.D. shall be served by power (electricity). No plat of a Townhouse P.U.D. shall be approved unless the city has received and accepted a certification by the Central Lincoln PUD that power will be available from the nearest point of supply to every lot or parcel depicted in the proposed Townhouse P.U.D.

I. Appeals. See Section 9.88.120.

Section 2 Adding Townhomes as a permitted use in R-2, R-3, and R-4 Zones

Chapter 9.16 R-2 Residential Zone - Section 9.16.020 Permitted uses.

F. Townhouse planned unit development (P.U.D.). See Chapter 9.62.

(Re-letter permitted uses following new item 'F'.)

Chapter 9.20 R-3 Residential Zone - Section 9.20.020 Permitted uses.

F. Townhouse planned unit development (P.U.D.). See Chapter 9.62.

(Re-letter permitted uses following new item 'F'.)

Chapter 9.24 R-4 Residential Zone - Section 9.24.020 Permitted uses.

F. Townhouse planned unit development (P.U.D.). See Chapter 9.62.

(Re-letter permitted uses following new item 'F'.)

Section 3 Amending Chapter 9.04 – General Provisions

The new definitions in *Section 9.62.010 Definitions* are hereby incorporated into Chapter 9.04 General Provisions and Definitions

PASSED AND ADOPTD by the City Council of the City of Yachats on this 8th day of September, 2011.

Ayes: 4 Nays: 0 Abstentions: 0 Absent: 1 Featherkile

APPROVED by the Mayor this 8th day of September, 2011.



Ronald Breant, Mayor

Attest:



Nancy Batchelder, City Recorder

CITY OF YACHATS

ORDINANCE NO. 303

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER C-1 RETAIL COMMERCIAL ZONE, SECTIONS 9.28.010 - PERMITTED USES, 9.28.020 - CONDITIONAL USES AND 9.28.030 – STANDARDS

WHEREAS, The Planning Commission held a public hearing on August 16, 2011 at which they approved the language for the amendments and are now forwarding their recommended amendments to the Zoning & land Use Code to the City Council; and

WHEREAS, the Yachats City Council held a public hearing on September 8, 2011 at which time they accepted the recommendation of the Planning Commission for changes to the Yachats Municipal Code;

NOW THEREFORE, the City of Yachats ordains to amend Chapter 9.28 - C-1 Retail Commercial Zone, Sections 9.28.010 - Permitted uses, 9.28.020 - Conditional uses and 9.28.030 – Standards as follows:

Section 9.28.010 Permitted uses.

In a C-1 zone the following uses and their accessory uses are permitted, subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. A governmental structure or use of land and public utility facility;
- B. Any use which would be permitted outright in any residential zone;
- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- E. Financial institution;
- F. Business or professional office;
- G. Private museum or art gallery;
- H. Family day care provider;
- I. Residential home;
- J. Residential facility;
- K. Automobile service station with direct access to U.S. Highway 101;
- L. Laundry or dry cleaning establishment;
- M. Restaurant, bar or tavern;
- N. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;
- ~~O. Mixed use (commercial and residential). Principal use must be commercial (at least sixty (60) percent of ground floor). Second floor will be considered secondary use and may be one hundred (100) percent residential use. Any change in use must be reported on the business license application which will be reviewed by the planning commission or its designated representative for off street parking and off street loading requirements in Section 9.48.010. (Ord. 196 § 1, 1997; Ord. 175 (part), 1995; Ord. 73E § 2.050(1), 1992; Ord. 104 (part), 1981)~~

Section 9.28.020 Conditional uses.

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- A. Mixed use (commercial and residential);**
- ~~A.B.~~ Church, non-profit religious or philanthropic institution;

Ordinance No. 303 – Amending C-1 Zone Standards

- BC.** Community center;
- CD.** Nursery school, kindergarten or similar facility;
- DE.** Hospital nursing home, retirement home, or similar facility;
- EF.** Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprise;
- FG.** Park, playground, swimming pool or similar recreation area;
- GH.** Private school offering curricula similar to public school;
- HI.** Parking area;
- IJ.** Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway;
- JK.** Small scale, nonpolluting light industrial uses that are compatible with existing and anticipated land uses;
- KL.** Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 zone provided all repair and storage shall occur entirely within an enclosed building;
- LM.** Medical clinic or veterinary clinic;
- MN.** Club, lodge or fraternal organization facilities;
- NO.** Indoor commercial amusement or recreation establishment such as a bowling alley, theater, pool hall, ballroom, or skating rink;
- OP.** Mortuary;
- PQ.** Any commercial use not otherwise provided for in this section or specifically prohibited, provided, however, such commercial use shall not have a different or more detrimental effect upon the adjoining and adjacent areas than those uses permitted either outright or conditionally in this section;
- QR.** Bed and breakfast facility;
- RS.** Manufactured dwelling park, subdivision and P.U.D.;
- ST.** Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;
- TU.** Automobile service station (with direct access not from U.S. Hwy. 101). (Ord. 175 (part), 1995; Ord. 73E § 2.050(2), 1992; Ord. 104 (part), 1981)

Section 9.28.030 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in any C-1 zone the following standards apply:

A. Lot size and dimensions. The minimum lot size and dimensions in the C-1 zone shall be as follows:

1. The lot area, lot width, and lot depth requirements in the C-1 zone shall be as follows:
 - a. Lot area, six thousand (6,000) square feet with public water supply system.
 - b. Lot width, sixty (60) feet minimum at front building line for interior lot and sixty-five (65) feet for a corner lot with public water and sewer system.
 - c. Lot width, seventy (70) feet minimum at front building line for interior lot and seventy-five (75) feet for a corner lot with public water but no public sewer.
2. The minimum lot area per multifamily dwelling unit shall be two thousand five hundred (2,500) square feet with a public water and sewer system.
 - a. The minimum lot area per multifamily dwelling unit may be lowered to one thousand five hundred (1,500) square feet with a public water and sewer system if ~~the developer is willing to yield to the planning commission design control~~ **approved by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses.**
3. The minimum lot depth shall be eighty (80) feet.
4. ~~Minimum setback, lot coverage requirements and parking requirements in the C-1 zone for residential use shall be the same specifications outlined in R-4.~~

45. Landfill of dirt and rock only.

56. Hazard areas:

- a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
- b. Flood-prone areas, see Chapter 9.54.

67. Undersize lots, see Chapter 9.76.

B. Building Height. No building in a C-1 zone shall exceed a height of thirty (30) feet from finished grade or from natural grade, see Chapter 9.52.180.

C. Lot coverage. For nonresidential uses lot coverage may be one hundred (100) percent except all yards abutting a residential zone shall be a minimum of ten feet.

D. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor thirty (30) feet from the center line of any collector or arterial street.

E. Outdoor storage shall be screened with a sight-obscuring screen.

F. Yard regulations. Yards are not required ~~for nonresidential uses except where~~, except for residential-only uses, unless setbacks have been established for road widening, abutment to residential zones or other purposes. ~~For residential uses, the minimum yard requirements which apply in the residential zones apply in the C-1 zone.~~

G. Residential-only uses.

1. 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.

2. Parking requirements shall be the same specifications outlined in R-4.

HG. Fences, hedges, walls and landscaping. Where a commercial use abuts a residential zone, ~~the planning commission may require that a fence, evergreen hedge, wall or landscaping~~ **shall be constructed and maintained** immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. ~~The planning commission's review shall consider aesthetic and maintenance factors.~~ **Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 Variances.**

IH. General criteria. The vehicle and pedestrian access to the site can be safely and efficiently provided and the necessary utility systems and public facilities are available with sufficient supply and distribution capacity. If not provided by the city, it shall be the responsibility of the developer to insure these standards are met. (Ord. 175 (part), 1995; Ord. 73E § 2.050(3), 1992)

PASSED AND ADOPTED by the City Council of the City of Yachats on this 8th day of September, 2011.

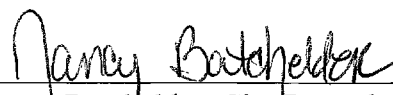
Ayes: 4 Nays: 0 Abstentions: 0 Absent: 1 Featherkile

APPROVED by the Mayor this 8th day of September, 2011.



Ronald L. Brean, Mayor

Attest:



Nancy Batchelder, City Recorder

CITY OF YACHATS

ORDINANCE NO. 304

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE REGARDING ITEMS
REQUIRING PLANNING COMMISSION REVIEW BUT DO NOT REQUIRE A PUBLIC
HEARING PROCESS

WHEREAS, citizens have expressed concern when they did not receive notice when an item is on the Planning Commission agenda for review, not understanding that a *review* is not a *public hearing* and does not require the same notification that would be provided if it were a public hearing; and

WHEREAS, The Planning Commission reviewed all items in the current Code which require *review* by the Planning Commission but do not require a public hearing, to determine if those items should remain as non-public hearing items, be considered by the Planning Commission through the public hearing process, not require any review by the Planning Commission, i.e. determined by city staff or be an outright regulation or standard; and

WHEREAS, The Planning Commission held a public hearing on August 16, 2011 at which they approved the language for the amendments and are now forwarding their recommended amendments to the Zoning & land Use Code to the City Council; and

WHEREAS, the Yachats City Council held a public hearing on September 8, 2011 at which time they accepted the recommendation of the Planning Commission for changes to the Yachats Municipal Code;

NOW THEREFORE, the City of Yachats ordains to amend Chapter 9.28 C-1 Retail Commercial Zone - Section 9.28.030 Standards, Chapter 9.40 PF Public Facilities Zone - Section 9.40.030 Standards, Chapter 9.44 Signs - Section 9.44.020 General requirements and Section 9.48.040 Prohibited signs, Chapter 9.48 Off-Street Parking and Loading - Section 9.48.010 General requirements, Chapter 9.52 Supplementary Use and Design Regulations - Section 9.52.090 Shoreline stabilization and Section 9.52.110 Demolitions or alterations of historic structures as follows:

Chapter 9.28 C-1 Retail Commercial Zone - Section 9.28.030 Standards

A(2). The minimum lot area per multifamily dwelling unit shall be two thousand five hundred (2,500) square feet with a public water and sewer system.

- a. The minimum lot area per multifamily dwelling unit may be lowered to one thousand five hundred (1,500) square feet with a public water and sewer system if ~~the developer is willing to yield to the planning commission design control~~ **approved by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses.**

G. Fences, hedges, walls and landscaping. Where a commercial use abuts a residential zone, ~~the planning commission may require that~~ a fence, evergreen hedge, wall or landscaping **shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. The planning commission's review shall consider aesthetic and maintenance factors. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 Variances.**

Chapter 9.40 PF Public Facilities Zone - Section 9.40.030 Standards.

B. Lot coverage may be one hundred (100) percent, except where a P-F zone abuts a residential zone no structure shall be within a minimum of ten feet, ~~or more if required by the planning commission,~~ from the abutment.

- C. Where a P-F use abuts a residential zone, ~~the planning commission may require that~~ a fence, evergreen hedge, wall or landscaping shall be constructed ~~installed~~ and maintained immediately adjacent to the abutting property line. ~~If required, the~~ Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five nor more than eight feet in height, except where vision clearance would be interrupted. ~~The planning commission shall consider aesthetic and maintenance factors when considering the type of required buffer.~~ Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 Variances.

Chapter 9.44 Signs

Section 9.44.020 General requirements.

- ~~A(5). A hinged or curved sign may be approved at the discretion of the planning commission. The area of the sign shall not exceed the limits of subsection (A)(1) of this section.~~

- ~~G. Off premise Signs. All signs shall be located on the same contiguous tax lots as the activity they identify or advertise unless otherwise provided in this title, except that off premise signs authorized by the Oregon State Department of Transportation, or off premise signs authorized by the planning commission, may be posted on private property with the permission of the owner. Off premise signs authorized by the planning commission will be no larger than six inches by thirty (30) inches, the maximum size of the city street name signs.~~

- G. Off-Premise Signs. Sign permit applications for off-premise signs shall include a signed agreement by the owner of the property on which the sign is to be placed. The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this section.

- H. Removal of Obsolete Signs. All signs covered in this title shall be taken down, removed, or de-lettered within thirty (30) days after cessation of the business, unless a proposed and justified extension is approved by the planning commission city staff. City staff may grant one 30 day extension.

Section 9.48.040 Prohibited signs

- H. Off-premise signs on a property that has residential-only uses.

Chapter 9.48 Off-Street Parking and Loading - Section 9.48.010 General requirements.

- ~~A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission, based upon the requirements of comparable uses listed.~~

- ~~B. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission city staff in the form of deeds, leases or contracts to establish joint use.~~

- ~~N(13). Other uses not listed above: number of parking spaces shall be determined by the planning commission city staff, based upon the requirements of comparable uses listed.~~

Chapter 9.52 Supplementary Use and Design Regulations

Section 9.52.090 Shoreline stabilization.

- A. Prior to construction of sShoreline protective structures requiring more than fifty (50) cubic yards of material cumulatively, required a permits shall be obtained from the applicable State of Oregon agencies Division of State Lands. The planning commission shall review all proposals for structural shoreline stabilization which require a permit from the Division of State Lands.

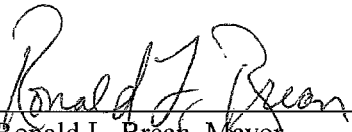
Section 9.52.110 Demolitions or alterations of historic structures.

- A. Demolitions of Historic Structures Identified in the Comprehensive Plan Inventory of Historic Buildings.
1. ~~The planning commission~~ City staff shall hold applications for demolition for forty-five (45) days before issuing the permit.
 2. During the forty-five (45) day period, the ~~planning commission~~ city staff shall take the following action:
 - a. Notify the State Historic Preservation Office of the proposed demolition;
 - b. Advertise in a newspaper of general circulation the nature of the request and historical values that would be lost;
 - c. Inform the applicant of the historic character of the building and the incentives associated with historic preservation.
- B. Alterations of Buildings Identified in the Comprehensive Plan as Having Significant Historic and Architectural Merit.
1. Exterior alterations (except painting), additions and construction of auxiliary buildings shall be reviewed by the ~~planning commission~~ State Historic Preservation Office.

PASSED AND ADOPTED by the City Council of the City of Yachats on this 8th day of September, 2011.

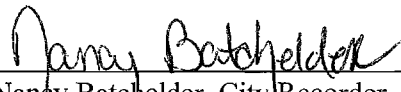
Ayes: 4 Nays: 0 Abstentions: 0 Absent: 1 Featherkile

APPROVED by the Mayor this 8th day of September, 2011.



Ronald L. Break, Mayor

Attest:



Nancy Batchelder, City Recorder

CITY OF YACHATS
Post Office Box 345
Yachats, Oregon 97498

DEPT OF
SEP 21 2011
LAND CONSERVATION
AND DEVELOPMENT

ATTN: PLAN AMEND. SPECIALIST
DLCD
635 CAPITOL ST. NE, STE 150
SALEM, OR 97301-2540