

**CITY OF YACHATS
ORDINANCE 376**

**A ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE TITLE 9; SECTION 9.04.030
DEFINITIONS, 9.24 R-4 RESIDENTIAL ZONE, SECTION 9.24.020 PERMITTED USES,
SECTION 9.24.030 CONDITIONAL USES, SECTION 9.24.040 STANDARDS; CHAPTER 9.28
C-1 RETAIL COMMERCIAL ZONE, SECTION 9.28.010 PERMITTED USES, 9.28.020
CONDITIONAL USES; SECTIONS 9.52.171 DETERMINING HEIGHT OF BUILDING**

WHEREAS, notice of the proposed amendments were provided in accordance with procedures established in the Yachats Municipal Code and Oregon Revised Statutes;

WHEREAS, the Planning Commission held multiple work sessions in 2023 and 2024 and 2025, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission and City Council held a work session, to provide an open forum for discussion of the amendments;

WHEREAS, the Planning Commission held a public hearing on July 16, 2024 for the proposed amendments;

WHEREAS, the Planning Commission followed the text amendment procedures under YMC 9.2.2 and has provided a report to the City Council along with its recommendation to consider the proposed text changes;

WHEREAS, the City Council held a public hearing on November 20, 2024 and October 23, 2024 for the proposed amendments, and

NOW THEREFORE, the City of Yachats ordains as follows:

Section 9.04.020 Purpose.

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.

“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, 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 but each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC.

“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.

DELETE drawing/Insert paragraph

“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.)

“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]. 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 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.

Amending Chapter 9.24 R-4 Residential Zone, Section 9.24.020 Permitted Uses:

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:

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 paragraph Q:

Q. Hostels.

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.

Amending Chapter 9.24 R-4 Residential Zone, Section 9.24.040 Standards, by modifying paragraph G. Vehicle Access, as follows:

G. Vehicle Access. Ingress or egress to a multifamily dwelling ~~or to a motel~~ shall not be allowed from less than a 35 foot right-of-way and a 25 foot all weather travel surface, accessible to emergency vehicles. In the event that a 35 foot right-of-way is not possible, a minimum of 10 foot easement (five feet on each side of the travel surface) shall be dedicated to the City for utility purposes and pedestrian use. Commercial uses and multifamily dwellings shall not have vehicles access to or from a cul-de-sac.

Amending Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.010 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 9.28.020 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;

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.

- boundaries, land uses, and approximate building locations of all adjacent properties.
6. Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way, and other important features such as City boundary lines.
 7. Either as part of the detailed 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 diameter of breast height (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.
 8. Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
 9. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines. Clearly indicate and label existing and proposed building elements, and their dimensions to adjacent property lines.
 10. Dimensional features showing compliance with the applicable area, width, coverage, yard, vision clearance, natural resource protection standards, and other design standards as specified in this Chapter.
 11. Location, dimension, and arrangements of proposed site elements including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, trash disposal areas, and lighting for these areas.
 12. Zoning tabulations based on the underlying zone or zones if split, including minimum lot area and proposed lot area (measured in square feet, or acres if exceeding one (1) acre); maximum gross floor area and proposed gross floor area, if applicable; maximum residential density and proposed residential density (measured in dwelling units per acre), if applicable; minimum yard areas and proposed yard areas; maximum building height and proposed building height, as defined and calculated in accordance with Section 9.52.171 of the Yachats Municipal Code; maximum building and

Amending Chapter 9.52. Supplementary Use and Design Regulations, by adding Section 9.52.171 Determining Height of Building as follows:

SEVERABILITY. Any provision of this Ordinance which proves to be invalid, void, or illegal shall in now ay affect, impair or invalidate any other provision of this Ordinance, and the remaining provisions of tis Ordinance shall remain in full force and effect.

EFFECTIVE DATE. This ordinance shall take effect on the 30th day after its adoption.

Passed and approved by the Yachats City Council this 20th day of November 2024.

ADOPTED on November 20, 2024

	YES	NO	NOT PRESENT
Craig Berdie, Mayor	X	<input type="checkbox"/>	<input type="checkbox"/>
Mary Ellen O'Shaughnessey	X	<input type="checkbox"/>	<input type="checkbox"/>
Catherine Whitten-Carey	X	<input type="checkbox"/>	<input type="checkbox"/>
Barry Collins	X	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Muirhead	<input type="checkbox"/>	<input type="checkbox"/>	X



Craig Berdie, Mayor

Attest by:


Bobbi Price, City Manager