

Title 9 ZONING AND LAND USE

[Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS](#)

[Chapter 9.08 USE ZONES DESIGNATED](#)

[Chapter 9.12 R-1 RESIDENTIAL ZONE](#)

[Chapter 9.16 R-2 RESIDENTIAL ZONE](#)

[Chapter 9.20 R-3 RESIDENTIAL ZONE](#)

[Chapter 9.24 R-4 RESIDENTIAL ZONE](#)

[Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE](#)

[Chapter 9.32 S-P STATE PARK ZONE](#)

[Chapter 9.36 EN ESTUARY NATURAL ZONE](#)

[Chapter 9.40 PF PUBLIC FACILITIES ZONE](#)

[Chapter 9.44 SIGNS](#)

[Chapter 9.48 OFF-STREET PARKING AND LOADING](#)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

[Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS](#)

[Chapter 9.56 SUBDIVISIONS AND PARTITIONS](#)

[Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS](#)

[Chapter 9.60 PLANNED UNIT DEVELOPMENT](#)

[Chapter 9.64 STREET CONSTRUCTION AND DESIGN](#)

[Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES](#)

[Chapter 9.72 CONDITIONAL USES](#)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

[Chapter 9.80 VARIANCES](#)

[Chapter 9.84 AMENDMENTS](#)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS

[Section 9.04.010 Short title.](#)

[Section 9.04.020 Purpose.](#)

[Section 9.04.030 Definitions](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.08 USE ZONES DESIGNATED

[Section 9.08.010 Classification of zones.](#)

[Section 9.08.020 Location of zones.](#)

[Section 9.08.030 Zoning maps.](#)

[Section 9.08.040 Zone boundaries.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.12 R-1 RESIDENTIAL ZONE

[Section 9.12.010 Purpose.](#)

[Section 9.12.020 Permitted uses.](#)

[Section 9.12.030 Conditional uses.](#)

[Section 9.12.040 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.16 R-2 RESIDENTIAL ZONE

[Section 9.16.010 Purpose.](#)

[Section 9.16.020 Permitted uses.](#)

[Section 9.16.030 Conditional uses.](#)

[Section 9.16.040 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.20 R-3 RESIDENTIAL ZONE

[Section 9.20.010 Purpose.](#)

[Section 9.20.020 Permitted uses.](#)

[Section 9.20.030 Conditional uses.](#)

[Section 9.20.040 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.24 R-4 RESIDENTIAL ZONE

[Section 9.24.010 Purpose.](#)

[Section 9.24.020 Permitted uses.](#)

[Section 9.24.030 Conditional uses.](#)

[Section 9.24.040 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE

[Section 9.28.010 Permitted uses.](#)

[Section 9.28.020 Conditional uses.](#)

[Section 9.28.030 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.32 S-P STATE PARK ZONE

[Section 9.32.010 Purpose.](#)

[Section 9.32.020 Permitted uses.](#)

[Section 9.32.030 Conditional uses.](#)

[Section 9.32.040 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.36 EN ESTUARY NATURAL ZONE

[Section 9.36.010 Purpose.](#)

[Section 9.36.020 Areas included.](#)

[Section 9.36.030 Permitted uses.](#)

[Section 9.36.040 Conditional uses.](#)

[Section 9.36.050 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.40 PF PUBLIC FACILITIES ZONE

[Section 9.40.010 Purpose.](#)

[Section 9.40.020 Permitted uses.](#)

[Section 9.40.030 Standards.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.44 SIGNS

[Section 9.44.010 Purpose.](#)

[Section 9.44.020 General requirements.](#)

[Section 9.44.030 Specific requirements.](#)

[Section 9.44.040 Prohibited signs.](#)

[Section 9.44.050 Signs exempted from permits.](#)

[Section 9.44.060 Application procedure.](#)

[Section 9.44.070 Enforcement.](#)

[Section 9.44.080 Appeal of planning commission action.](#)

[Section 9.44.090 Nonconforming signs.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.48 OFF-STREET PARKING AND LOADING

[Section 9.48.010 General requirements.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

[Section 9.52.010 Distance between buildings.](#)

[Section 9.52.030 General provisions regarding accessory uses.](#)

[Section 9.52.040 Approval of health department.](#)

[Section 9.52.050 Hazard areas.](#)

[Section 9.52.060 County road No. 804 right-of-way.](#)

[Section 9.52.070 Shoreland setbacks.](#)

[Section 9.52.080 Maintenance of access.](#)

[Section 9.52.090 Shoreline stabilization.](#)

[Section 9.52.100 Older stabilized dune construction standards.](#)

[Section 9.52.110 Protection of archaeological sites.](#)

[Section 9.52.120 Demolitions or alterations of historic structures.](#)

[Section 9.52.130 Development on beaches.](#)

[Section 9.52.140 Projections from buildings.](#)

[Section 9.52.150 General exceptions to lot size requirements.](#)

[Section 9.52.160 General exceptions of yard requirements.](#)

[Section 9.52.170 General exceptions to building height limitations.](#)

[Section 9.52.180 Removal and Fill Definitions and Requirements.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

[Section 9.54.010 Definitions](#)

[Section 9.54.020 Purpose](#)

[Section 9.54.030 General Provisions](#)

[Section 9.54.040 Administration](#)

[Section 9.54.050 Provisions for Flood Hazard Reduction](#)

[Section 9.54.060 Variances.](#)

[Section 9.54.070 Penalties](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

[Section 9.56.00A Article I. Partitions](#)

[Section 9.56.010 Approval of Partitions](#)

[Section 9.56.020 General requirements and minimum standards of design and development.](#)

[Section 9.56.030 Procedure for dividing land.](#)

[Section 9.56.039A Article II. Subdivisions](#)

[Section 9.56.040 Approval of subdivisions.](#)

[Section 9.56.050 General requirements.](#)

[Section 9.56.060 Procedure for dividing land.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS

[Section 9.58.010 Tentative Approval](#)

[Section 9.58.020 Final Approval](#)

[Section 9.58.030 Review Procedures](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.60 PLANNED UNIT DEVELOPMENT

[Section 9.60.010 Purpose.](#)

[Section 9.60.020 General requirements.](#)

[Section 9.60.030 Procedure for proposing P.U.D.](#)

[Section 9.60.040 Development of a P.U.D.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.64 STREET CONSTRUCTION AND DESIGN

[Section 9.64.010 Design standards.](#)

[Section 9.64.020 Private streets.](#)

[Section 9.64.030 Street construction permit.](#)

[Section 9.64.040 Dedication of public street.](#)

[Yachats Municipal Code](#)

Title 9 ZONING AND LAND USE

[Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS](#)

[Chapter 9.08 USE ZONES DESIGNATED](#)

[Chapter 9.12 R-1 RESIDENTIAL ZONE](#)

[Chapter 9.16 R-2 RESIDENTIAL ZONE](#)

[Chapter 9.20 R-3 RESIDENTIAL ZONE](#)

[Chapter 9.24 R-4 RESIDENTIAL ZONE](#)

[Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE](#)

[Chapter 9.32 S-P STATE PARK ZONE](#)

[Chapter 9.36 EN ESTUARY NATURAL ZONE](#)

[Chapter 9.40 PF PUBLIC FACILITIES ZONE](#)

[Chapter 9.44 SIGNS](#)

[Chapter 9.48 OFF-STREET PARKING AND LOADING](#)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

[Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS](#)

[Chapter 9.56 SUBDIVISIONS AND PARTITIONS](#)

[Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS](#)

[Chapter 9.60 PLANNED UNIT DEVELOPMENT](#)

[Chapter 9.64 STREET CONSTRUCTION AND DESIGN](#)

[Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES](#)

[Chapter 9.72 CONDITIONAL USES](#)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

[Chapter 9.80 VARIANCES](#)

[Chapter 9.84 AMENDMENTS](#)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS

Section 9.04.010 Short title.

This title shall be known as the city of Yachats zoning and land use ordinance. (Ord. 73E (part), 1992)

[Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS](#)

Section 9.04.020 Purpose.

The purpose of this title is to promote the public health, safety and general welfare and to assist in carrying out comprehensive plans for the city including all future lands and subdivisions annexed into the incorporated city. (Ord. 73E (part), 1992)

Chapter 9.04 GENERAL PROVISIONS AND DEFINITIONS

Section 9.04.030 Definitions

As used in this title:

"A-frame or sandwich sign" means an advertising device which is ordinarily two-sided and in the shape of an "A" or some variation thereof, located on the ground and not permanently affixed.

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

"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.

"Alley" means a minor way for secondary access to properties which abut other streets.

"Alter" means any change, addition or modification of construction or occupancy of a building or structure.

"Amendment" means a change in wording, content or substance of this title, or a change in the zone boundaries or area district boundaries upon the zoning map.

"Apartment" means a dwelling unit as defined in this section.

"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."

"Apartment house" means a building or portion thereof designed, built, rented, leased, let or hired out to be occupied, or which is occupied or is the home or residence of three or more families living independently of each other and doing their own cooking in the building, and shall include flats and apartments.

"Automobile service station" means a premises used for supplying direct to the consumer at retail; gasoline, oil, minor accessories and services for automobiles.

"Awning" means a movable shelter supported entirely from the exterior wall of a building and of such a type which can be retracted, folded or collapsed against the face of a supporting building.

"Awning, manufactured dwelling" means any stationary structure, permanent or demountable, used in conjunction with a manufactured dwelling, other than a window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

"Banner" means a non-rigid sign designed to be hung either with or without a frame.

"Basement" means a story partly or wholly underground.

"Bed and breakfast facility" means a single-family dwelling containing rooms for rent in accordance with Section 9.72.050.

"Block" means an area of land which may be bounded on all sides by streets, unsubdivided land, water courses, or any combination thereof.

Boarding House. See "Rooming house."

"Boundary line" means the line defining the perimeter of a lot, parcel, area or tract of land.

"Boundary line, front line" means the boundary line separating the lot or parcel from the street, other

than an alley. In the case of a corner lot or parcel, the shortest boundary line along a street, other than an alley; or, in the case of a lot or parcel which does not front directly upon a public street, that line toward which most houses in the immediate area face.

"Boundary line, rear line" means a boundary line which is opposite and most distant from the front line. In the case of an irregular, triangular, or other shaped lot or parcel, a line a minimum of ten feet in length, within the lot or parcel parallel to and at a maximum distance from the front line.

"Boundary line, side line" means any boundary line not a front or rear line.

"Bridge crossing" means the portion of a bridge spanning a waterway or wetlands, not including supporting structures or fill.

"Bridge crossing support structure" means piers, piling and similar structures necessary to support a bridge span but not including fill for causeways or approaches.

"Building" means a structure built or assembled for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Built" means created by assembling basic elements such as foundations, floors, walls, roofs, plumbing and wiring systems, etc., by following step-by-step construction procedures.

"Cabana" means a stationary, lightweight structure, which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured dwelling to provide additional living space meant to be moved with the manufactured dwelling.

"Canopy" means a structure other than an awning made of cloth, metal or other material with a frame attached to the building and also supported by a frame on the ground.

"Carport" means a stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for sheltering a motor vehicle.

Cellar. See "Basement."

"Cemetery" means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum or mortuary when operated in conjunction with and within the boundary of such cemetery.

"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship.

"City" means the incorporated city of Yachats, Oregon.

"City council" means the governing body of the city of Yachats.

"Clinic" means a building utilized by persons licensed by the state of Oregon to treat or analyze medical or surgical needs of humans.

"Club" means any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business.

"Common property" means a lot(s) together with the improvements thereon, the use and enjoyment of which are shared by owners and occupants of individual building sites in a planned unit development or standard subdivision.

"Community center" means a facility owned and operated by a governmental agency or a nonprofit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on the premises.

"Comprehensive plan" means the comprehensive land use plan of the city of Yachats. This plan is the

document which: (1) interrelates functional and natural systems and activities related to the use of land and water; and (2) is adopted, reviewed and refined by the city as a guide to growth and improvement within the city.

"Condominium" means a system of ownership under which one may own an individual unit in an apartment or other building complex and share in the ownership of common elements such as the land; also refers to the buildings that are owned under such a system.

Convalescent. See "Nursing home."

"County" means the county of Lincoln, Oregon.

"Day care center" means an institution, establishment or place not a part of the public school system, other than a family day care provider, in which are commonly received at one time five or more children not related by parentage to the provider of the day care service, fourteen (14) years of age or under, for the purpose of being given board, care or training, apart from their parents or guardians for compensation or reward.

"Day nursery" means any institution, establishment or place, other than a family day care provider, in which are commonly received at one time three or more children not of common parentage, under the age of six years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

"Deck/porch" means an outside walking area, the floor of which is elevated more than eight inches from grade.

"Deed restrictions" means a private, contractual agreement to limit the use (e.g., building height) of real property; a deed covenant. The city assumes no responsibility for enforcement of covenants and restrictions between private parties.

"Density" means the number of units per acre.

"Design" means the design of any street or alley alignments, grade or width, alignment of width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities, and lot area, width or layout.

"Development" means work done on any site resulting in physical changes to that site, including, but not limited to, grading and/or excavation, vegetation removal and/or any construction or placement of facilities on that site.

"Dock for marina use" means a floating moorage facility constructed perpendicular or parallel to the shoreline.

"Double frontage lot" means a lot having frontage on two parallel or approximately parallel streets.

"Double wide manufactured dwelling" consists of two coach units constructed on two separate chassis that are combined horizontally at the site to complete the living unit.

"Dredging" means the removal of materials from a wetland or body of water for channel deepening, realignment, boat basin or other uses.

"Driveway" means a minor private way used by vehicles and pedestrians on a lot or for common access to a small group of lots or common facilities.

"Dwelling" means a building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.

Dwelling, Multifamily. "Multifamily dwelling" means a building containing three or more dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a building designed or used exclusively for the occupancy of one family and having kitchen facilities for only one family.

Dwelling, Two-Family. "Two-family dwelling" means one building containing two dwelling units (duplex).

"Dwelling unit" means one or more rooms designed for permanent occupancy by one family and having not more than one kitchen facility.

"Easement" means a right of usage of real property granted for a specific purpose by an owner to specific persons, firms, corporations, or the public.

"Erect" means to build, construct, attach, hang, place, suspend or affix; in the context of signs, shall also include the painting of wall signs.

"Estuarine enhancement" means an action which results in a long term improvement of existing estuarine functional characteristics and processes that is not the result of a restoration action or the creation of additional estuarine habitat. This activity may include snag removal.

"Expando" means a room or rooms that folds, collapses or telescopes into a manufactured dwelling during transport and which can be expanded at the site to provide additional living space.

"Factory built dwelling" means a dwelling unit built substantially or entirely at a place other than the residential site, meeting county and state building code requirements, and including prefabricated or modular homes and excluding manufactured dwellings.

"Family" means an individual or two or more persons related by blood, marriage, adoption or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons; or a group of not more than three unrelated persons, living together as one housekeeping unit using one kitchen.

"Family day care provider" means a day care provider who provides day care in the provider's home in the family living quarters to no more than twelve (12) children including children of the provider, regardless of full-time or part-time status.

"Fence" means an unroofed barrier or an unroofed enclosing structure such as masonry, ornamental iron, woven wire, wood pickets of solid wood or any other material used as an unroofed barrier to light, sight, air or passage.

Fence, Sight-Obscuring. "Sight-obscuring fence" consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

"Fill" means the placement by man of sand, sediment or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.

"Flag lot" means a lot meeting minimum lot area depth and width requirements, excluding the access portion of the lot.

"Floor area" means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

1. Uncovered steps or fire escapes;
2. Accessory water towers or cooling towers;
3. Accessory off-street parking or loading spaces.

"Garage" means a building or portion thereof in which a motor vehicle is stored, repaired or kept.

Garage, Private. "Private garage" means a detached accessory building or portion of a main building for

the parking or temporary storage of automobiles in which no business, occupation or service is provided for or is in any way conducted.

Garage, Public. "Public garage" means a building, other than a private garage, used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for compensation, hire or sale.

"Grade" means the elevation of the ground at the midpoint from all corners of a building, post construction.

"Height of building" means the vertical distance from grade to the highest point of a roof.

"High water line or mark" means the high water elevation as shown on the county assessor's records, or as determined by the county surveyor, based upon the line where normal high water elevation results in a pronounced change in vegetation characteristics.

"Home occupation" means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes, excluding direct sales to the public.

"Homeowners association" means an incorporated, nonprofit corporation to operate under recorded land agreement through which: (1) each lot owner in a planned unit development or other described land area is automatically a member; and (2) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining a common property.

"Homes for the aged or infirm" means any home or institution, other than a residential home or residential facility, that provides board and domiciliary care for compensation to three or more persons who are of the age of sixty-five (65) years or more, or persons less than sixty-five (65) years, who by reasons of infirmity, require domiciliary care.

"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."

Illumination, External. "External illumination" means illumination of a sign by an artificial source of light not contained within the sign itself.

Illumination, Internal. "Internal illumination" means illumination of a sign by an artificial source of light contained within the sign itself, including neon or other gas-filled light.

"Interpretation" means that the provisions of this title shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any other provisions of this title are less restrictive than comparable conditions imposed by any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. The only exception would be a planned unit development (P.U.D.).

"Junk yard" means any property utilized for breaking up, dismantling, sorting, storing, distributing, buying or selling of any scrap, waste material, junk or used equipment or machinery of any nature.

"Landscape" means to improve or ornament by landscape architecture or gardening appropriate to the scale of the development.

"License" means a certificate for operation issued by the city pursuant to any city ordinances.

"Loading space" means an off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Lot" means a unit of land that is created by a subdivision of land.

"Lot area" means the total area within the lot lines of a lot measured on a horizontal plane.

Lot, Corner. "Corner lot" means a lot abutting on two or more streets, other than an alley, at their intersection.

"Lot depth" means the average horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage. See "Double frontage lot."

Lot, Interior. "Interior lot" means a lot other than a corner lot.

"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.

Lot Line, Rear. "Rear lot line" means the property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten feet in length, within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. "Side lot line" means any property line not a front or rear lot line.

"Lot width" means the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

"Main building" means a building within which is conducted the principal use permitted on the lot, as provided by this title.

"Maintenance and repair (estuarine areas)" means the work of keeping an existing structure or facility in good working order or in conformance with current engineering or building codes, or of restoring a structure or facility to sound condition after damage or injury. Maintenance and repair is confined to the same geographic area as the existing structure or facility, and does not result in an increase in floor area or surface area. Replacement of bridge crossing support structures and bridge approach ramps may be considered a form of maintenance if the resulting bridge support structure or ramp is the minimum size necessary to accommodate the same number of traffic lanes as exist on that portion of the highway.

"Manufactured dwelling" means:

1. A residential trailer, a structure constructed for movement on the public highway, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962;
2. A mobilehome, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobilehome law in effect at the time of construction;
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

"Manufactured dwelling park" means any place where four or more manufactured dwellings as defined in ORS 446.003 are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any

person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the city under an ordinance adopted pursuant to ORS 92.010 to 92.190.

"Manufactured dwelling space" means a plot of ground within a manufactured dwelling park that is designed for the accommodation of one manufactured dwelling.

Manufactured Home. See subsection 3 of the definition of "Manufactured dwelling."

"Marina" means a commercial boat launch, moorage or similar facility which may include dry or wet boat storage and boathouses.

"Marquee" means a permanent roofed structure attached to and supported by the building and projecting over public property.

"Mean high water" means the average height of the high waters over a nineteen (19) year tidal cycle (as per U.S.G.S. definitions).

"Mean higher high water" means the average height of the higher high waters over a nineteen (19) year tidal cycle (as per U.S.G.S. definitions).

"Mean low water" means the average height of the low waters over a nineteen (19) year tidal cycle (as per U.S.G.S. definitions).

"Mean sea level" means the average height of the surface of the sea for all stages of the tide usually determined from hourly height readings over the nineteen (19) year tidal cycle (as per U.S.G.S. definitions).

"Mitigation" means the creation, restoration or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats and species diversity, unique features and water quality.

Mobilehome. See subsection 2 of the definition of "Manufactured dwelling."

Mobilehome Park. See "Manufactured dwelling park."

"Modular home" means a dwelling unit, constructed partly on-site, consisting of some prefabricated members; excluding manufactured homes.

"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."

Motor Home. See "Recreational vehicle."

"Nonconforming lot" means a lot which does not meet the area or width requirements of the zone in which it is located.

"Nonconforming structure or use" means a lawful structure or use, existing at the time the ordinance codified in this title or any amendment thereto becomes effective, and which does not conform to the requirements of the zone in which it is located.

"Notification area" means the area two hundred fifty (250) feet in all directions of the affected property excluding road or street rights-of-way.

"Nursing home" means any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for a period exceeding twenty-four (24) hours for two or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage.

Convalescent care may include, but need not be limited to, the procedures commonly employed in

nursing and caring for the sick. A nursing home includes rest homes and convalescent homes, but does not include a boarding home for the aged, a residential home, a residential facility, a retirement home, hotel, hospital or a licensed chiropractic facility.

"Ocean flooding" means the flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding.

"Open recreation area" means recreation development providing for picnicking, camping, hunting, fishing, riding or other similar activities, but excluding trailer parks and outdoor commercial amusements such as miniature golf courses, go-cart tracks, etc.

"Owner" means the person of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel of property with a written contract. (See also "Person.")

"Owner-occupied dwelling" means a dwelling unit which is occupied by the owner for not less than seven months out of any calendar year. In any case, the burden of proof shall fall to the applicant to prove that a dwelling is owner-occupied.

"Pad" means a minimum foundation treatment for a permanent manufactured dwelling installation, the construction of which is to be in conformance with the state of Oregon Building Code Agency guidelines, extending the length and width of the manufactured dwelling unit or units.

"Parcel" means a unit of land that is created by partitioning land.

Parking Area, Private. "Private parking area" means an open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building.

Parking Area, Public. "Public parking area" means an open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and available for use by the public or by persons patronizing a particular building or establishment.

"Parking space" means space within a private or public parking area, building or structure, for the parking of one automobile.

"Partition" means either an act of partitioning land or an area or tract of land partitioned.

Partition, Major. "Major partition" means a partition which includes the creation of a road or street.

Partition, Minor. "Minor partition" means a partition that does not include the creation of a road or street.

"Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

1. A division of land resulting from lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the rezoning complies with any applicable zoning ordinances;
3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes, provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

"Partition plat" means a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

"Person" means a natural person, his or her heirs, executors, administrators, or assigns and also includes a firm, partnership or corporation, its or their successors or assigns or the agent of any of the aforesaid, and any political subdivision, agency, board or bureau of the state.

"Pier" means a fixed moorage facility constructed outward from the shoreline.

"Piling" means the driving of wood, concrete or steel piling into the bottom in aquatic areas to support piers or docks, structures, moored floating structures, or other purposes.

"Planned unit development" means a subdivision of land in which the individual building sites are reduced in size but are compensated by area used in common for recreation purposes. A planned unit development involving dwelling or commercial units may incorporate detached, semi-detached, attached, single-story, or multi-storied units or any combination of the aforementioned. Such projects may also involve religious, cultural, recreational and commercial uses and purposes.

"Planning commission" means a body appointed by the city council to administer the planning ordinances.

"Plat" means a final subdivision plat, replat or partition plat.

"Porch" means a porch is an outside walking area, the floor of which is elevated more than eight inches from the ground.

"Professional office" means an office occupied by physicians, dentists, accountants, attorneys, optometrists, architects, professional engineers, or surveyors, or persons engaged in similar occupations.

"Public utility facility" means a pipe, transmission line, treatment facility, storage facility, substation, tower or other structure designed to provide the public with electricity, gas, heat, steam, water, communication, sewage collection or other similar service.

"Ramada" means a stationary structure having a roof extending over a manufactured dwelling which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

"Real Estate Commissioner" means a state of Oregon official.

"Recreational vehicle" means a vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. "Recreational vehicle" includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer.

"Recreational vehicle park" means a lot or tract where the primary land use is the parking on a fee or other basis of occupied recreational vehicles.

"Recreational vehicle site" means the area or place used for parking occupied recreational vehicles, and may include sewer, water, gas or electrical hookups. Places to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

"Refuse" means any putrescible and nonputrescible solid wastes including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings and industrial wastes (including waste disposal in industrial salvage).

"Repair" means the reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall apply to any structural alteration.

"Replat" means a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plan and other writings containing all the descriptions, location, specifications, dedications and

provisions and information concerning a recorded subdivision.

"Reserve strip" means a strip of land usually one foot in width, across the end of a street or alley which shall be under the ownership of the city to insure street extensions where needed.

"Residential facility" means a facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with training or treatment or a combination thereof for six to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

"Residential home" means a home licensed by or under the authority of the Department of Human Resources under ORS 443.300 to 443.825 which provides residential care alone or in conjunction with training or treatment or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

"Resort" means a tourist-oriented establishment, having recreational, eating and sleeping accommodations located on the premises.

Resource Capability. A use is consistent with the resource capabilities of the natural estuarine management unit area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

Rest Home. See "Nursing home."

"Restaurant, cafe" means an establishment where prepared food is served to the public for consumption on the premises, or to "take out" to some other location.

Restaurant, Drive-In. See "Restaurant, cafe."

"Restoration" means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alterations, activities or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

Restoration, Active. "Active restoration" means the use of specific positive remedial actions to revitalize or re-establish functional characteristics and processes of the estuary.

Restoration, Passive. "Passive restoration" means the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.

"Right-of-way" means a strip of land within which is located a passageway, as conveyed for a specific purpose.

"Riparian" means of or pertaining to or living on the bank of a river or lake or, of a tidewater.

"Riprap" means a layer, facing or protective mound of stones placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used.

"Rooming house" means a residential building or portion thereof providing sleeping rooms where lodging for three or more persons is provided for compensation.

"Sewer superintendent" means a city employee in charge of the sewer department.

"Shoreline stabilization" means the protection of the banks of tidal or intertidal streams, rivers, estuarine waters, and oceanfront by vegetative or structural means.

"Sign" means an identification, description, illustration or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place, activity, person, institution or business. Each display surface of a sign other than two surfaces parallel and back-to-back on the same structure shall be considered a sign.

Sign, Directional. "Directional sign" means a sign having no advertising of any kind, which provides direction or instruction to guide persons to facilities intended to serve the public, including, but not limited to, signs identifying restrooms, public telephones, parking areas and other similar facilities.

Sign, Free-Standing. "Free-standing sign" means a sign supported by a structure or supports upon the ground and not attached to or supported by any building.

Sign, Projecting. "Projecting sign" means a sign attached to a building or wall and extending more than sixteen (16) inches beyond the line of the building or wall.

Sign, Roof. "Roof sign" means a sign erected or maintained in whole or in part upon, against or directly above the roof or parapet of a building.

Sign, Temporary. "Temporary sign" means a sign advertising a specific, occasional event or activity of limited duration. "Temporary" defines the activity, not the sign. A portable or movable sign which is displayed from time to time, such as during business hours, is not a temporary sign.

Sign, Wall. "Wall sign" means a sign attached to an exterior wall of a building or dependent upon a building for support with the exposed face of the sign substantially parallel to the exterior building wall. For the purpose of this title, a sign attached flat against a sloping surface of a mansard roof shall be considered a wall sign.

Sign, Window. "Window sign" means a sign attached to, placed upon, or painted on a window or glazed door of a building, which is intended for viewing from the exterior of the building.

"Skirt" means a durable all-weather material having a finished exterior surface surrounding a manufactured dwelling and effectively screening the wheels and undercarriage from view.

"Slope" means the relationship, as expressed in percent, of the number of feet of vertical rise or fall for each one hundred (100) feet of horizontal distance as determined from a common reference point. For example, a twelve (12) percent slope means that for every one hundred (100) feet the terrain changes twelve (12) feet in distance up or down.

"Specifications" means a written or printed description of work to be done, forming part of a contract and describing qualities of material and mode of construction, and also giving dimensions and other information not shown in the drawings.

"Street" means a way of travel for vehicular traffic which has been dedicated, deeded, or an easement granted to the public for public use.

Street, Arterial. "Arterial street" means a street designed to carry traffic from one community to another, to carry traffic to and from major traffic generators, and to carry through traffic.

Street, Collector or Secondary. "Collector or secondary street" means a street designed to carry traffic between minor streets and the arterial system, to function as primary traffic carriers within a neighborhood, to carry traffic to local traffic generators.

Street, Cul-de-Sac or Dead End. "Cul-de-sac or dead end street" means a minor street with only one outlet which provides a vehicular turn-a-round.

Street, Minor. "Minor street" means a street designed to provide access to abutting residential property

with only incidental service to through traffic.

"Structural alteration" means any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.

"Structure" means something constructed or built and having a fixed base on, or fixed to the ground or another structure.

"Subdivide land" means to divide land into four or more lots within a calendar year.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

"Subdivision plat" means a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

"Temporary alteration" means dredging, filling or any other estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed in the applicable estuary zone. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include:

1. Alterations to establish mitigation sites, alterations for bridge construction or repair; and
2. Minor structures (such as blinds) necessary for research and educational observation.

"Tie-down" means any device designed to anchor a manufactured dwelling securely to the ground.

"Tip-out" means a movable section of a mobilehome, recreational vehicle or manufactured dwelling which can be extended from the main structural frame to increase living space.

"Town house" means an attached, single-family dwelling, usually with two or more stories, living and dining areas on the first floor, and bedrooms on the upper floors.

"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is, or may be, occupied.

"Vision clearance" means a triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on the street lines or alley lines, an equal and specified distance from the corner.

"Water superintendent" means a city employee in charge of the water department.

"Water-dependent" means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.

"Yard" means a space other than a court on the same lot with a building open from the ground.

Yard, Front. "Front yard" means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.

Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line; but for determining the depth of the required rear yard it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.

Yard, Side. "Side yard" means an area adjacent to any side lot line the depth of which is the specified horizontal distance measured at right angles to the side lot line and being parallel with the side lot line.

(Ord. 73I, 1994; Ord. 73E § 17.010, 1992; Ord. 73C, 1986)

(Ord. 232, Amended, 11/19/2002; Ord. 218, Amended, 12/27/2000)

Chapter 9.08 USE ZONES DESIGNATED

Section 9.08.010 Classification of zones.

For the purpose of this title the following zones are established in the city:

Abbreviated Map

Designation Designation

Residential Zones

Residential zone R-1 R-1 R-1

Residential zone R-2 R-2 R-2

Residential zone R-3 R-3 R-3

Residential zone R-4 R-4 R-4

Commercial Zones

Commercial C-1 C-1 C-1

Other Zones

State Park Zone (S-P) S-P S-P

Estuary Natural Zone (EN) EN EN

Public Facility Zone (PF) PF PF

(Ord. 73E § 1.020, 1992)

Chapter 9.08 USE ZONES DESIGNATED

Section 9.08.020 Location of zones.

The boundaries for the zones listed in this title are appended hereto as an appendix to the ordinance codified in this title and marked as such with the area or areas of every zone, particularly described and are also indicated on maps entitled "Zoning Map of Yachats, Oregon," originals of which are on file in the office of the city recorder, in a book or place kept for that purpose and open to public inspection and counterparts of which maps are in the office of the city recorder and bear the same date as the passage of said ordinance and the number of said ordinance and each of the maps having endorsed thereon the signatures of the mayor and city councilmembers of the city council and the chairman and secretary of the city planning commission, and the maps and any other information appertaining thereto, such as symbols, indications, notations, references and other information which appear in the maps are incorporated into and made a part of this title as much as if said matters and information set forth on and by the maps were fully described herein; provided that if there is a discrepancy between the maps and the description in the appendix, the description in the appendix shall control.

Zone boundaries, zone modifications, additions or reclassifications may be made at subsequent times and shall be made by amendment to this title, in accordance with the provisions of the title. (Ord. 73E § 1.030, 1992)

Chapter 9.08 USE ZONES DESIGNATED

Section 9.08.030 Zoning maps.

Maps of the zones or amendments to the location of zones adopted pursuant to Section 9.08.020 shall be prepared by the authority of the city council. The map or amendment shall be dated with the effective date of the ordinance that adopts the amendment, together with the signatures of the chairman and secretary of the planning commission and the mayor and city councilmembers of the city council, and the ordinance number of the ordinance which made the modification. A certified print of the original map and subsequent map shall be maintained without change in the office of the city recorder in the book or place kept for that purpose; provided, however, that when an ordinance amends a previous ordinance so as to change the area of the zone on a map previously filed, the original map may be noted in the margin to show that a change was made together with the date of change and the map number or designation and amending ordinance number. (Ord. 73E § 1.040, 1992)

[Chapter 9.08 USE ZONES DESIGNATED](#)

Section 9.08.040 Zone boundaries.

Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way or such lines extended, or other similar lines. (Ord. 73E § 1.050, 1992)

[Chapter 9.12 R-1 RESIDENTIAL ZONE](#)

Section 9.12.010 Purpose.

The R-1 residential zone is intended to provide a quality environment for low density, urban, single-family residential uses and other compatible land uses determined desirable and/or necessary. In an R-1 zone the following regulations shall apply. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.010 (part), 1992)

Chapter 9.12 R-1 RESIDENTIAL ZONE

Section 9.12.020 Permitted uses.

In an R-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. One single-family dwelling per tax lot;
- B. A recreational vehicle or manufactured dwelling used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. ;
- E. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- F. Family day care provider;
- G. Residential home;
- H. Factory built dwelling;
- I. Single-family manufactured homes on individual lots subject to the following restrictions:
 - 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
 - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
 - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - 4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
 - 5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
 - 6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.

7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.010(1), 1992)

(Ord. 267, Amended, 02/12/2007)

[Chapter 9.12 R-1 RESIDENTIAL ZONE](#)

Section 9.12.030 Conditional uses.

In an R-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. Governmental structure or use of land; and public utility facility;
- B. Home occupation;
- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Private boat dock;
- E. Bed and breakfast facility. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.010(2), 1992)

Chapter 9.12 R-1 RESIDENTIAL ZONE

Section 9.12.040 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-1 zone the following standards shall apply:

A. Lot Size and Dimensions. The minimum lot size and dimensions in an R-1 zone shall be as follows:

1. The minimum lot area shall be seven thousand five hundred (7,500) square feet when the lot is served by both a public water supply and public sewage system.
2. The minimum lot area shall be twenty thousand (20,000) square feet when a lot is served by a public water supply system, but cannot be practically served by a public sewage disposal system.
3. The minimum lot width at the front building line shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot when a lot is served by both a public water supply and sewage disposal system.
4. The minimum lot width at the front building line shall be seventy (70) feet for an interior lot and seventy-five (75) feet for a corner lot when a lot is served by a public water supply system, but not by a public sewage disposal system.
5. The minimum lot depth shall be eighty (80) feet.
6. Landfill of dirt and rock only.
7. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44 through 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
8. Under-size lots, see Chapter 9.76.

B. Yards. The minimum yard requirements in the R-1 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of twenty (20) feet.
4. The rear yard shall be a minimum of ten feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
6. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor forty-five (45) feet from the center line of any collector or arterial street.

C. Building Height. No building in the R-1 zone shall exceed a height of thirty (30) feet over natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall have at least two permanent parking spaces. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and ten feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

F. 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. 73I (part), 1994; Ord. 73E § 2.010(3), 1992; Ord. 73B, 1983)

(Ord. 267, Amended, 02/12/2007; Ord. 215, Amended, 08/15/2003)

[Chapter 9.16 R-2 RESIDENTIAL ZONE](#)

Section 9.16.010 Purpose.

This residential zone is intended to provide a quality environment for medium density, urban, single-family residential uses and other compatible land uses determined to be desirable and/or necessary. In an R-2 zone the following regulations shall apply. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.020 (part), 1992)

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:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle or manufactured dwelling used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, (temporary buildings or shelters of any kind not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of commencement of construction;
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. ;
- E. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- F. Two-family dwelling;
- G. Family day care provider;
- H. Residential home;
- I. Factory built dwelling. See Definitions;
- J. Single-family manufactured homes on individual lots subject to the following restrictions:
 - 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
 - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
 - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - 4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
 - 5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
 - 6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under

the city's zoning and other ordinances.

7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.020(1), 1992)

(Ord. 267, Amended, 02/12/2007)

Chapter 9.16 R-2 RESIDENTIAL ZONE

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:

- A. Residential facility;
- B. Governmental structure or use of land; and public utility facility;
- C. Home occupations. See Definitions;
- D. Temporary real estate office offering residential property in the immediate vicinity for sale;
- E. Recreational vehicle. See Chapter 9.68;
- F. Bed and breakfast facility. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.020(2), 1992)

Chapter 9.16 R-2 RESIDENTIAL ZONE

Section 9.16.040 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-2 zone the following standards shall apply:

A. Lot Size and Dimensions. The minimum lot size and dimensions in an R-2 zone shall be as follows:

1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling and seven thousand five hundred (7,500) square feet for a two-family dwelling, and when a lot is served by both a public water supply and public sewage disposal systems.
2. The minimum lot area shall be seven thousand five hundred (7,500) square feet for a one-family dwelling and fifteen thousand (15,000) square feet for a two-family dwelling, when lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system.
3. The minimum lot width at the front building line shall be fifty (50) feet for an interior lot and fifty-five (55) feet for a corner lot when a lot is served by both a public water supply and sewage disposal system.
4. The minimum lot width at the front building line shall be seventy (70) feet for an interior lot and seventy-five (75) feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.
5. The minimum lot depth shall be eighty (80) feet.
6. Landfill of dirt and rock only.
7. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44 through 9.52;
 - b. Flood prone areas, see Chapter 9.54.
8. Undersize lots, see Chapter 9.76.

B. Yards. The minimum yard requirements in the R-2 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of twenty (20) feet.
4. The rear yard shall be a minimum of ten feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
6. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor forty-five (45) feet from the center line of any collector or arterial street.

C. Building Height. No building in the R-2 zone shall exceed a height of thirty (30) feet over natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty-five (35) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall have at least two permanent parking spaces per dwelling unit. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and nine feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

F. 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. 73I (part), 1994; Ord. 73E § 2.020(3), 1992)

(Ord. 267, Amended, 02/12/2007; Ord. 243, Amended, 12/18/2003; Ord. 215, Amended, 08/15/2003)

[Chapter 9.20 R-3 RESIDENTIAL ZONE](#)

Section 9.20.010 Purpose.

The R-3 residential zone is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. In an R-3 zone the following regulations shall apply. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.030 (part), 1992)

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:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle or manufactured dwelling used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, (temporary buildings or shelters of any kind not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of commencement of construction;
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. ;
- E. Planned unit development. (P.U.D.) except for manufactured home P.U.D. See Chapter 9.60;
- F. Two-family dwelling;
- G. Multifamily dwelling;
- H. Factory built dwelling. See Definitions;
- I. Family day care provider;
- J. Residential home;
- K. Residential facility;
- L. Single-family manufactured homes on individual lots subject to the following restrictions:
 - 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
 - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
 - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - 4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
 - 5. If the manufactured home has a garage or carport, it shall be constructed of like materials.

6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.
7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.030(1), 1992)

(Ord. 267, Amended, 02/12/2007)

[Chapter 9.20 R-3 RESIDENTIAL ZONE](#)

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:

- A. Governmental structure or use of land; and public utility facility;
- B. Home occupation. See Definitions;
- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Recreational vehicle. See Chapters 9.68 and 9.72;
- E. Church, nonprofit religious or philanthropic institution;
- F. Community center;
- G. Nursery school, kindergarten or similar facility;
- H. Hospital, nursing home, retirement home, or similar facility;
- I. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
- J. Park, playground, swimming pool, or similar recreation area;
- K. School or private school offering curricula similar to public schools;
- L. Parking areas;
- M. Bed and breakfast facility;
- N. Manufactured dwelling park, subdivision and P.U.D. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.030(2), 1992)

Chapter 9.20 R-3 RESIDENTIAL ZONE

Section 9.20.040 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-3 zone the following standards shall apply:

A. Lot Size and Dimensions. The minimum lot size and dimensions in the R-3 zone shall be as follows:

1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; six thousand (6,000) square feet for the first dwelling unit and two thousand five hundred (2,500) square feet for each additional unit in a multifamily dwelling when a lot is served by both a public water supply and public sewage disposal system. However, the maximum density in the R-3 zone shall not exceed twelve (12) dwelling units per acre.
2. The minimum lot area shall be seven thousand five hundred (7,500) square feet for a one-family dwelling and fifteen thousand (15,000) square feet for a two-family dwelling and seven thousand five hundred (7,500) square feet for each dwelling unit in a multifamily dwelling, when lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system.
3. The minimum lot width at the front building line shall be fifty (50) feet for an interior lot and fifty-five (55) feet for a corner lot when a lot is served by both a public water supply and sewage disposal systems.
4. The minimum lot width at the front building line shall be seventy (70) feet for an interior lot and seventy-five (75) feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.
5. The minimum lot depth shall be eighty (80) feet.
6. Landfill of dirt and rock only.
7. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Flood-prone areas, see Chapter 9.54
8. Undersize lots, see Chapter 9.76.

B. Yards. The minimum yard requirements in the R-3 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of twenty (20) feet.
4. The rear yard shall be a minimum of ten feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.

6. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor forty-five (45) feet from the center line of any collector or arterial street.

C. Building Height. No building in the R-3 zone shall exceed a height of thirty (30) feet over natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than forty (40) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall provide the following off-street parking spaces: one-family dwelling, two spaces; two-family dwelling, four spaces; three-family dwelling, five spaces; four-family dwelling, six spaces; each additional unit, one and one-half spaces (rounded-up, to the nearest whole number). Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and nine feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

F. Separation Between Buildings. The minimum separation between multifamily buildings shall be thirty (30) feet unless the buildings are arranged end-to-end. In such a case, there shall be at least a ten-foot separation and no doorway or entry may open into the space between the buildings.

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

H. 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. 73I (part), 1994; Ord. 73E § 2.030(3), 1992)

(Ord. 267, Amended, 02/12/2007; Ord. 243, Amended, 12/18/2003; Ord. 215, Amended, 08/15/2003)

[Chapter 9.24 R-4 RESIDENTIAL ZONE](#)

Section 9.24.010 Purpose.

The multiple-family residential zone is intended to provide a quality environment for high density, urban, residential, resort and motel uses together with other compatible land uses determined to be desirable and/or necessary. In an R-4 zone the following regulations shall apply. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.040 (part), 1992)

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.

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle or manufactured dwelling used for dwelling purposes during the construction of a permitted use for which a building permit has been issued, (temporary buildings or shelters of any kind not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within ninety (90) days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of commencement of construction;
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. ;
- E. Planned unit development. (P.U.D.) except for manufactured home P.U.D. See Chapter 9.60;
- F. Two-family dwelling;
- G. Multifamily dwelling, including condominiums, townhouses and apartments;
- H. Factory built dwellings. See Definitions;
- I. Motel, hotel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;
- J. Family day care provider;
- K. Residential home;
- L. Residential facility;
- M. Single-family manufactured homes on individual lots subject to the following restrictions:
 - 1. The manufactured home shall be multi-sectional and enclose a space of not less than one thousand (1,000) square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
 - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the twelve (12) inch limitation will not apply.
 - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.
 - 4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban

Development standards.

5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the city's zoning and other ordinances.
7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each twelve (12) feet in width. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.040(1), 1992)

(Ord. 267, Amended, 02/12/2007)

Chapter 9.24 R-4 RESIDENTIAL ZONE

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:

- A. Governmental structure or use of land; and public utility facility;
- B. Home occupation. See Definitions;
- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Manufactured dwelling park, subdivision and P.U.D.;
- E. Recreational vehicle. See Chapters 9.68 and 9.72;
- F. Church, nonprofit religious or philanthropic institution;
- G. Nursery school, kindergarten or similar facility;
- H. Hospital, nursing home, retirement home, or similar facility;
- I. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
- J. Park, playground, swimming pool, or similar recreation area;
- K. Private school offering curricula similar to public schools;
- L. Parking areas;
- M. Club, lodge or fraternal organization;
- N. Professional office;
- O. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses specifically listed, provided that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted uses;
- P. Bed and breakfast facility;
- Q. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses. (Ord. 175 (part), 1995; Ord. 73I (part), 1994; Ord. 73E § 2.040(2), 1992)

Chapter 9.24 R-4 RESIDENTIAL ZONE

Section 9.24.040 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-4 zone the following standards shall apply:

A. Lot Size and Dimensions. The minimum lot size and dimensions in the R-4 zone shall be as follows:

1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; five thousand (5,000) square feet for the first dwelling unit and two thousand five hundred (2,500) square feet for each additional unit in a multifamily dwelling when a lot is served by both a public water supply and public sewage disposal system, except the minimum standards for a condominium unit will be six thousand (6,000) square feet of land per dwelling unit. However, the maximum density in the R-4 zone shall not exceed twelve (12) dwelling units per acre.
2. Lot width sixty (60) foot minimum at front building line for interior lot and sixty-five (65) feet for a corner lot with public water and sewer systems.
3. Lot width seventy (70) foot minimum at front building line for interior lot and seventy-five (75) feet for a corner lot with public water but no sewer.
4. The minimum lot area per resort, hotel or motel guest unit shall be one thousand five hundred (1,500) square feet with a public water and sewer system.
5. The minimum lot depth shall be eighty (80) feet.
6. The minimum lot area per dwelling unit shall be at least twenty thousand (20,000) square feet when a lot is not served by a public water supply system, unless otherwise required by the county sanitarian.
7. Landfill of dirt and rock only.
8. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
9. Undersize lots, see Chapter 9.76.

B. Yards. The minimum yard requirements in the R-4 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is greater. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of twenty (20) feet.
4. The rear yard shall be a minimum of ten feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
6. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor

forty-five (45) feet from the center line of any collector or arterial street.

C. Building Height. No building in the R-4 zone shall exceed a height of thirty (30) feet over natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to, buildings, porches and decks shall not occupy more than forty-five (45) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall provide the following off-street parking spaces: one-family dwelling, two spaces; two-family dwelling, four spaces; three-family dwelling, five spaces; four-family dwelling, six spaces; each additional unit, one and one-half spaces (rounded-up to the nearest whole number). Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and nine feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

F. Separation Between Buildings. The minimum separation between multifamily buildings shall be thirty (30) feet unless the buildings are arranged end-to-end. In such a case, there shall be at least ten-foot separation and no doorway or entry may open into the space between the buildings.

G. Vehicle Access. Ingress or egress to a multifamily dwelling or to a motel shall not be allowed from less than a thirty-five (35) foot right-of-way and a twenty-five (25) foot all weather travel surface, accessible to emergency vehicles. In the event that a thirty-five (35) foot right-of-way is not possible, a minimum of ten 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.

H. Utilities. The developer of multifamily dwellings shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility as determined by the city council, for extra capacity utilities required to serve the building site. Extra capacity utilities includes water lines in excess of six inches, sanitary sewer lines in excess of eight inches and storm sewer lines in excess of twelve (12) inches.

I. 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. 73I (part), 1994; Ord. 73E § 2.040(3), 1992)

(Ord. 267, Amended, 02/12/2007; Ord. 243, Amended, 12/18/2003; Ord. 215, Amended, 08/15/2003)

Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE

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)

Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE

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. Church, non-profit religious or philanthropic institution;
- B. Community center;
- C. Nursery school, kindergarten or similar facility;
- D. Hospital nursing home, retirement home, or similar facility;
- E. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprise;
- F. Park, playground, swimming pool or similar recreation area;
- G. Private school offering curricula similar to public school;
- H. Parking area;
- I. 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;
- J. Small scale, nonpolluting light industrial uses that are compatible with existing and anticipated land uses;
- K. 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;
- L. Medical clinic or veterinary clinic;
- M. Club, lodge or fraternal organization facilities;
- N. Indoor commercial amusement or recreation establishment such as a bowling alley, theater, pool hall, ballroom, or skating rink;
- O. Mortuary;
- P. 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;
- Q. Bed and breakfast facility;
- R. Manufactured dwelling park, subdivision and P.U.D.;
- S. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;
- T. 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)

(Ord. 266, Amended, 02/12/2007)

Chapter 9.28 C-1 RETAIL COMMERCIAL ZONE

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 and sewer 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.
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 only use shall be the same specifications outlined in R-4.
5. Landfill of dirt and rock only.
6. Hazard areas:
 - a. Hill-side building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
7. Undersize lots, see Chapter 9.76.

B. Building Height. No building in a C-1 zone shall exceed a height of thirty (30) feet.

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 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. 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 be 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.

H. 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)

(Ord. 266, Amended, 02/12/2007; Manual, Amended, 08/15/2003, changed reference from Ordinance 76A to Chapter 9.54 because Ordinance 76A was codified in May 2003)

[Chapter 9.32 S-P STATE PARK ZONE](#)

Section 9.32.010 Purpose.

The state park zone is intended to designate state-owned parkland and provide for its future management in the interest of both residents and visitors. In the S-P zone, the following regulations shall apply. (Ord. 73E § 2.060 (part), 1992; Ord. 99, 1981)

Chapter 9.32 S-P STATE PARK ZONE

Section 9.32.020 Permitted uses.

In an S-P 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. Existing state park facilities;
- B. Maintenance of existing state park facilities. Maintenance shall include, but not be limited to: beach access improvements, such as railings or steps/ramps, upkeep of park vegetation, upkeep of restroom facilities, etc.;
- C. Improvements which do not significantly alter the existing park use as a day-use facility, such as repair and replacement of existing facilities, general maintenance and minor betterment. (Ord. 73E § 2.060(1), 1992; Ord. 99, 1981)

Chapter 9.32 S-P STATE PARK ZONE

Section 9.32.030 Conditional uses.

In an S-P 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. Any proposed use which significantly alters the current park use patterns;
- B. Any proposed expansion of a currently existing state park. (Ord. 73E § 2.060(2), 1992; Ord. 99, 1981)

[Chapter 9.32 S-P STATE PARK ZONE](#)

Section 9.32.040 Standards.

Upon improvement of restroom facilities, flush toilets shall be installed. (Ord. 73E § 2.060(3), 1992; Ord. 99, 1981)

[Chapter 9.36 EN ESTUARY NATURAL ZONE](#)

Section 9.36.010 Purpose.

The purpose of the EN zone is to provide for preservation and protection of significant fish and wildlife habitats and other areas which make an essential contribution to estuarine productivity or fulfill scientific, research or educational needs. (Ord. 73E § 2.070(part), 1992)

[Chapter 9.36 EN ESTUARY NATURAL ZONE](#)

Section 9.36.020 Areas included.

The EN zone includes all estuarine waters, intertidal areas, tidal wetlands and submerged and submersible lands up to the line of non-aquatic vegetation or the mean higher high water line, whichever is most landward. (Ord. 73E § 2.070(1), 1992)

Chapter 9.36 EN ESTUARY NATURAL ZONE

Section 9.36.030 Permitted uses.

In the EN zone, the following uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- A. Undeveloped low intensity water dependent recreation, and snag removal in conjunction with water dependent recreation;
- B. Research and educational observation;
- C. Navigation aids, such as beacons or buoys;
- D. Protection of habitat, nutrient, fish, wildlife and aesthetic resources;
- E. Vegetative shoreline stabilization;
- F. Passive restoration measures. (Ord. 73E § 2.070(2), 1992)

Chapter 9.36 EN ESTUARY NATURAL ZONE

Section 9.36.040 Conditional uses.

In the EN zone, the following uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- A. On-site maintenance and repair of existing structures or facilities which involves dredging, fill, riprap, piling installation or other estuarine alteration;
- B. Riprap to protect unique natural resources, historical and archaeological values, public facilities, and uses existing as of October 7, 1977;
- C. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement;
- D. Pipelines, cables and utility crossings;
- E. Temporary alterations;
- F. Bridge crossing support structures. (Ord. 73E § 2.070(3), 1992)

[Chapter 9.36 EN ESTUARY NATURAL ZONE](#)

Section 9.36.050 Standards.

A. Conditional uses and activities in the EN zone shall meet the conditional use standards of Chapter 9.72. (Ord. 73E § 2.070(4), 1992)

[Chapter 9.40 PF PUBLIC FACILITIES ZONE](#)

Section 9.40.010 Purpose.

The public facilities zone is intended to designate nonresidential, city-owned land and to provide for its future noncommercial use and management in the interest of residents. In the P-F zone, the following regulations shall apply. (Ord. 73E § 2.080 (part), 1992)

Chapter 9.40 PF PUBLIC FACILITIES ZONE

Section 9.40.020 Permitted uses.

In a P-F 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. Existing city facilities;
- B. Community center;
- C. Public school;
- D. Fire department;
- E. Public park, playground, swimming pool, or similar recreation intended for use by residents;
- F. Public day nursery, nursery school, kindergarten, or similar facility;
- G. A governmental structure or use of land and public utility facility;
- H. Public parking area. (Ord. 175 (part), 1995; Ord. 73E § 2.080(1), 1992)

Chapter 9.40 PF PUBLIC FACILITIES ZONE

Section 9.40.030 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in any P-F zone the following standards shall apply:

- A. No building in a P-F zone shall exceed thirty (30) feet in height.
- 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 be installed and maintained immediately adjacent to the abutting property line. If required, the 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.
- 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. General Criteria. Vehicle and pedestrian access to the site can be safely and efficiently provided and maintained. The necessary utility systems and public facilities are available with sufficient capacity. (Ord. 73E § 2.080(2), 1992)

Chapter 9.44 SIGNS

Section 9.44.010 Purpose.

This chapter regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;
- B. To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;
- C. To reflect and support the desired character and development patterns of the various zones;
- D. To allow for a variety in number and type of signs in commercial zones while preventing signs from dominating the visual appearance of the area;
- E. To ensure that the constitutionally guaranteed right of free speech is protected.

This chapter establishes a permit procedure, and defines the duties of city authorities in administration and enforcement of these regulations.

Permits are required for signs that are not exempt as listed in Section 9.44.050. (Ord. 175 (part), 1995; Ord. 73E § 3.010(1), 1992; Ord. 140 (part), 1991)

Chapter 9.44 SIGNS

Section 9.44.020 General requirements.

The following regulations shall apply to all signs within the city:

A. Allowed Sign Area.

1. A total area for signs on a property shall be limited to not more than .75 square foot of sign for each linear foot of a singular frontage with no one sign exceeding thirty-two (32) square feet, except as a wall sign or mansard roof sign is permitted hereafter. A maximum of two freestanding signs will be allowed on a property. A business with a minimum of three hundred (300) linear front and rear footage can choose to have one sign up to one hundred (100) square feet on the principal frontage street and a second sign, not to exceed thirty-two (32) square feet, on the alternate noncontinuous abutting street.
2. In determining linear feet of frontage, the contiguous tax lots under single ownership on which the business is located shall be considered.
3. Only signs requiring a permit shall be included when computing allowed sign area, except as provided hereafter.
4. A two-sided sign shall be considered one sign when the two surfaces are parallel and back to back on the same sign support structure.
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.
6. The area of a sign comprised of individual letters fixed or painted directly to a building surface shall be the area within an imaginary perimeter enclosing the sign with a six inch margin on all sides between the perimeter of the area and the outermost edge of the letter or letters.

B. Height of Sign. The highest edge or point of any sign or its structure shall be no higher than thirty (30) feet above center line of the adjacent right-of-way.

C. Illumination.

1. Interior illumination of signs is allowed. Exterior illumination is allowed if the source of light is not visible to surrounding property. In either instance, the illumination shall not cause direct glare into or upon any building other than the building to which the sign is accessory nor be directed towards any road nor distract motorists.
2. Illuminated signs shall bear the Underwriters Laboratory label or equivalent.

D. More Than One Business. If a building is devoted to more than one permitted use, it is the property owner's responsibility to apportion the total allowed sign area and supply written consent to the applicant for the sign permit.

E. More Than One Street Frontage. If a property abuts two rights-of-way, the allowed sign area shall be displayed only on the frontage from which that sign allowance is derived.

F. Obstruction of Passageways.

1. Signs shall not obstruct any window or door opening used as a means of ingress and/or egress nor interfere with any opening required for ventilation.
2. Signs shall not obstruct walkways or rights-of-way.

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.

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.

I. Safety. Signs shall be constructed, erected and maintained in a fashion not hazardous to the welfare and safety of the general public. (Ord. 175 (part), 1995; Ord. 73E § 3.010(2), 1992; Ord. 140 (part), 1991)

Chapter 9.44 SIGNS

Section 9.44.030 Specific requirements.

A. Awning, Canopy and Marquee Signs. The sign area shall not exceed the lesser of: (1) thirty-two (32) square feet; or (2) fifty (50) percent of the area of the awning, canopy or marquee to which the sign is attached.

B. Free-Standing Ground Signs. These signs shall conform to general requirements with no further specific requirements.

C. Home Business and Bed and Breakfast Inn Signs. Signs identifying the premises of a permitted home business (as defined in Ordinance 73) (one and one-half square feet) or bed and breakfast inn (three square feet) shall conform to the standards and procedures governing conditional uses within the Ordinance. Properties abutting two or more noncontiguous streets shall be permitted signage at each street as limited above (one and one-half square feet for businesses or three square feet for bed and breakfasts) on each street.*

D. Projecting Signs.

1. The bottom edge of a projecting sign shall be a minimum of seven feet six inches above adjacent grade.

2. The projecting sign shall not extend more than five feet from the building wall to which the sign is attached.

E. Roof Signs. The height of the highest edge or point of a roof sign shall be the lesser of: (1) thirty (30) feet above adjacent grade; or (2) the ridge line of a pitched roof or four feet above a flat roof.

F. Wall Signs and Mansard Roof Signs.

1. A sign on a mansard roof shall be considered a wall sign.

2. The area of a wall sign shall not exceed the lesser of: (1) one hundred (100) square foot; or (2) twenty (20) percent of the area of the building wall or the face of the mansard roof to which it is attached.

3. A wall sign shall not project more than sixteen (16) inches from the wall to which it is attached.

4. The highest edge or point of a wall sign shall not project higher than the wall to which the sign is attached.

G. Window Signs. Permanent signs inside windows that can be read from outside the building shall be computed into the total allowable sign area. (Ord. 175 (part), 1995; Ord. 73E § 3.010(3), 1992; Ord. 140 (part), 1991)

* This may be in conflict with Section 9.72.050. It is the council's intention that Section 9.44.030(C) take precedence.

Chapter 9.44 SIGNS

Section 9.44.040 Prohibited signs.

- A. Signs that blink, rotate, swing, revolve, or otherwise attract attention through movement or flashing of parts, including devices such as strings of lights, or strings of pennants . Event banners, pennants and flags may be permitted, provided they meet all other requirements of this title;
 - B. Portable, A-frame, and wheeled signs;
 - C. Roof signs painted directly on the roof surface;
 - D. Signs painted with phosphorescent or luminescent or sparkling paint;
 - E. Signs that violate any law of the state of Oregon;
 - F. Signs which imitate or obstruct the view of any official traffic control device or sign;
 - G. Signs, other than event signs, displayed on vehicles not incidental to the primary use of the vehicle.
- (Ord. 175 (part), 1995; Ord. 73E § 3.010(4), 1992; Ord. 140 (part), 1991)

(Ord. 211, Amended, 01/15/1999)

Chapter 9.44 SIGNS

Section 9.44.050 Signs exempted from permits.

A. Construction activity signs relating to construction activity occurring, or about to occur, on a property. These signs shall meet the following requirements:

1. A maximum number of three signs on one pole not to exceed four square feet each, oriented to each abutting right-of-way;
2. May be erected twenty (20) days prior to start of construction of the work. If start of construction is delayed beyond twenty (20) days, the sign(s) shall be removed but may be re-erected when construction actually begins;
3. Shall be located on the premises of the construction activity;
4. Must be removed within thirty (30) days of completion of construction.

B. Credit card, rating or association signs, provided the area of each sign is three square feet or less and provided there are no more than four such signs. These signs shall be attached to the primary sign or displayed in a window.

C. Directional signs not exceeding six square feet in area.

1. Public directional signs not exceeding six square feet in area.
2. Private Directional Signs. A limit of four private commercial directional signs not to exceed two and one-half square feet each.

D. Event signs advertising the occurrence of a business-related activity or event, such as a sale or business opening, and signs advertising the occurrence of a community activity or event sponsored by a civic, philanthropic, educational or religious organization. These signs shall meet the following requirements:

1. A maximum of four signs for each occurrence, except decorative, seasonal or event banners approved and placed by the Yachats Area Chamber of Commerce in permanent brackets installed expressly for that purpose; and the national colors;
2. A maximum sign size shall comply with Section 9.44.020(A)(1);
3. A maximum display duration of thirty (30) days, except ninety (90) days for Chamber of Commerce banners defined above in subsection (D)(1). Signs shall be removed within three days after termination of the event;
4. May be located on property other than the premises of the advertised event, provided the property owner has provided written consent to the placement of the sign(s).

E. Garage, estate or yard sale signs advertising the occurrence of a sale of goods by the owner or occupant of the premises. These signs shall meet the following requirements:

1. A maximum number of one sign per right-of-way frontage;
2. A maximum sign size of four square feet;
3. Shall be displayed no more than two days prior to and during actual days of the sale;
4. Shall be located on the premises of the sale, except for a maximum of two off-premise signs with the approval of landowner;

5. Must be removed within one day following the sale.

F. Nameplate, indicating the name, address, and occupation or profession of the occupant, provided the sign area is one and one-half square foot or less.

G. Non-Business, Residential Properties. A sign bearing the name of the occupant or the premises may be allowed provided the sign area is no more than three square feet.

H. Permanent, non-flashing signs in or on vending machines, gasoline pumps, or other similar devices or containers indicating only the contents, pricing and instructions as to use.

I. Political signs identifying candidates for public office, or relating to political parties, ballot issues, or elections. These signs shall meet the following requirements:

1. A maximum sign size of four square feet;

2. A maximum display duration of forty-five (45) days prior to the election date. Signs shall be removed within ten days after the election date;

3. May be located on private property provided the property owner has given written consent to the placement of the sign.

J. Real Estate Signs. Signs not exceeding six square feet on residential properties or not exceeding twenty (20) square feet on commercial properties advertising the sale, lease or rental of the property. A maximum of one sign oriented to each abutting right-of-way is allowed. Signs shall be removed within fourteen (14) days after the property has been sold, leased or rented.

K. Temporary Signs. Temporary signs occupying no more than forty (40) percent of the glazed window area.

L. Separate vacancy and open/closed signs that are four square feet in area or smaller. (Other open/closed signs incorporated as part of other signs are not exempt.) (Ord. 195 § 1, 1997; Ord. 175 (part), 1995; Ord. 73E § 3.010(5), 1992; Ord. 140 (part), 1991)

M. Flags, banners, and similar decorations, provided such decorations do not include any lettering or meet all other requirements of this title.

(Ord. 211, Amended, 01/15/1999)

Chapter 9.44 SIGNS

Section 9.44.060 Application procedure.

A. Application Form. Applications for sign permits shall be submitted at the city office on prescribed application forms. Applications shall include the following information:

1. The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be installed, the owner of the sign, and the person or company who will install the sign;
2. The location of the building, structure or lot on which the sign is to be installed;
3. A site plan of the property, showing accurate placement thereon of the proposed sign;
4. Plans with configurations of the proposed sign, covering the materials and methods of construction and installation. Plans shall include details of dimensions, materials, weight and other relevant factors (see Section 9.44.040(D));
5. The written consent of the owner of the building, structure or property on which the sign is to be installed;
6. Such other information as the city may require to determine full compliance with this and other applicable ordinances of the city;
7. If a business, evidence that owner has a city business license;
8. If unused, a sign permit will expire one year from date of issuance.

B. Planning Commission Action. Upon the filing of a sign permit application, the planning commission or its designee shall examine the plans, specifications and other submitted data, together with the sign subcommittee/or designated authority site inspection report. The sign permit application should be filed no later than the eighth day prior to the regular meeting date of the planning commission. If it appears the proposed sign is in compliance with this title and other applicable ordinances and if the appropriate permit fee has been paid, the commission or its designee shall issue a permit for the proposed sign.

C. Application Fee. A filing fee of twenty-five dollars (\$25.00) shall be paid at the time of filing each sign permit application. More than one sign may be applied for by each permit application.

D. Permits Are Licenses. All rights and privileges acquired under the provisions of this chapter are mere licenses and, as such, are at any time revocable for just cause by the city. All permits issued pursuant to this chapter are subject to this provision. (Ord. 175 (part), 1995; Ord. 73E § 3.010(6), 1992; Ord. 140 (part), 1991)

Chapter 9.44 SIGNS

Section 9.44.070 Enforcement.

A. Enforcement Officers. The city council or designated agent shall be the enforcement officers for these regulations. The planning commission shall assist by making recommendations. A sign sub-committee may be appointed by the planning commission chair to conduct annual or more frequent inspections of signs displayed in the city. When a sign permit application is filed, the sign sub-committee or the designated agent shall inspect the site of the proposed sign and approve or disapprove such or report to the planning commission if there are mitigating circumstances.

B. Enforcement procedure shall be as provided in the section of this title regarding remedies. For purposes of enforcement a sign shall be considered a structure. (Ord. 175 (part), 1995; Ord. 73E § 3.010 (7), 1992; Ord. 140 (part), 1991)

[Chapter 9.44 SIGNS](#)

Section 9.44.080 Appeal of planning commission action.

An appeal shall be governed by Chapter 9.88. (Ord. 175 (part), 1995; Ord. 73E § 3.010(8), 1992; Ord. 140 (part), 1991)

Chapter 9.44 SIGNS

Section 9.44.090 Nonconforming signs.

The city council finds that signs are less permanent in nature and more readily replaced than other structures regulated in this title. The council further finds that indefinite continuation of this nonconforming sign is contrary to the objectives of this section. Therefore, notwithstanding provision in Chapter 9.76, the following regulations shall apply to signs:

- A. **Limitation.** Any sign deemed to be nonconforming at the time these sign regulations become effective shall be deemed to be in compliance if the sign's owner can prove that the sign was erected with an approved sign permit at the time. In the event that a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replaced value, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this title.
- B. **Notification.** Within ninety (90) days of the effective date of these regulations, the sign subcommittee or the council appointed designated agent, shall conduct the first of its annual inspections and shall notify owner of nonconforming signs and inform them of the provisions of the section on limitation. (Ord. 175 (part), 1995; Ord. 73E § 3.010(9), 1992; Ord. 140 (part), 1991)

Chapter 9.48 OFF-STREET PARKING AND LOADING

Section 9.48.010 General requirements.

At the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless: (1) greater requirements are otherwise established; or (2) the approved covenants, conditions and restrictions (CC and Rs) of approved planned unit developments (PUDs) provide other parameters. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this title.

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. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

C. 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 in the form of deeds, leases or contracts to establish joint use.

D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

F. Areas used for parking and maneuvering of vehicles shall have durable and dustless surfaces 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.

G. Except for parking to serve dwelling uses, parking and loading areas 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 feet in height where vision clearance is required.

H. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.

I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.

J. Required off-street parking areas shall not be located in the required front or street side-yard areas in a residential zone.

K. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.

L. Passenger Loading. A driveway designed for continuous forward flow of passenger vehicles for the

purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.

M. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

N. Individual parking spaces shall not measure less than nine feet by twenty (20) feet.

O. Off-street parking space requirements:

1. Residential dwellings: refer to specific zones for parking regulations.
2. Manufactured dwelling park: two spaces for each manufactured dwelling space.
3. Motel, hotel or resort: one space for each guest accommodation.
4. Nursing home or similar institution: one space for each three beds.
5. Church, club or similar place of assembly: one space for each four seats, or one space for each twenty-five (25) square feet of floor area used for assembly.
6. Library: one space for each one hundred (100) square feet of floor area.
7. Dance hall, skating rink, or similar commercial amusement enterprise: one space for each seventy (70) square feet of floor area.
8. Bowling alley: six spaces for each alley.
9. Retail store: one space for each two hundred (200) square feet of floor area.
10. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each six hundred (600) square feet of floor area.
11. Bank, office: one space for each three hundred (300) square feet of floor area.
12. Medical and dental clinic: one space for each two hundred (200) square feet of floor area.
13. Other uses not listed above: number of parking spaces shall be determined by the planning commission.
14. Eating and drinking establishments: one space for each one hundred (100) square feet of total floor area. (Ord. 180 § 1, 1996; Ord. 175 (part), 1995; Ord. 73E § 3.020, 1992)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

Section 9.52.010 Distance between buildings.

A minimum distance of six feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot. (Ord. 73E § 3.030, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

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. 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. (Ord. 73E § 3.050, 1992)

(Ord. 267, Amended, 02/12/2007)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.040 Approval of health department.

No dwelling unit shall be erected, altered, enlarged, rebuilt or moved unless it has adequate provision for domestic water supply and sewage disposal. Unless otherwise provided by the city, a private water supply and sewage disposal system shall be approved by the Lincoln County health department before occupancy of the building. Minimum lot sizes and widths as specified by this title may be increased if it is determined by the Lincoln County health department that more space is necessary to obtain proper sewage disposal. (Ord. 175 (part), 1995; Ord. 73E § 3.060, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.050 Hazard areas.

A. Responsibility shall fall on the developer to ensure proper safeguards are taken when developing in any hazard zone whether earthquake, fault lines, landslide, erosion or flood hazard areas. The city accepts no liability. Prior to development the following, but not limited to minimum, shall be required (in flood hazard zones, see Chapter 9.54 - Flood Damage Prevention Regulations.):

1. On slopes of zero to eleven (11) percent: development is allowed without special review.
2. Prior to any development of areas identified on the natural hazards map as having slopes of twelve (12) percent to thirty (30) percent, or thirty (30) percent and over the planning commission or its designated representative shall be provided an affidavit from a state of Oregon registered land surveyor showing the site specific slope conditions on the property prior to any excavation, grading or other changes in site topography. If the affidavit indicates that the slopes on the property are zero to eleven (11) percent, development may be allowed without special review.
3. On slopes of twelve (12) percent and greater: gross excavation or fill of greater than forty (40) cubic yards, removal of more than two thousand five hundred (2,500) square feet of vegetative cover (as measured along the slope), road construction and/or building which entails any fill or excavation on a site shall be subject to conditions, restrictions and recommendations outlined by the site analysis report. This report shall be completed within the past five years by a state of Oregon certified engineering geologist. In addition, the planning commission or its designee may also require that the development adhere to additional standards as provided in writing by the Yachats department of public works. At the completion of the project, the developer shall provide certification from the geological consultant and the Yachats department of public works, stating that the conditions and recommendations of the report and public works have been met.

B. Developers of property having a slope of twelve (12) percent or within five hundred (500) feet of a landslide or fault area (as shown on the Hazard Map - Environmental Hazard Inventory, RNKR Associates, 1978; copies of which are on file at City Hall) shall also be subject to the following requirements:

1. A performance bond or other type of acceptable financial instrument shall be posted with the city to ensure short and long term maintenance of site stability and prevention of landslides as a result of the development. The performance bond shall be an amount sufficient to secure completion of site preparation, excavation, fill, grading, drainage, planting, revegetation or site stabilization plans. The amount of such security will be determined after receipt of all information pertinent to the development and prior to final approval of project.
2. The site must be replanted and stabilized in accordance with the recommendations outlined in the geotechnical report. This vegetation must be maintained to ensure the continuous stability of the area.
3. All construction materials shall be stored in such a manner as recommended by the geotechnical report.
4. The geotech must be certified that all work has been completed as stated in the report.

C. Exceptions to the hazard area requirements shall be allowed under the following circumstances:

1. Improvements to existing roads or drainage ditches or utilities, where excavation or fill does not exceed ten cubic feet per one linear foot of roadway/ditch;
2. Gravesites dug in Yachats cemeteries;
3. Emergency excavation of landslide materials, or emergency utility repairs.

D. Content Standards for Geo-Technical Reports. All geo-technical reports required by this section shall provide at a minimum, the following information, where applicable, prior to review by planning staff or the planning commission:

1. General Information.

- a. Name of geologist preparing the report;
- b. Scope and purpose of the report;
- c. General site description;
- d. Drainage patterns;
- e. Existing structures, if any;
- f. Proposed development plan, including roads and driveways.

2. Geologic Description.

- a. Lithology;
- b. Structural features (stratifications, orientation of bedding planes, faults, etc.);
- c. Surficial or unconsolidated deposits;
- d. Seismic considerations as they pertain to proximity of faults.

3. Assessment of Geologic Factors.

a. General suitability of proposed land use to geologic conditions:

- i. Areas to be avoided, if any,
- ii. Topography and slope,
- iii. Stability of geologic units,
- iv. Problems caused by geologic features or conditions in adjacent properties,
- v. Other general problems;

b. Recommendations for site grading/filling:

- i. Prediction of stability based on geologic factors; recommended avoidance or engineering to cope with existing or potential landslide masses,
 - ii. Excavation considerations,
 - iii. General considerations of proposed fill masses in canyons or on hillsides,
 - iv. Load capabilities of soils;
- c. Drainage considerations and recommendations;
- d. Setback recommendations;
- e. Footing, foundation and backfilling recommendations;
- f. Recommendations on vegetation preservation, removal and re-vegetation as it relates to slope stability and erosion potential;
- g. Recommended methods for protecting the surrounding area from any adverse effects of the proposed development. (Ord. 73G, 1993; Ord. 73E § 3.070, 1992)

(Ord. 269, Amended, 02/12/2007)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.060 County road No. 804 right-of-way.

A. The city shall assist the state and county in protecting the County Road No. 804 right-of-way and the prescriptive easements accepted by the Oregon Supreme Court as established by the Lincoln County Surveyor (Survey 11,905, 12/18/87) from alterations which would prevent the establishment and maintenance of a segment of the Oregon Coast Hiking Trail within the right-of-way.

B. The city shall review all building permits, conditional use permits, zone changes and other land use decisions for properties within the County Road No. 804 right-of-way and prescriptive easements to assure that they are consistent with the following requirements:

1. No structure, alteration or other development shall be permitted within the County Road No. 804 right-of-way and prescriptive easements except for a public recreation trail and improvements which are necessary or accessory to the construction or maintenance of a public recreation trail.
2. Public utilities including water and sewer lines, or drainage, may be permitted where there is no feasible alternative location outside the right-of-way and prescriptive easements and the area is restored to its prior condition.
3. For the purposes of this section, structures, alterations and development includes, but is not limited to, construction of buildings or fences, placement or removal of material, filling, grading, ditching and draining.
4. A minimum five-foot setback from the County Road No. 804 right-of-way shall be required. (Ord. 73E § 3.080, 1992; Ord. 125, 1984)

(Ord. 232, Amended, 11/19/2002; Ord. 218, Amended, 12/27/2000)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.070 Shoreland setbacks.

- A. On shorelands along the Yachats River, a fifty (50) foot buffer strip shall be maintained. In the first thirty (30) feet, the existing riparian vegetation shall remain undisturbed; in the latter twenty (20) feet slight vegetative alteration is allowed provided the overstory is retained. Minor access paths leading to (but not parallel to) the Yachats River shall be allowed as long as the overstory is not disturbed. In areas where no vegetation is present, a minimum setback of twenty-five (25) feet shall be required.
- B. On shorelands along the ocean, setbacks shall be twenty-five (25) feet from the top of the bank or that arrived at by using formulae elucidated in the RNKR study (RNKR Associates, 1978; copies are on file at City Hall) and outlined in Appendix D, whichever is greater. Any deviation from this setback must be accompanied by a recommendation from a state of Oregon registered professional geologist or geotechnical engineer.
- C. Exceptions to the above standards are vegetation removal for structural shoreland stabilization subject to the shoreline stabilization standards in Section 9.52.100, and vegetation removal for bridge maintenance, replacement or repair.
- D. Under no circumstances will the city permit a setback deviation arising from the use of structural shoreline stabilization not already present on the property. (Ord. 175 (part), 1995; Ord. 73E § 3.090, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.080 Maintenance of access.

The city shall review under ORS 271.080 through 271.230, proposals for the vacation of public easements or rights-of-way which provide access to or along the estuary or ocean. The city shall review under the provisions of ORS 271.30 through 271.360, proposals for the sale, exchange or transfer of public ownership which provides access to or along the estuary or ocean. Existing public ownerships, rights-of-way and similar public easements which provide access to or along the estuary or ocean shall be retained or replaced if they are sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained. (Ord. 73E § 3.100, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.090 Shoreline stabilization.

A. Shoreline protective structures requiring more than fifty (50) cubic yards of material cumulatively, require a permit from the Oregon 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.

B. The priorities for shoreline stabilization for erosion control are, from highest to lowest:

1. Proper maintenance of existing riparian vegetation;
2. Planting of riparian vegetation;
3. Vegetated riprap;
4. Nonvegetated riprap;
5. Bulkhead or seawall.

C. Where riprap, bulkheads or seawalls are proposed as protective measures, documentation must be based upon a report prepared by registered professional geologist, certified engineering geologist, or professional with qualifications in the field of coastal geology. The report shall be provided which verifies that high priority methods of erosion control will not work. Structural shoreline stabilization shall be permitted only if:

1. There is a critical need to protect existing uses and structures that are actively threatened;
2. Nonstructural or higher priority methods of shoreline stabilization are not feasible;
3. The preferred method of structural shoreline stabilization is designed so as to minimize impacts on the adjacent beach and shoreline;
4. Visual impacts are minimized;
5. The proposed project will not restrict existing public access to publicly owned lands or interfere with the normal public use of fishery, recreation or water resources;
6. Long-term or recurring costs to the public are avoided;
7. The shoreline protection structure is the minimum necessary to protect property or existing structures; and
8. Riparian vegetation is preserved as much as possible.

D. Beachfront protective structures for beach and dune areas shall be permitted only where development existed on January 1, 1977. "Development" means houses, commercial and industrial buildings, and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot.

E. Proposals for riprap shall include evidence that the size and density of rock to be used will be effective, and provide justification for use of a slope steeper than one and one-half feet horizontal to one-foot vertical.

F. The city may require that proposed structural shoreline stabilization abutting a street-end, or other public right-of-way, incorporate steps, paths or other physical improvements to enhance public access to coastal waters.

G. The city may require that shoreline stabilization projects be designed by a registered engineer.

H. Shoreline stabilization projects shall not result in the creation of new upland area.

I. The city may require an applicant for a shoreline stabilization project to post a performance bond with the city. The performance bond shall be refunded to the applicant once the shoreline stabilization project has been satisfactorily completed. (Ord. 73E § 3.110, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.100 Older stabilized dune construction standards.

It is the intent of the older stabilized dune construction standards to regulate actions in older stabilized dunes in order to minimize damage to the dune forms and to adjacent property. The following standards shall apply to development in older stabilized dunes:

- A. Before a building permit is issued for construction involving the removal of vegetation in areas of older stabilized dunes, the planning commission may require an erosion prevention plan. The plan shall provide for temporary and permanent sand stabilization and maintenance of new and existing vegetation. The plan shall return the area to its original level of stability or further increase the area's stability.
- B. Removal of vegetation in older stabilized dunes shall be kept to the minimum required for building placement or other valid purposes. Removal of vegetation shall not occur more than thirty (30) days prior to grading, or construction. Permanent revegetation shall be started on the site as soon as practical.
- C. Sand removal shall be limited to that necessary for construction of permitted structures on the site or for eliminating hazards identified in the erosion prevention plan. Adequate consideration shall be given to removing sand from the least sensitive locations. Disturbed areas shall be properly revegetated unless building is done thereon.
- D. Developments shall result in the least topographic modification of the site that is practical. (Ord. 73E § 3.120, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.110 Protection of archaeological sites.

This section establishes a procedure for review of excavation, grading, construction or other development activity on archaeological sites. The requirements of this section apply to all archaeological sites identified in the comprehensive plan and previously unknown or unrecorded archaeological sites which are discovered during development activity or by other means.

Nothing in this section is intended to limit the applicant or landowner's responsibility to meet other applicable state and federal laws which apply to archaeological sites, including but not limited to ORS 97.740 through 97.760 and ORS 358.905 through 358.955.

A. A site development plan shall be approved by the planning commission prior to any excavation, grading, construction or other development activity on known archaeological sites.

B. The applicant shall submit a site development plan to the city which contains the following information:

1. The legal description of the site;
2. Available information on the archaeological resources at the site;
3. A map showing all areas proposed for excavation, grading, construction or other development activity;
4. A description of the measures which are being taken to protect the archaeological resources at the site.

Examples include, but are not limited to:

- a. Retaining the site in situ or moving it intact to another site, or
- b. Clustering development so as to avoid disturbing the site, or
- c. Setting the site aside for non-impacting activities, such as storage, or
- d. If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains, reinterring the human remains at the developer's expense, or
- e. Using civil means to ensure adequate protection of the resources, such as acquisition of easements, public dedications or transfer of title.

C. The planning commission shall hold a public hearing to review site development plans.

D. In addition to the notification requirements in Section 9.08.060, the city shall send notice of the public hearing and a copy of the site development plan to the Confederated Tribes of Siletz Tribal Council and the State Historic Preservation Office (SHPO) for their review and comment.

E. The planning commission shall review the site development plan to determine if the plan protects the archaeological values of the site, and meets other applicable ordinance requirements. The planning commission may attach conditions or make modifications to the site development plan to incorporate appropriate measures identified by the Tribal Council and the State Historic Preservation Office, or any additional measures identified by the city which are necessary to protect the archaeological values of the site.

F. If a previously unknown or unrecorded archaeological site is encountered in the process of construction, excavation, grading or other development activity, the developer must report the discovery

as soon as possible to the city and the State Historic Preservation Office. The following actions are required:

1. The city will notify the Confederated Tribes of Siletz, the Lincoln County Historical Society and the State Historic Preservation Office. The developer and interest groups are encouraged to negotiate the resolution of any conflicts with the site.
2. The development will not be delayed or denied unless an Indian burial site is involved (ORS 97.740 et seq.), or the developer or land owner allow data recovery. (Ord. 73E § 3.130, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.120 Demolitions or alterations of historic structures.

A. Demolitions of Historic Structures Identified in the Comprehensive Plan Inventory of Historic Buildings.

1. The planning commission 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 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 the historical values that would be lost;
 - c. Inform the applicant of the historic character of the building and the incentives associated with historic preservation.
3. If after forty-five (45) days the planning commission finds that there is no reasonable possibility for protecting the building, the demolition permit shall be issued.

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.
2. Alterations of buildings shall be approved if proposed exterior materials and details are consistent with the building's historical character and maintenance of the building's predominant architectural features. (Ord. 73E § 3.140, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.130 Development on beaches.

Development shall be prohibited on beaches, except where permitted under Section 9.52.090. (Ord. 175 (part), 1995; Ord. 73E § 3.150, 1992)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

Section 9.52.140 Projections from buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys and flues shall not project more than eighteen (18) inches into a yard. (Ord. 73E § 4.010, 1992)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

Section 9.52.150 General exceptions to lot size requirements.

If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the Lincoln County clerk at the time of the passage of the ordinance codified in this chapter has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that if there is an area deficiency, residential use shall be limited to a single-family dwelling unit consistent with the density and meeting sanitary requirements of the zone. (Ord. 73E § 4.020, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.160 General exceptions of yard requirements.

The following exceptions to the yard requirement for a lot in any zone:

- A. The required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front or rear yards of dwellings on all lots within one hundred (100) feet on both sides of the proposed dwelling.
- B. When an attached or detached garage is to be built on a lot having an average elevation at least ten feet higher (or lower) than street level, the front of the garage may be located five feet from the front property line or at the point where ground elevation is five feet higher (or lower) than the street level, whichever is greater. The garage and driveway shall be constructed in such a manner as to minimize traffic hazards resulting from backing onto an adjacent street. (Ord. 73E § 4.030, 1992)

[Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS](#)

Section 9.52.170 General exceptions to building height limitations.

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this title. (Ord. 73E § 4.040, 1992)

Chapter 9.52 SUPPLEMENTARY USE AND DESIGN REGULATIONS

Section 9.52.180 Removal and Fill Definitions and Requirements.

A. Definitions

“Fill” is any act by which earth, sand, gravel, rock, or any other similar material is deposited, placed, pulled or transported on a site and includes the conditions resulting therefrom.

“Cut” means to remove material from one place on a site, and includes the conditions resulting therefrom.

“Natural grade” is the grade prior to grading or fill, and is defined as where the roots and stems meet to form the natural elevation of the lot or the grade that existed at the date of the adoption of this ordinance (insert date this definition is adopted). Natural grade is the grade prior to cutting or filling .

B. Standards for Removal and Fill Requirements. Cuts shall not exceed in steepness a 2:1 ratio unless approved by an Oregon-certified civil engineer to have a soil type having an appropriate nature, distribution and strength to maintain the proposed slope.

All fills shall not exceed in steepness a 2:1 ratio. The ground surface shall be prepared to receive fill by removing vegetation; scarified to provide a bond with new fill; and, where slopes are 12% or greater, there must be compliance with geotech report recommendations from an Oregon-registered professional geologist or geotechnical engineer. Detrimental amounts of organic material, as determined by an Oregon-certified engineering geologist , shall not be permitted in structural fills. Structural fill must be compacted to Building Code Standards.

C. Application. The placement , removal or alteration greater than ten (10) cubic yards on a site requires a removal and/or fill permit from the City of Yachats.

The application will include the following information:

Applicant: Name Address Telephone #

Property Owner: Name Address Telephone #

Project Location: Address Map & Tax Lot #

Volume of Fill: # cu. yards - Total

(or)

Volume of Removal: # cu. yards - Total Final Cut Ratio: (must not exceed 2:1)

Type of Fill Material: (no organic material)

Attachment: Site Plot with five-foot natural contours

D. Soil Erosion Measures Required During Construction. Unless otherwise approved, the following standards are adopted as a minimum requirement for the purposes of minimizing soil erosion. The final program for soil stabilization may vary as site conditions and development programs warrant. The following minimum standards are not intended to resolve all project soil erosion conditions. The applicant for a development permit (for excavation and erosion control) is ultimately responsible for containing all soil on the project site. The minimum standards of the City are:

1. The plans and specifications will demonstrate the minimizing of stripping vegetation on the project

site as approved by City Planner;

2. If top soil is to remain stockpiled during a rainy season, seeding or other stabilization measures are required;
3. All areas which, by necessity, will be left bare after September 30th shall be seeded to a cover crop (i. e., cereal rye, annual rye grass, perennial rye grass). Mulching and mulching with landscaping is an acceptable alternative to seeding. Areas in excess of 10% slope shall be mulched and seeded. If, by October 15th, seeding has not established itself to the point of being an effective erosion control device, best current erosion control management practices approved by the City Planner may be required. Regular inspection and removal of sediment shall be required to maintain the effectiveness of the erosion control device;
4. Unless an alternative method is approved by the City Planner, stripped slopes in excess of 100 feet left bare during winter months shall be stabilized using best current management practices for erosion control purposes (from the latest edition of the book Best Development Practices, by Reid Ewing, published by the American Planning Association).
5. Means, approved by the City Planner, shall be devised to prevent sediment-laden water from entering any storm sewer facilities. Use of best current management practices (as defined in “D” above) to filter sediment from water entering storm sewer systems, as required by the Public Works Director ;
6. In areas of concentrated flow, temporary diversion berms, chutes or downpipes and down drains sized for a two-year storm may be required for projects left incomplete during the winter months. Temporary check dams may be required for channels carrying sufficient amounts of water to cause channel scouring and erosion;
7. If special measures are recommended in the geotech report, a performance bond shall be required sufficient to cover the total cost of the recommendations. A standard performance bond shall be required for minimum requirements and shall not be released until conditions are met to the City Planner’s satisfaction;
8. Vegetation shall be established as soon as possible after completion of final grading to minimize erosion. If vegetation is not established to the satisfaction of the City Planner, the City may complete the work and require payment by applicant or through the performance bond; and
9. Any sloped area to be seeded that exceeds 25% grade shall be stabilized with the use of netting or other material approved by the City Planner.

E. Performance. The City shall require performance bonds or other guarantees satisfactory to the City Planner in such form and amounts as deemed necessary to assure that the work, if not done in accordance with permits, plans or ordinance specifications, shall be completed to correct or eliminate any hazardous conditions.

F. Surface Drainage and Storm Sewer Systems

1. The applicant shall conform to any City codes, ordinances or other regulations that prescribe the flow of drainage water over private property including the Yachats Storm Drainage Plan.
2. All storm water and/or surface drainage from the site shall be conveyed to a point of disposal approved by the Superintendent of Public Works.
3. The applicant is responsible for extension of the storm drainage system.
4. Storm drainage facilities shall be designed and constructed in conformance with all City of Yachats Public Works Standards for surface drainage and storm sewer systems.

(Ord. 276, Amended, 02/21/2008; Ord. 215, Add, 08/15/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.010 Definitions

As used in Sections 9.54.010 through 9.54.070:

“Area of shallow flooding” means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one-percent or greater chance of flooding in any given year. Designation on maps always includes the letters “A” or “V”.

“Base flood” means the flood having a one-percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters “A” or “V”.

“Basement” (flood hazard area) means any area of the building having its floor sub-grade (below ground level) on all sides.

“Breakaway wall” means a wall that is not a part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Coastal high hazard area” means the area subject to high velocity waters, including but not limited to, storm surge or tsunami. The area is designated on the FIRM as Zone V1-V30, VE or V.

“Development” (flood hazard area) means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

“Flood or Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters and/or (2) the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided that such enclosure is

not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 9.54.050§8. Manufactured home (flood hazard area) means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers, and other similar vehicles.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

“Structure” (flood hazard area) means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.020 Purpose

It is the purpose of Code Sections 9.54.010 through 9.54.070 to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas, by provisions designed:

- A. To protect human life and health;
- B. To minimize expenditure of public money and costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.030 General Provisions

A. Lands to which Sections 9.54.010 through 9.54.070 apply, hereinafter referred to as “these code sections”. These code sections shall apply to all areas of special flood hazards within the jurisdiction of the City of Yachats.

B. Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Yachats,” dated September, 1978, with accompanying Flood Insurance Maps, is hereby adopted by reference and declared to be a part of these code sections. The Flood Insurance Study is on file at the City Office, 441 N. Highway 101, Yachats, Oregon.

C. Warning and disclaimer of liability. The degree of flood protection required by these code sections is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These code sections do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These code sections shall not create liability on the part of the City of Yachats, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on these code sections or any administrative decision lawfully made hereunder.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.040 Administration

A. Establishment of building permit:

1. Building permit required. A building permit shall be obtained before construction or development begins within any area of special flood hazard established in section 9.54.030B. The permit shall be for all structures including manufactured homes, as defined in Section 9.54.010 Definitions.
2. Application for building permit. Application for a building permit shall be made on forms furnished by the City Recorder and shall include, but not be limited to, plans in triplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; including existing or proposed structures, fill, storage of materials and drainage facilities. Specifically, the following information is required:
 - a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
 - b. Elevation in relation to mean sea level to which any structure has been flood proofed;
 - c. Certification by a registered engineer or architect as applicable according to FEMA Form 81-65 (Floodproofing Certificate) and/or FEMA Elevation Certificate, currently O.M.B. No. 3067-0077.
 - d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.
3. Designation of the Building Official. The Building Official, who is the City Planner or whomever may be hereafter designated, is hereby appointed to administer and implement these code sections by granting or denying building permit applications in accordance with its provisions.
4. Duties and responsibilities of the Building Official. Duties of the Building Official shall include, but not be limited to:
 - a. Permit review.
 - 1) Review all development permits to determine that the permit requirements of these code sections have been satisfied.
 - 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local government agencies from which prior approval is required.
 - 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of section 9.54.050A§8 are met.
 - b. Use of other base flood data. When base flood elevation data have not been provided in accordance with section 954.030B, the Building Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer Specific Standards and Floodways.
 - c. Information to be obtained and maintained.
 - 1) Where base flood elevation data is provided through the Flood Insurance Study or required as in section 9.54.040A§2, obtain and record the actual elevation, in relation to mean sea level, of the lowest floor, including basement of all new or substantially improved structures, and whether or not the structure contains a basement.

2) For all new or substantially improved flood proofed structures: (a) verify and record the actual elevation, in relation to mean sea level, and (b) maintain the flood proofing certifications required in section 9.54.040A§2 & 3 provisions of these code sections.

d. Alteration of watercourses.

1) Notify adjacent communities and the Oregon Division of State Lands prior to any alteration or relocation of a watercourse as defined by map entitled U.S.D.I Geological Survey, Yachats Quadrangle, 1984 and submit evidence of such notification to the Federal Insurance Administration.

2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.050 Provisions for Flood Hazard Reduction

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Construction materials and methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- d. Where base flood elevation data have not been provided or is not available from another authoritative source, it shall be generated by a registered engineer or architect as applicable for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

5. Review of building permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source section 954.040A§2 above, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

6. Specific standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 9.54.030B the following provisions are required:

a. Residential construction.

1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.

2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

(a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. Nonresidential construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to or above the base flood elevation or sanitary facilities, together with attendant utility and sanitary facilities, shall:

1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.

2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certification shall be provided to the official as set forth in section 9.54.040.A4c2.

4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in section 9.54.010.

5) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

c. Manufactured homes. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 9.54.050A§1

7. Floodways. Located within areas of special flood hazard established in section 9.54.030B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

a. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

b. All new construction and substantial improvements shall also comply with all applicable flood hazard reduction provisions of section 9.54.050.

8. Standards for shallow flooding areas (AO zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

a. Residential structures. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM, or at least two feet if no depth number is specified.

b. Nonresidential structures. New construction and substantial improvements of nonresidential structures within AO zones shall either:

1) have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM, or at least two feet if no depth number is specified;

2) together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 9.54.040A§2.

c. Structures on slopes. Adequate drainage paths shall be provided around structures on slopes in flood hazard areas to guide floodwaters around and away from proposed structures.

9. Coastal high hazard areas. Located within areas of special flood hazard established in section 9.54.030B are Coastal High Hazard Areas, designated as Zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from tidal surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

a. All new construction and substantial improvements in Zones V1-V30 and VE and/or V shall be elevated on pilings and columns so that:

1) the bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated to or above the base flood level; and

2) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one-percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).

b. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of section 9.54.050A§9, a. 1) and 2).

c. All new construction shall be located landward of the reach of mean high tide.

d. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse,

displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot, either by design or when so required by local or State codes, may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- 1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - 2) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components, structural and nonstructural. Maximum wind and water loading values to be used in this determination shall each have a one-percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- e. If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- f. The use of fill for structural support of buildings is prohibited.
- g. Man-made alteration of sand dunes which would increase potential flood damage is prohibited.
- h. The local administrator as designated shall maintain a record of the following information: the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures in Zones V1-V30 and VE and/or V, and whether or not such structures contain a basement.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.060 Variances.

A. General conditions. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, or to economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items section 9.54.060A§4 a through k, below, have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.

2. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

3. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than watertight or dry-flood proofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 9.54.060A§1 and otherwise complies with section 9.54.050A§1 and 2 of General Standards.

4. In evaluating requests for variances from the requirements of this ordinance, the Planning Commission and City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of these code sections, and:

- a. the danger that materials may be swept onto other lands to to the injury of others;
- b. the danger to life and property due to flooding or erosion damage;
- c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- d. the importance of the services provided by the proposed facility to the community;
- e. the necessity to the facility of a waterfront location, where applicable;
- f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. the compatibility of the proposed use with existing and anticipated development;
- h. the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Circumstances for granting a variance. Variances shall be issued only upon all of the following conditions being met:

1. a showing of good and sufficient cause;
2. a determination that failure to grant the variance would result in exceptional hardship to the applicant;
3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws, ordinances or codes; and
4. a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Procedure for variance applications.

1. A request for a variance from the requirements of these code sections shall be made by filing an application with the City Recorder. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The City Council or Planning Commission may request other drawings or material essential to an understanding of the requested variance.
2. The City Recorder shall set a time for a public hearing before the Planning Commission on the request within forty days of the filing thereof and shall cause notice to be given in accordance with 9.54.060§C7 of these code sections.
3. At the conclusion of the public hearing the Planning Commission may recommend to the City Council the approval or denial of the request.
4. Upon receiving the recommendation of the Planning Commission, the City Recorder shall set a time for a public hearing before the City Council within 40 days from the date of receiving the Planning Commission's recommendation and shall cause notice to be given in accordance with section 9.54.060§C7 of these code sections.
5. At the conclusion of the public hearing, the City Council may approve or deny the request for a variance. In granting a variance, the City Council may attach such conditions as it deems necessary to further the purpose of these code sections.
6. An applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
7. Notice of public hearing. Each notice of a public hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the date of the hearing. In addition, at least 10 days prior to the date of the hearing, notices shall be posted in three public and conspicuous places within 250 feet of the exterior boundary of the property for which the application is made.

(Ord. 233, Add, 05/12/2003)

Chapter 9.54 FLOOD DAMAGE PREVENTION REGULATIONS

Section 9.54.070 Penalties

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of these code sections and other applicable regulations.

B. Any violation of Section 9.54.010 to 9.54.070 shall constitute a class A infraction under Yachats Municipal Code Sections 1.12.010 through 1.12.150. A person violating a provision of these code sections shall be deemed guilty of a separate infraction for each day during which the violation continues.

C. Procedure for adjudicating violations of these code sections shall be as provided in Yachats Municipal Code Section 1.12.010 through 1.12.150, entitled "Civil Infractions".

(Ord. 233, Add, 05/12/2003)

[Chapter 9.56 SUBDIVISIONS AND PARTITIONS](#)

Section 9.56.00A Article I. Partitions

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.010 Approval of Partitions

A. No plat or replat of a partition of land in Yachats shall be recorded or have any validity unless and until it has the approval of the Planning Commission or is appealed and subsequently approved by the City council or by court action. (Ord. 172 (part), 1995; Ord. 73E § 5.010, 1992)

B. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any partition which requires approval per City Code including Chapter 9.56.010.A. or by any ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained from the City and the plat of that partition recorded.

C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any partition by reference to or exhibition or other use of a plat (or plan) of such partition before the plat for such partition has been so recorded.

(Ord. 211, Amended, 01/15/1999)

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.020 General requirements and minimum standards of design and development.

The following are the minimum requirements and standards to which partitions must conform before approval:

A. **Conformity to the Comprehensive Plan.** All partitions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.

B. **Access.** The subdividing and partitioning of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.

C. **Relation to Adjoining Street System.** A major partition shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the planning commission adopts a plan for a neighborhood of which the partition is a part, the partition shall conform to such adopted neighborhood or area plan. If, in the opinion of the city planning commission, the topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is partitioned into lots of an acre or more, the planning commission may require an arrangement of lots and streets which would permit a later repartitioning in conformance with the street requirements and other requirements contained in these regulations.

D. **Easements.**

1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways and to provide necessary drainage ways or channels.

2. A private easement established without full compliance with these regulations may be approved by the planning commission if it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

E. **Public Access Ways.** When necessary for public convenience and safety, the planning commission may require the land divider to dedicate to the public access ways ten to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

F. **Lots and Parcels.**

1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the planning commission grants otherwise.

2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.

3. Lots and parcels with double frontage shall not be permitted unless in the opinion of the planning commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.

4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition is located. In no case shall a lot or parcel have an average depth less than eighty (80) feet.

5. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.

G. Performance Agreement. If all improvements required by the planning commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the planning commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the partitioner and his or her surety company with the city council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

H. Water. All lots in partitions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the city water superintendent that water will be available from the nearest point of supply;

2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition.

I. Sewer. No plat of a partition 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. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition; or

3. Where public sewerage service is not available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the subdivision or partition. A statement that public sewerage service is not available and that the proposed method of sewage disposal has been approved shall be provided to the purchaser of each lot or parcel in the proposed partition. A copy of any such statement signed by the partitioner and endorsed by the planning commission chair shall be filed by the partitioner with the real estate commissioner. (Ord. 73E § 5.020, 1992)

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.030 Procedure for dividing land.

A. Preliminary Discussion. Prior to preparing a preliminary plan of a partition for submission the owner should discuss the proposed division with city personnel. The developer and the city staff should discuss the implication of the zoning, availability of water, method of sewage disposal, street construction requirements, topography of site and all other factors affecting the division of the property.

B. Major and Minor Partitions.

1. Preliminary Plan Application. When a tract or area of land is to be partitioned, the preliminary plan of the proposed partition shall be filed in the office of the city together with an application for consideration. A sufficient number of copies of the preliminary plan, as determined by the city shall also be submitted, in order that the preliminary plan may be distributed to other agencies. The preliminary plan when submitted shall include the following:

- a. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
- b. The tax lot number and the section, township and range in which the property is located;
- c. The date, north point and scale of the drawing;
- d. A vicinity sketch showing the location of the subdivision in relation to known landmarks in the city;
- e. The approximate location and dimensions of all proposed boundary lines;
- f. Approximate area of the property being subdivided and each proposed parcel;
- g. Name, location and width of all existing and proposed roads, rights-of-way and easements;
- h. Existing zoning of the property;
- i. Existing and proposed uses of the property;
- j. Approximate location and use of all existing structures to remain on the site. Indicate those to be removed;
- k. Any limitations to development; i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc.;

1. A copy of the request to the county health department for site inspection.

2. Review of Preliminary Plan by Other Departments. Within five working days after the partition application is submitted according to the provisions of this title, the city staff shall distribute copies thereof to appropriate agencies and departments for review, comments and recommendations. If the city receives no written response or time extension request within twenty (20) days, it shall be considered the agency(s) and department(s) involved approve of the preliminary plan as submitted.

3. Approval of Preliminary Plan. Within ten days after receiving all comments and recommendations from appropriate agencies or departments, the city staff shall refer the plan to the planning commission for a decision. The applicant shall be notified of the time and place of the planning commission meeting. Unless appealed, the decision shall become effective on the eleventh day after being rendered. The approval or conditional approval is valid for one year from the effective date of approval. After one year the preliminary plan may be resubmitted to be considered in light of changed conditions that may exist.

4. Submitting the Plat. Within one year after the approval of the preliminary plan becomes effective, a

partition plat shall be submitted to the planning commission for approval which is in substantial conformity to the approved preliminary plan and conditions of approval.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. In addition to the information as required on the preliminary plan, and the information required by ORS 92, the following information shall be provided:

- a. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date that the partition plat is submitted for final approval. Such report shall also identify all easements of record;
- 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 partition;
- c. A copy of all protective deed restrictions proposed;
- d. The certification, performance agreement, bond, contract or other assurances regarding the availability or installation of water and sewer services as provided in Section 9.56.020;
- e. The location of the approved site for the septic system if applicable.

5. Street Dedication. Any streets in a major partition shall be dedicated following the requirements and procedures for the dedication of streets as set forth in Section 9.64.040 prior to plat approval.

6. Plat Approval. Within ten days of the receipt of a partition plat as provided in this title, the city staff shall refer the plat 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 eleventh day after being rendered.

7. When the approval becomes effective, the planning commission chair shall sign the plat and its exact copy. The plat and exact copy shall then be delivered to the county surveyor who shall obtain the following officials' signatures on them:

- a. The county tax collector whose signature shall certify that all taxes on the property have been paid;
- b. The county assessor, whose signature shall certify that the plat is signed by the owner or owners of record;
- c. The county surveyor, whose signature shall certify that the platting laws of this state and the requirements of this title have been satisfied.

8. The county surveyor shall deliver the signed plat to the office of the county clerk and notify the partitioner that it has been so delivered and may be offered for record.

9. Appeals. See Section 9.88.120. (Ord. 172 (part), 1995; Ord. 73E § 5.030, 1992)

[Chapter 9.56 SUBDIVISIONS AND PARTITIONS](#)

Section 9.56.039A Article II. Subdivisions

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.040 Approval of subdivisions.

A. No plat or replat of a subdivision of land in Yachats shall be recorded or have any validity unless and until it has the approval of the planning commission or is appealed and subsequently approved by the city council or by court action.

B. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision which requires approval per City Code including Chapter 9.56.040.A. or by an ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained from the City and the plat of that subdivision recorded.

C. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat (or plan) of such subdivision before the plat for such subdivision has been so recorded. (Ord. 73E § 6.010, 1992)

(Ord. 211, Amended, 01/15/1999)

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.050 General requirements.

The following are the minimum requirements and standards to which subdivisions must conform before approval:

A. **Conformity to the Comprehensive Plan.** All subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.

B. **Access.** The subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.

C. **Relation to Adjoining Street System.** A subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions and for their proper projection when the adjoining property is not subdivided. If the planning commission adopts a plan for a neighborhood of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the planning commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is subdivided into lots of an acre or more, the planning commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformance with the street requirements and other requirements contained in these regulations.

D. **Private Streets.**

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as a private street.

2. At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the planning commission meeting.

3. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

E. **Easements.**

1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.

2. A private easement established without full compliance with these regulations may be approved by the planning commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

F. **Blocks.** No block shall be longer than one thousand two hundred (1,200) feet between street lines.

G. **Public Access Ways.** When necessary for public convenience and safety, the planning commission may require the land divider to dedicate to the public access ways ten to twenty (20) feet in width to

connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for a network of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

H. Lots and Parcels.

1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the planning commission grants otherwise.
2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
3. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.
4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the subdivision is located.
5. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.

I. Parks and Open Space. The planning commission may require the subdivider to provide up to five percent of the subdivision 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.

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

K. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded subdivision 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 subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

L. Water. All lots in subdivisions shall be served by a public water system. No plat of a subdivision shall be approved unless the city has received and accepted:

1. A certification by the city water superintendent that water will be available from the nearest point of supply; or
2. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed subdivision or partition.

M. Sewer. No plat of a subdivision 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; or
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the subdivider to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition;
3. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use

of the land for the subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed subdivision. A copy of any such statement signed by the subdivider and endorsed by the planning commission chair shall be filed by the subdivider with the real estate commissioner.

N. Performance Agreement. If all improvements required by the planning commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the planning commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the subdivider and his or her surety company with the city council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

O. Pedestrian Ways. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic. (Ord. 73E § 6.020, 1992)

P. In any development which is primarily designed for or occupied by dwellings, 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.

(Ord. 268, Amended, 02/12/2007)

Chapter 9.56 SUBDIVISIONS AND PARTITIONS

Section 9.56.060 Procedure for dividing land.

A. Preliminary Discussion. Prior to preparing a primary plan of a subdivision for submission the owner should discuss the proposed division with city personnel. The developer and the city staff should discuss the implication of the zoning, availability of water, method of sewage disposal, street construction requirements, topography of the site and all other factors affecting the division of the property.

B. Preliminary Plan Application. When a tract or area of land is to be subdivided, the preliminary plan of the proposed subdivision shall be filed in the office of the city together with an application for consideration. A sufficient number of copies of the preliminary plan, as determined by the city staff shall also be submitted in order that the preliminary plan may be distributed to other departments and agencies. The preliminary plan when submitted should contain the following:

1. The name of the subdivision;
2. The name, address and phone number of the land owner, subdivider, engineer and surveyor;
3. The tax lot number and the section, township and range in which the property is located;
4. The date, north point and scale of the drawing;
5. A vicinity sketch showing the location of the subdivision in relation to a known landmark in the city;
6. The approximate location and dimensions of all proposed lot lines;
7. Gross acreage of the property being subdivided;
8. Number of lots within the plat;
9. Size of the smallest lot in the plat;
10. Source of domestic water and preliminary plan of water lines, reservoirs, and other water facilities;
11. Method of sewage disposal and preliminary plan of sanitary sewer lines, pump stations, and other sanitary sewer facilities;
12. Existing zoning of the property;
13. Existing and proposed land use;
14. Preliminary street plan, cross sections, and approximate grade of all streets within and abutting the subdivision;
15. Legal access to subdivision if not abutting a public road (if by easement, a copy of the deed giving easement);
16. Areas subject to periodic flooding;
17. Proposed lot and block numbers;
18. Preliminary storm drainage plan including width, depth and direction of flow of all drainage channels on the property, preliminary routing, and other existing and proposed storm drainage facilities;
19. Contour lines with a ten-foot interval if slope exceeds ten percent; five-foot intervals if less than ten percent slope (state the source of the contour information);
20. All existing and proposed easements crossing the property;
21. Approximate location and use of all existing structures on the site. Indicate those to be removed;
22. Pedestrian walkways (if any);

23. Areas other than streets to be offered for dedication to the public. (Example: parks);
 24. Heavily wooded areas;
 25. Adjacent land owned by the subdivider;
 26. The feasibility report and copy of request to the county health department for site inspection.
- Some of the above items may not apply to the property being subdivided, however, as much information as possible must be shown. A preliminary plan may be returned until adequate information is given.
27. On slopes of twelve (12) percent or greater, a geotechnical engineering report shall be submitted in accordance with Yachats Municipal Code Section 9.52.050 Hazard Areas.
 28. Any other applicable reports and plans, e.g. wetlands, flood hazards, etc.

C. Review of Preliminary Plan by Other Departments. Within five days following the acceptance of an application by city staff, copies of the preliminary plan shall be distributed to appropriate agencies and departments for review, comments and recommendations. If the city receives no written response or time extension request within twenty (20) days, it shall be considered that the agency(s) or department(s) involved approve of the preliminary plan as submitted.

D. Approval of Preliminary Plan. 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 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 thirty-first day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval.

E. Time Extension on Preliminary Plan. No more than thirty (30) or less than ten days prior to the expiration date of the preliminary plan approval, the city staff must notify the subdivider in writing of the expiration of any unrecorded portion of the preliminary plan. A one-year time extension of a preliminary plan approval may be requested. The planning commission may approve or disapprove a request for time extension if the preliminary plan is substantially unchanged from the plan previously approved. Additional conditions necessary to meet changed circumstances may be attached to the preliminary plan when a time extension is requested and approved.

F. Drafting the Plat. The plat shall be prepared by a surveyor or engineer registered in the state of Oregon. The plat must be in substantial conformity with the preliminary plan as approved and include all conditions set at the time of approval. It shall be drawn with permanent black India-type ink or silver halide permanent photocopy, upon a good quality of white coldpressed, double mounted drawing paper eighteen by twenty-four inches in size with an additional three-inch binding edge on the left side when required by the county clerk or the county surveyor. The plat shall be of such a scale as required by the county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor and all other information shall be of a size and type as will be clearly legible. A clear margin of one inch is required. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon three or more sheets. If desired by the subdivider the plat may constitute only that phase of the approved preliminary plan which he or she proposes to record and develop.

G. Submitting the Plat.

1. Within two years after the approval of the preliminary plan becomes effective, a plat and one exact copy may be submitted to the planning commission. The copy may be a photocopy or a tracing made with black India-type ink upon a good quality of linen tracing cloth or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The photocopy or tracing shall be identified as an exact copy of the plat by the engineer or surveyor who caused the copy to be made. The subdivider shall provide, without cost, four prints from the copy of the plat.

2. The subdivision plat shall conform to surveying requirements in ORS 92.050 through 92.080. In addition to the information as required on the preliminary plan, and the information required by ORS 92, the following information shall be provided with the plat:

- a. Street, water, sanitary sewer, and storm drainage construction plans;
- b. A copy of all covenants and protective deed restrictions;
- c. The certification, performance agreement or statement regarding the availability of water and sewerage services as provided in Section 9.56.050;
- d. Copies of legal documents relied upon by the planning commission for dedication of public facilities or for the creation of a nonprofit homeowners association;
- e. An affidavit with the seal of and signed by the registered surveyor responsible for the land survey and final plat, as required by ORS 92.070;
- f. Letter of approval from the Yachats Public Works Director or City Engineer stating that final engineering (construction) plans for streets, water, sanitary sewer, storm drainage, and erosion control are accepted and in accordance with Yachats Municipal Code standards.
- g. A performance agreement, bond contract, or other assurance shall be posted with the city for completion of streets, water, sanitary sewer and storm drainage improvements. The performance agreement shall be released following completion of street, water, sewer, and storm drainage facilities and acceptance by the city.
- h. If a geotechnical engineering report is required, certification from the certified engineering geologist that final construction plans are in accordance with recommendations of the geotechnical engineering geologist.
- i. If a geotechnical engineering report is required, a performance bond or other type of acceptable financial instrument shall be posted with the city in accordance with Yachats Municipal Code 9.52.050.B (1).
- j. Such additional information as the Yachats planning commission deems necessary for conformance with conditions of preliminary plan approval.

H. Plat Approval. The plat will be placed on the agenda of the next scheduled meeting of the planning commission. The applicant and his or her surveyor or engineer shall be notified of the meeting date and time. Following the consideration of the plat, the planning commission shall approve, disapprove for cause or, when further information is required, postpone a decision on the plat. In no case shall a decision be postponed longer than forty-five (45) days. The applicant shall be notified in writing of the decision of the planning commission.

Unless appealed, the decision of the planning commission shall become effective on the thirty-first day after rendered. When the approval becomes effective the planning commission chairman shall sign the plat and its exact copy. The plat and exact copy shall then be delivered to the county surveyor who shall obtain the following officials' signatures on them:

1. The county tax collector, whose signature shall certify that all taxes on the property have been paid;
 2. The county assessor, whose signature shall certify that the plat is signed by the owner or owners of record;
 3. The county surveyor (his or her own), whose signature shall certify that the platting laws of this state and the requirements of this title have been satisfied;
 4. A majority of the county commissioners, whose signature shall certify that the plat is approved by them;
 5. The county health officer, whose signature shall certify that the method of sewage disposal for each lot is approved.
- I. The county surveyor shall deliver the signed plat to the office of the county clerk and notify the subdivider that it has been so delivered and may be offered for record.
- J. Appeals. See Section 9.88.120. (Ord. 73E § 6.030, 1992)

(Ord. 268, Amended, 02/12/2007)

Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS

Section 9.58.010 Tentative Approval

A. A property line adjustment shall be tentatively approved by the city planner, if:

1. No additional lots or parcels will be created;
2. The subject lots, parcels, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone;
3. The proposed lots, parcels or other tracts of land as adjusted will comply with any required minimum width requirement as set forth in the applicable use zone;
4. The proposed property line adjustment will not reduce any yard or other setback below that required under applicable zoning;
5. The proposed property line adjustment will not reduce the street or road frontage of the subject lots or parcels to below that required by this title;
6. The proposed property line adjustment will not reduce any setback for an existing on-site sewage disposal system or approved replacement area below the required minimum; and
7. The proposed property line adjustment shall not increase the degree of non-conformity on vacant lots, parcels, or tracts that do not conform to lot size, width, or depth requirements, or on developed lots if the increase in non-conformity results in adjacent property becoming further dividable. A proposed property line adjustment shall not increase the degree of non-conformity for required yards.

B. Notwithstanding the above, an existing lot or parcel may be reduced in area or building setbacks through a property line adjustment provided that:

1. The lot or parcel to be reduced in area is developed with residential, commercial or industrial structural improvements; or
2. The reduction in area is necessary to resolve a boundary discrepancy, hiatus or encroachment; or,
3. The reduction in area is necessary to comply with an applicable setback or other dimensional standard established by this chapter or other applicable law; or,
4. The reduction in area results from acquisition or condemnation for right-of-way or other public purpose.

C. Tentative approval of a property line adjustment is valid for a period of one (1) year. Time extensions are not allowed.

(Ord. 234, Add, 06/19/2003)

Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS

Section 9.58.020 Final Approval

- A. Final approval of a property line adjustment shall be granted upon submittal of the following:
1. A copy of a filed survey of the property line adjustment in accordance with ORS 92.060(7) which is in substantial conformance with the tentative approval, except that property line adjustments where all lots, tracts or parcels affected are greater than ten (10) acres need not be surveyed or monumented;
 2. Copies of recorded conveyances conforming to the tentatively approved property line adjustment and containing the names of the parties together with proper acknowledgment.
 3. Such other documentation as may be required by the city planner to verify conformance with any requirements or conditions of the tentative approval.

(Ord. 234, Add, 06/19/2003)

Chapter 9.58 STANDARDS AND PROCEDURES FOR PROPERTY LINE ADJUSTMENTS

Section 9.58.030 Review Procedures

The review of applications for property line shall be conducted according to the following procedures:

- A. The property owner or authorized agent shall submit an application to the city planner. The application shall include written consent to proceed with the proposed property line adjustment from affected property owners.
- B. Within fourteen (14) days following determination that the application is complete, notice of the application shall be mailed to the applicant and to owners of record on the most recent property tax assessment roll of property which is located within one hundred (100) feet of the perimeter of the properties. Property owners shall be given a 14-day period to provide written testimony. The city planner may refer the application to affected districts, local, state or federal agencies for comments.
- C. Within fourteen (14) days following the closing of receiving written testimony, or such longer period mutually agreed to by the city planner and the applicant, the city planner shall approve, disapprove or, at the city planner's discretion, refer the application to the planning commission for consideration.
- D. The applicant and any person providing written testimony shall be notified in writing of the city planner's action.
- E. All actions of the city planner may be appealed to the Planning Commission.

(Ord. 234, Add, 06/19/2003)

[Chapter 9.60 PLANNED UNIT DEVELOPMENT](#)

Section 9.60.010 Purpose.

The purpose of the 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. 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. (Ord. 73E § 7.010, 1992)

Chapter 9.60 PLANNED UNIT DEVELOPMENT

Section 9.60.020 General requirements.

- A. In the case of a planned unit development the regulations contained in this chapter may, if necessary, be modified as they apply to streets, blocks and lots when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, open space and lot area per dwelling are provided.
- B. A planned unit development may be established in any zone.
- C. A planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs.
- D. Requirements pertaining to area, density, yards or similar dimensional standards shall be guided by the standards of the zone in which the planned unit development is proposed.
- 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. A planned unit development shall have a minimum of three contiguous acres for R-1 and R-2 residential with the exception of R-3, R-4 and C-1 which can have one acre for commercial.
- G. The average residential lot size in the subdivision (building site areas plus common areas divided by the number of dwelling units) must be equal to or greater than the minimum lot area of the zone in which it is located.
- H. At least forty (40) percent of the land area will be dedicated or reserved as usable common outdoor living and open space land in residential, recreational or combination residential-commercial development, exclusive of required streets.
- I. In any development which is primarily designed for or occupied by dwellings, 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.
- J. The planning commission or city council may require easements necessary for orderly extension of public utilities to future adjacent developments.
- K. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests 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.
- L. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic. (Ord. 73E § 7.020, 1992)

Chapter 9.60 PLANNED UNIT DEVELOPMENT

Section 9.60.030 Procedure for proposing P.U.D.

A. Preliminary Plan Application. An applicant shall submit at least five copies of a preliminary plan of a planned unit development to the planning commission for study at least fifteen (15) 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 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; i.e., 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 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 department of public works; Yachats rural fire protection district; Oregon State Highway Department, 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 thirty-first 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 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;
- 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 performance bonds to assure that the planned unit development is completed as approved within the time limit as established by the planning commission;
- j. 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.

3. The planning commission may recommend to the city council that the city council approve, deny or recommend revision of the preliminary plan of the planned unit development.

D. Submitting the Map.

1. Within one year after the approval of the preliminary plan, a map of the 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 P.U.D.;
- c. A copy of all protective deed restrictions;
- d. Street and drainage construction plans;

- e. The certification, performance agreement or statement 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.
- E. Map Approval. Within ten days of the receipt of a 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 thirty-first 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. (Ord. 175 (part), 1995; Ord. 73E § 7.030, 1992)

Chapter 9.60 PLANNED UNIT DEVELOPMENT

Section 9.60.040 Development of a P.U.D.

A. Building Permits.

1. Building permits for all or any portion of a planned unit development 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 planned unit development, the P.U.D. 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 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 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 P.U.D. shall be served by a public water system. No plat or map of a P.U.D. shall be approved unless the city has received and accepted:

1. A certification by the city water superintendent that water will be available from the nearest point of supply; or
2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel in the P.U.D.

G. Sewer. No plat or map of a 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; or
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel depicted in

the proposed P.U.D.;

3. 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 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 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. Performance Agreement. If all improvements required by the planning commission and this title are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for consideration and approval, the planning commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the developer and his or her surety company with the city council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

I. Appeals. See Section 9.88.120. (Ord. 73E § 7.040, 1992)

Chapter 9.64 STREET CONSTRUCTION AND DESIGN

Section 9.64.010 Design standards.

Any street constructed within and dedicated to the city as a city street, or dedicated to the public for use as a street and constructed after the date of the ordinance codified in this title shall comply with Chapter 7.04. In addition, the following standards shall apply:

A. Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all property at the intersection of two streets.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other sides.

2. A clear-vision area shall contain no planting, fence, wall, structure, temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height eight feet above grade.

3. For clear-vision areas, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

B. Street Intersections. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout. Intersections shall be designed so that no danger to the travelling public is created as a result of staggered intersections; and in no case shall intersections be offset less than one hundred (100) feet.

C. Cul-De-Sacs and Turn-Arounds. In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-around with a minimum property line radius of forty-five (45) feet or other type of turn-around approved by the planning commission. Turn-arounds approved by the planning commission shall be provided on all dead-end streets.

D. Easements.

1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.

2. A private easement established without full compliance with these regulations may be approved by the planning commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

E. Blocks. No block shall be longer than one thousand two hundred (1,200) feet between street lines.

F. Public Access Ways. When necessary for public convenience and safety, the planning commission may require the land divider to dedicate to the public access ways ten to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

G. Public Streets. If topography or other physical conditions make a street of the minimum required width impractical, the planning commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.

H. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.

I. Variance. The standards for street construction may be varied by the city council where topography, soil characteristics, or other factors indicate such variance would be in the best interest of the city. Any request for variance in the above standards must be made in writing and filed with the city recorder when the application for construction is submitted. (Ord. 175 (part), 1995; Ord. 73E § 8.010, 1992)

Chapter 9.64 STREET CONSTRUCTION AND DESIGN

Section 9.64.020 Private streets.

A. General Requirements.

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as private streets.
2. At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the planning commission hearing.
3. A private road shall be approved provided:
 - a. The planning commission is satisfied that such street is not presently needed as a public road;
 - b. It will never be extended through to adjacent property;
 - c. It will not be utilized for public road purposes in the normal growth area.
4. Modification of private street requirements and/or standards shall be approved only:
 - a. For street creation in areas where because of topographical or geological conditions full compliance or strict adherence to the standards and requirements would prevent reasonable access to the area; or
 - b. For access created to not more than three lots.
5. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

B. Standards for Private Streets.

1. Private road right-of-way may be approved of less than fifty (50) feet in width except that the right-of-way width shall not be less than ten percent of the road length and in no instance shall the road right-of-way be less than thirty (30) feet except that a private road to two lots may be twenty (20) feet in width. In all instances where the road access is less than fifty (50) feet in width a ten foot utility easement on each side of the road right-of-way or easement shall be provided.
2. Improvements on private roads shall be the same as those for public roads providing access to similar development, and shall adhere to all provisions of Chapter 7.04. (Ord. 175 (part), 1995; Ord. 73E § 8.020, 1992)

Chapter 9.64 STREET CONSTRUCTION AND DESIGN

Section 9.64.030 Street construction permit.

- A. Prior to starting street construction a written permit must be obtained from the city. Application for street construction must be obtained from the city recorder's office.
- B. The application must contain an engineering plan and profile. Requests for any variances from street standards should also be included with the application.
- C. At the time of making application, the proposed road must be located on the ground by stakes clearly showing:
1. The area to be cleared; these stakes must be offset five feet outside of the area of clearing;
 2. Cut and fill;
 3. Upper slope stakes;
 4. Center line of proposed street;
 5. Culverts designating size and length.
- D. Upon receiving a completed application, the city street commissioner shall examine the proposed street as staked out and shall report to the city council at its next meeting. The city council shall consider the report of the street commissioner at its next meeting. The city council shall either grant, deny or grant with special conditions any variances from the standards. (Ord. 73E § 8.030, 1992)

Chapter 9.64 STREET CONSTRUCTION AND DESIGN

Section 9.64.040 Dedication of public street.

Any person wishing to create a public road or street which is not a part of a subdivision shall make written application to the city council. The application shall consist of a letter addressed to the council requesting acceptance of the dedication and a deed with the exact description of the proposed dedication signed by all owners of the property intended to be served by the road. The city council shall refer the application to the following:

- A. The public works department and/or public works and street commission, who shall check the proposal for grade and conformance to acceptable road standards;
- B. The county surveyor, who shall check the description for accuracy;
- C. The county assessor's office, which shall insure that the taxes are paid on the property being dedicated;
- D. The planning commission, which shall insure that the road is not in conflict with the city's comprehensive plan nor any adjacent approved preliminary plans, plats or maps. These reports shall be forwarded to the city council. If the council approves the dedication, at least three members of the council shall sign the deed as approved. The deed may then be recorded. A public road will not be maintained by the city unless that road is accepted by the city for maintenance. (Ord. 175 (part), 1995; Ord. 73E § 8.040, 1992)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

[Section 9.68.010 General provisions.](#)

[Section 9.68.020 Permitted locations.](#)

[Section 9.68.030 Manufactured dwelling parks.](#)

[Section 9.68.040 Requirement for manufactured dwelling subdivisions.](#)

[Section 9.68.050 Manufactured dwelling planned unit development.](#)

[Section 9.68.060 Recreational vehicles.](#)

[Section 9.68.070 Disaster emergency housing provision.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.72 CONDITIONAL USES

[Section 9.72.010 Authorization to grant or deny conditional use permits.](#)

[Section 9.72.020 Procedure for taking action on a conditional use application.](#)

[Section 9.72.030 Building permit for an approved conditional use.](#)

[Section 9.72.040 Time limit on a conditional use permit.](#)

[Section 9.72.050 Standards and procedures governing conditional uses.](#)

[Section 9.72.060 Standards for conditional uses in the estuary natural zone.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.76 NONCONFORMING LOTS AND USES

[Section 9.76.010 Purpose.](#)

[Section 9.76.020 Continuation of nonconforming use or structure.](#)

[Section 9.76.030 Discontinuance of nonconforming use.](#)

[Section 9.76.040 Change of nonconforming use.](#)

[Section 9.76.050 Destruction of nonconforming use.](#)

[Section 9.76.060 Expansion of nonconforming uses.](#)

[Section 9.76.070 Discontinuance of nonconforming uses.](#)

[Section 9.76.080 Undersized lots of record.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.80 VARIANCES

[Section 9.80.010 Authorization to grant or deny variances.](#)

[Section 9.80.020 Circumstances for granting a variance.](#)

[Section 9.80.030 Variance procedure.](#)

[Section 9.80.040 Time limit on a variance.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.84 AMENDMENTS

[Section 9.84.010 Authorization to initiate amendments.](#)

[Section 9.84.020 Amendment to the text.](#)

[Section 9.84.030 Amendment to a zoning map.](#)

[Section 9.84.040 Records.](#)

[Section 9.84.050 Limitations.](#)

[Title 9 ZONING AND LAND USE](#)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

[Section 9.88.010 Compliance with title provisions.](#)

[Section 9.88.020 Administration authority.](#)

[Section 9.88.030 Consolidated application procedure.](#)

[Section 9.88.040 Form of petitions, applications and appeals.](#)

[Section 9.88.050 Filing fees.](#)

[Section 9.88.060 Notice of public hearing.](#)

[Section 9.88.070 Authorization of similar uses.](#)

[Section 9.88.080 Public hearing procedures.](#)

[Section 9.88.090 Final action on application for permit or zone change request.](#)

[Section 9.88.100 Findings of fact.](#)

[Section 9.88.110 Effective date of decision.](#)

[Section 9.88.120 Appeals.](#)

[Section 9.88.130 Interpretation of provisions.](#)

[Section 9.88.140 Unanticipated provisions.](#)

[Section 9.88.150 Zoning of annexed areas.](#)

[Section 9.88.160 Highway cuts.](#)

[Section 9.88.170 Violation--Penalty.](#)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

Section 9.68.010 General provisions.

A. Label of Compliance. Approval for installation of any manufactured dwelling is limited to units manufactured after June 15, 1976 and bearing a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H. U.D.

B. State Standards. Installation of manufactured dwellings are to follow state of Oregon standards adopted and administered by the State Building Code Agency. See OAR 814-34-050 to 814-23-080. These state standards are summarized as follows:

1. Support blocking shall be installed according to the manufacturers' instructions approved by the State Building Codes Agency and, unless higher loading requirements are justified by soils analysis, the blocking shall support the manufactured dwellings on a soil with a bearing capacity of one thousand five hundred (1,500) pounds per square foot. OAR 814-23-060.
2. Plumbing, electric and gas service connections shall be made according to the instructions approved by the State Building Codes Agency. OAR 814-23-050.
3. A single-wide manufactured dwelling in certain listed areas along the coast and the Columbia River shall be tied down with devices that meet federal standards as approved by the State Building Codes Agency. OAR 814-23-065.
4. Manufactured dwelling accessory buildings and structures shall comply with state construction and installation standards. OAR 814-023-070. Manufactured dwelling accessory structures are skirting, some porch and steps, awnings, cabanas and some carports. In the manufactured dwelling field, an awning is not a sunshade for a window, but is any structure with a roof and not more than one wall. A structures is a manufactured dwelling accessory structure if it depends in part on the manufactured dwelling for its structural support. Accessory structures are not required by the state, but must meet standards if installed.
5. A building or other structure associated with a manufactured dwelling that is not a manufactured dwelling accessory structure must comply with state building code standards for ramadas to relate the ramada to the manufactured dwelling. OAR 814-23-0[3]70. A ramada is primarily a roof built to go over a manufactured dwelling but is not supported by the manufactured dwelling.

C. Tie-Down Requirements (to Exclude Manufactured Dwellings Attached to Basements).

1. Minimum tie-down requirements are to conform to standards established by the State Building Codes Agency.
2. Minimum number of tie-downs required:
 - a. Single-wide: as specified by state code plus cross tie-downs at no greater than twelve (12) foot intervals.
 - b. Double-wide: one at each corner plus cross tie-downs at no greater than twelve (12) foot intervals.
 - c. Triple-wide: three per side on outside units plus cross tie-downs at no greater than twelve (12) foot intervals.

intervals.

3. Tie-Down Materials. Steel straps or cables that have been treated to make them weather resistant must be used for ties.

a. Steel straps 1.025" x .035" commercially available.

b. Steel cable at least three-eighths inch in diameter.

c. Turnbuckles shall be at least one-half inch in diameter with closed or welded eyes.

4. Anchors. Anchors must have a rod made of steel not less than five-eighths inch in diameter, and must have a tensioning head or a drop forged, closed eye for use with a turnbuckle. In addition, it must be able to withstand a pull of at least four thousand eight hundred (4,800) pounds without failure. All anchors should be installed as nearly vertically as possible. The heads of the anchors should come to rest next to the concrete, and should be directly below the "I" beam of the manufactured dwelling frame.

D. Grade. The portion of the lot on which the manufactured dwelling shall rest must be levelled to a +3" variance from the mean elevation. This levelling shall expose an area of bearing soil or fill material so compacted as to receive approval by a soil engineer as meeting state requirements.

E. Supports. Bearing weight of manufactured dwellings shall be supported by one of the following:

1. Types.

a. Placing on a permanent concrete or block basement, or perimeter foundation. Standard floor beams will be used across the width of the foundation. "I" beams of the manufactured dwelling floor shall be secured by lag bolts at each juncture of an "I" beam with foundation floor beams.

b. Placing upon concrete block piers, each of which rests upon a continuously poured concrete ribbon six inches in depth and sixteen (16) inches in width extending the full length of the manufactured dwelling less one foot. Each ribbon must contain a minimum of two reinforcing bars of at least one-half inch in diameter. One ribbon is required under each longitudinal "I" beam member of the manufactured dwelling's floor frame structure.

2. Support Placement.

a. A manufactured dwelling pier shall be limited to thirty-two (32) inches above the leveled site.

b. Piers, when used, shall be no more than ten feet apart under each "I" beam, and end piers should be no further than five feet from the ends of the manufactured dwelling.

F. Extensions.

1. Cabanas, expando units, patio awnings, carports, and other manufactured dwelling extensions, shall be considered part of the manufactured dwelling in determining setbacks.

2. All manufactured dwelling extensions shall be installed in accordance with plans approved by the State Building Codes Agency.

3. Extensions must be secured by tie-downs in the same manner as the manufactured dwelling; a minimum of one tie per corner of the extension.

G. Skirting.

1. Skirting shall be weather resistant, noncombustible or not more combustible than three-eighths inch exterior grade plywood.

2. Untreated wood shall not be nearer than six inches to any earth, unless separated by three inches of metal or concrete. EXCEPTION: For metal skirting, supporting members of untreated lumber shall be separated from the ground by not less than two inches.

3. Adequate access shall be provided.

4. Ventilation openings shall be provided for each twenty-five (25) linear feet of skirting.

5. Each opening shall have a minimum net area of thirty-six (36) square inches and shall be located within two feet of the external corners of the manufactured dwelling and shall have a corrosion resistant louver or mesh cover.
 6. Skirting shall be completed within ninety (90) days after placement of the manufactured dwelling.
- H. Ramadas shall be considered as part of the structure in determining setbacks; they shall conform to all requirements of the statewide building code and shall be constructed to allow the manufactured dwelling to be moved. (Ord. 73E § 9.010, 1992)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

Section 9.68.020 Permitted locations.

A. Manufactured dwellings shall be permitted only in the following locations:

1. Manufactured dwelling parks;
2. Approved manufactured dwelling subdivisions;
3. Approved planned unit developments;
4. As temporary dwellings during the construction of a permitted use for which a building permit has been issued. (See R-1, R-2, R-3, and R-4 zones, Sections 9.12.020(B), 9.16.020(B), 9.20.020(B) and 9.24.020(B).)

All manufactured dwellings shall be required to comply with current H.U.D. electrical, plumbing and structural standards.

B. Recreational vehicles may be parked on the owner's personal lot only, unless in commercial storage. (Ord. 73E § 9.020, 1992)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

Section 9.68.030 Manufactured dwelling parks.

A. Compliance Required. No land within the city shall be developed for use as a manufactured dwelling park and no plan for such park shall be filed or recorded until submitted to and approved by the planning commission.

B. Permitted Locations:

1. Residential zone R-3;
2. Residential zone R-4;
3. Commercial zone C-1.

C. Standards for Manufactured Dwelling Parks. Manufactured dwelling parks may be permitted provided they meet the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following standards shall apply:

1. Public utilities underground;
2. Maximum of twelve (12) manufactured dwellings per acre;
3. Minimum size of park, two acres excluding street rights-of-way;
4. A minimum of two thousand five hundred (2,500) square feet per manufactured dwelling space;
5. Setbacks and lot coverage must comply with the zone in which it is located;
6. Each access road connecting with a public street shall have a surface width of at least thirty-six (36) feet and all other access roads shall have a surface width of at least twenty (20) feet. All access roads and parking areas and walkways shall be surfaced to minimum city road standards and be well drained;
7. Pedestrian walkways shall be separated from vehicular ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. They shall be all-weather surfaced at least three feet wide;
8. Developed recreation area shall be provided which contains a minimum of two thousand five hundred (2,500) square feet or two hundred (200) square feet per manufactured dwelling space, whichever requirement is the greater;
9. All areas not used for manufactured dwelling spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition. There shall be landscaping within the front and side setback area, and in all open areas of the manufactured dwelling park not otherwise used for manufactured dwelling park purposes;
10. All manufactured dwellings shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, sixty (60) feet from the center line of a state highway and at least ten feet from the other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the planning commission may allow the ten-foot setback to be reduced to five feet;

11. Manufactured dwellings shall not be located closer than fifteen (15) feet from any other manufactured dwelling or permanent building within the manufactured dwelling park, nor closer than ten feet to any park or roadway. Manufactured dwelling accessory buildings, when not attached to the manufactured dwelling, shall not be closer than six feet from any manufactured dwelling or structure;
12. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the unit for setback purposes;
13. Manufactured dwellings shall conform to foundation and tie-down standards as set forth in Section 9.68.010;
14. Two off-street parking spaces shall be provided at each manufactured dwelling site;
15. Buffering or screening, if required by the planning commission, shall be sight obscuring fence, wall, evergreen or other suitable planting at least six feet high, or higher;
16. A minimum of fifty (50) percent of the manufactured dwelling park spaces must be available for occupancy before the first occupancy is permitted.

D. Site and Development Plan.

1. All applications submitted for approval of a manufactured dwelling park development shall consist of four copies of a development plan. Such plan shall be submitted at least six days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:
 - a. Name of person who prepared the plan;
 - b. Name(s) of persons owning and/or controlling the land proposed for a park;
 - c. Name of manufactured dwelling park and address;
 - d. Scale and north point of the plan;
 - e. Boundaries and dimensions of the manufactured dwelling park;
 - f. Vicinity map showing relationship of manufactured dwelling park to adjacent properties and surrounding zoning;
 - g. Location and dimensions of each manufactured dwelling site, with each site designated by number, letter or name;
 - h. Location and dimensions of each existing or proposed building;
 - i. Location and width of manufactured dwelling park streets and pedestrian ways;
 - j. Location of each lighting fixture for lighting the park;
 - k. Location of recreational areas and buildings and common area;
 - l. Location and type of landscaping plantings, fences, walls or combination of any of these, or other screening materials;
 - m. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
 - n. Location of available fire hydrants;
 - o. Enlarged plot plan of a typical manufactured dwelling space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping;
 - p. The plan shall indicate positions of the manufactured dwellings so that the planning commission may determine entrances, setbacks, etc.;
 - q. The plan shall show the topography of the park site with contour intervals of not more than five feet, except that the building official or planning director may require closer contour intervals;
 - r. A drainage plan.
2. At the time of application to construct a new manufactured dwelling park, the applicant shall submit,

in addition to the above and as part of the development plan, four copies of the following plans:

- a. A survey and plat of the property;
- b. New structures;
- c. A certification by the city water superintendent that water will be available from the nearest point of supply;
- d. Methods of sewage disposal approved by the Department of Environmental Quality, state of Oregon, and/or certification by the city sewer superintendent of approval to connect to the city sewer system;
- e. Method of garbage disposal.

E. Decision upon Development Plan. The planning commission may:

1. Deny or withhold approval if the project does not meet applicable standards for manufactured dwelling parks in this chapter;
2. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the city council;
3. Approval will expire in one year unless the plan is substantially implemented.

F. Manufactured Dwelling Park License.

1. Signed approved copies of the development plan and all components thereof shall be forwarded to the city recorder and city building official.
2. No license for occupancy of any manufactured dwelling park, or building or facility shall be issued by the city building official until such time as the development has been completed according to the finished plan approved by the planning commission. Deviations from the approved plan must be submitted to the planning commission for approval as revisions of the plan.
3. Licenses issued hereunder shall be valid for a period of one year and renewable thereafter, unless a shorter or longer time is noted and approved by the planning commission and the city council on the signed approved copies of the development plan.

G. Basic Provisions and Regulations.

1. Fire Hazards. The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between manufactured dwellings and other buildings in the park.
2. Fire Hydrants. Approved fire hydrants shall be installed so that all manufactured dwellings, recreational vehicles and other structures are within three hundred (300) feet down the center line of an approved fire hydrant.
3. Label of Compliance. All manufactured dwellings installed in manufactured dwelling parks after the effective date of the ordinance codified in this title shall bear a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.
4. Inspections. The building official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If it is not in compliance, the owner must make whatever repairs are required before a license or license renewal for the park will be issued. An extension of time to make repairs may be allowed by the planning commission, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.
5. Management Responsibility. Either the owner, an operator or resident manager or similar supervisor or representative of the owner shall be available and responsible for the direct management of the

manufactured dwelling park.

6. Telephone. At least one public telephone for the use of the park residents shall be provided and available for use at all times.

7. Water and Sewer Connections. All manufactured dwellings, service buildings, etc., shall be connected to the city sewer and water systems in a manner that provides these services to the same degree as other residents of the city. (Ord. 175 (part), 1995; Ord. 73E § 9.030, 1992)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

Section 9.68.040 Requirement for manufactured dwelling subdivisions.

A. Unless otherwise stated in this article, all provisions in Chapter 9.56, Article II shall apply to the development of manufactured dwelling subdivisions. Development of manufactured dwelling subdivisions in Yachats is further subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72.

B. Permitted Locations for Manufactured Dwelling Subdivisions.

1. Residential zone R-3;
2. Residential zone R-4;
3. Commercial zone C-1.

C. Compliance Required. No land within the city shall be developed for use as a manufactured dwelling subdivision and no plan for such a subdivision shall be filed or recorded until submitted to and approved by the planning commission.

D. Conformity to the Comprehensive Plan. The manufactured dwelling subdivision development shall conform to the city comprehensive plan of that portion of the city within which the development is located.

E. Design Standards. The following standards and requirements shall govern the application of a manufactured dwelling subdivision development in an area in which it is permitted.

1. A manufactured dwelling subdivision shall not be less than five acres of contiguous land, unless the planning commission finds that a particular parcel of less than five acres is suitable for a manufactured dwelling subdivision by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

2. Lots within previously unplatted areas of the city shall contain a minimum of six thousand five hundred (6,500) square feet with a width of no less than sixty-five (65) feet, and a length of no less than eighty (80) feet.

3. Lots within previously platted areas of the city shall contain a minimum of six thousand (6,000) square feet, with a width of no less than fifty (50) feet, and a length of no less than eighty (80) feet.

4. No building, structure or land within the boundaries of a manufactured dwelling subdivision shall be used for any purpose except for the uses permitted as follows:

a. Manufactured dwellings, factory built dwellings or other remanufactured homes for residential purposes only, together with the normal accessory uses such as a cabana, ramada, patio slab, carport or garage and storage buildings. Accessory buildings shall not be permitted in the front yard;

b. Single-family dwellings;

c. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use;

d. Conditional uses as permitted by the planning commission.

5. Lot Coverage. The maximum coverage by all structures shall not exceed thirty-five (35) percent of the

lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty-five (65) percent of the lot area.

6. Yard Regulations. Minimum setbacks and yard regulations shall be as indicated below:

a. Front Yards. No garage or parking structures shall be closer than twenty (20) feet from the property line. All other buildings shall be set back at least twenty (20) feet.

b. Side Yards. A yard of not less than five feet shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall the yard be used for the regular or constant parking of automobiles or other vehicles.

c. Rear Yards. Dwelling units shall be set back not less than ten feet from the rear property line. Accessory buildings shall be set back not less than five feet from the rear property line.

d. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.

7. Building or Structural Height Limitations.

a. Accessory Buildings. The maximum building or structural height shall be one story or fifteen (15) feet, whichever is the lesser.

b. Nonresidential buildings shall not exceed one and one-half stories or fifteen (15) feet, whichever is the lesser.

8. Fences. Fences, walls, hedges and landscaping shall be no greater than three feet in height in the front yard or side yard of a corner lot.

F. Permits. Prior to the placement of a unit on a lot or parcel of land the owner of the unit shall obtain from the city recorder a building permit placement of a manufactured dwelling application. In addition, at the time of application in accordance with Section 9.88.040, the owner shall furnish the planning commission with a copy of specifications and a drawing of the proposed footing and foundation for such a unit, and the method for anchoring the unit. No unit shall be occupied until the placement of the unit has been approved and inspected by the Lincoln County building inspector. (Ord. 175 (part), 1995; Ord. 73E § 9.040, 1992)

[Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES](#)

Section 9.68.050 Manufactured dwelling planned unit development.

A. Manufactured dwelling planned unit developments within the city shall be in compliance with this chapter and the provisions set forth in Chapter 9.60.

B. Permitted locations for manufactured dwelling planned unit developments:

1. Residential zone R-3;
2. Residential zone R-4;
3. Commercial zone C-1. (Ord. 73E § 9.050, 1992)

Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES

Section 9.68.060 Recreational vehicles.

Recreational vehicles may be parked by an owner on his or her own land for 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)

[Chapter 9.68 MANUFACTURED DWELLINGS, MANUFACTURED DWELLING PARKS AND RECREATIONAL VEHICLES](#)

Section 9.68.070 Disaster emergency housing provision.

In the event of a presidentially declared major disaster, manufactured dwellings may be placed in any zone in the city on a temporary basis, so that residents who may become disaster victims may remain in the community as long-term recovery is accomplished. (Ord. 73E § 9.070, 1992)

Chapter 9.72 CONDITIONAL USES

Section 9.72.010 Authorization to grant or deny conditional use permits.

Conditional uses listed in this title may be permitted, enlarged, altered or denied by the planning commission in accordance with the standards and procedures set forth in this chapter.

A. In taking action on a conditional use permit application, the planning commission may either permit or deny the application. The planning commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88.

B. In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily dwelling, the planning commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests of the surrounding city as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location and lighting of signs;
7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
8. Designating sites for open space;
9. Setting a time limit for which the conditional use is approved;
10. Regulation of noise, vibration, odors and sightliness;
11. Requiring surfacing of parking areas;
12. Regulation of hours of operation and duration of use or operation;
13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

C. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use or a nonconforming use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

D. The planning commission may require that the applicant for a conditional use furnish the city with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the planning commission. (Ord. 175 (part), 1995; Ord. 73E § 10.010, 1992)

Chapter 9.72 CONDITIONAL USES

Section 9.72.020 Procedure for taking action on a conditional use application.

The procedure for taking action on an application for a conditional use shall be as follows:

- A. A property owner may initiate a request for a conditional use by filing an application with the city recorder using forms prescribed pursuant to Section 9.08.040.
- B. If the request for conditional use meets the requirements of this title, the city recorder shall set a time for a public hearing on the request within forty (40) days from the filing thereof and shall cause notice to be given in accordance with Section 9.88.060.
- C. At the conclusion of the public hearing the planning commission may approve or deny the request, based upon the general and specific standards addressing the conditional use, pursuant to Chapter 9.88. (Ord. 73E § 10.020, 1992)

[Chapter 9.72 CONDITIONAL USES](#)

Section 9.72.030 Building permit for an approved conditional use.

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. Any change in the approved plan shall be submitted to the city recorder as a new application for conditional use. (Ord. 73E § 10.030, 1992)

[Chapter 9.72 CONDITIONAL USES](#)

Section 9.72.040 Time limit on a conditional use permit.

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed six months on request. (Ord. 73E § 10.040, 1992)

Chapter 9.72 CONDITIONAL USES

Section 9.72.050 Standards and procedures governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this title, conditional uses shall meet the following standards:

A. Hotels or resorts in an R-4 zone shall have a minimum lot area per guest unit of one thousand five hundred (1,500) square feet.

B. Special Setback Requirements. Clubs, lodges or fraternal organizations in an R-4 zone; and community swimming pools and buildings housing recreational facilities in a residential zone shall be located no closer than thirty (30) feet from any other lot in a residential zone.

C. Standards for public utility facilities such as electric substation or transformer, public water supply reservoir or pumping station, or public sewage disposal plant or pumping station; radio or television tower or transmitter; or governmental structure or use of land:

1. In a residential zone, all equipment and material storage shall be within an enclosed building;
2. Workshops shall not be permitted in a residential zone;
3. Public utility facilities shall be screened and provided with landscaping;
4. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

D. Standards for a Home Occupation.

1. The home occupation shall be secondary to the main use of the property as a residence.
2. The home occupation shall be limited to either an accessory structure or not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.
3. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
4. No person other than members of the immediate family residing in the dwelling is to be engaged in the home occupation.
5. No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard. No signs shall be permitted; exception, the provisions provided under Section 9.44.030(C) or 9.44.050(F).
6. No stock in trade stored nor commodity kept for sale which is not produced on the premises shall be allowed.
7. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.
8. No materials or commodities shall be delivered to or from the residence which are of such bulk or

quantity as to create undesirable traffic or congestion.

9. No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed.

10. A valid business license from the city shall be required.

11. If the applicant shall certify that the home occupation will be primarily conducted by electronic means or U.S. mail and that in the normal conduct of the business consumers, clients or patients shall not visit the premises and no shipment of materials or product shall be made by commercial means, the city planner or designee may authorize the licensing of the home occupation and waive the conditional use permit requirement. Such license shall be subject to annual review.

E. Standards for Bed and Breakfast Facilities.

1. A bed and breakfast facility must be in a one-family dwelling.

2. A maximum of five bedrooms may be rented.

3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.

4. A resident, relief manager may be employed for no more than five months per year, unless approved by the planning commission.

5. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.

6. The exterior of the building shall maintain a residential appearance.

7. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.

8. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.

9. An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the planning commission.

10. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.

11. A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the planning commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the planning commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.

12. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half. (Ord. 198 §§ 1, 2, 1997; Ord. 175 (part), 1995; Ord. 73J, 1995; Ord. 73E § 10.050, 1992)

Chapter 9.72 CONDITIONAL USES

Section 9.72.060 Standards for conditional uses in the estuary natural zone.

The conditional use standards in this section shall be applied by the city during its review of state and federal permit applications for conditional uses in the estuary natural zone.

In taking action on a conditional use in the estuary natural zone, the city may consult any state, federal or local agency it feels appropriate for consultation and advice.

A. Dredging and Fill.

1. Dredging and fill shall only be permitted in conjunction with the following uses:

- a. Maintenance and repair of existing structures and facilities;
- b. Temporary alterations;
- c. Active restoration projects;
- d. Bridge crossing support structures;
- e. Submerged cable, sewer line, water line or other pipeline.

2. The above-mentioned dredging or fill in aquatic areas shall be allowed only:

- a. If required for water-dependent uses that require an estuarine location or for a use specifically allowed in the zone;
- b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
- c. If no feasible alternative upland locations exist; and
- d. If adverse impacts are minimized.

3. Adverse impacts of dredging and fill shall be minimized by application of the following requirements:

- a. A demonstration shall be made that the dredging or fill is the minimum necessary to accomplish the proposed use. This must be attested to by a state of Oregon registered professional engineer or engineering hydrologist.
- b. Dredging and fill shall meet all requirements of the State Fill and Removal Law (ORS 541.605 through 541.665), Section 10 of the Rivers and Harbors Act of 1899 and the Clean Water Act. These requirements shall be enforced by state and federal agencies with regulatory authority over dredging and fill projects.
- c. Dredging and fill shall be timed in order to minimize the effects of sedimentation and turbidity and to minimize impacts on fish, shellfish, and recreational and commercial fishery activities. The work periods specified in the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (ODFW, 1976) shall be followed unless approval of alternative work periods has been obtained from ODFW.
- d. The planning commission may require a report from a licensed engineer or hydrologist to demonstrate that the proposed dredging or fill will not alter water circulation patterns in a manner that will increase erosion, sedimentation or flood hazards on nearby areas.
- e. Dredge or fill in intertidal or tidal marsh areas shall be subject to the requirements for mitigation in the State Fill and Removal law (ORS 541-605 through 541.665). These requirements shall be

administered by the Division of State Lands.

4. Proposals for dredging and fill shall include the following information. This requirement may be waived by the city if equivalent information is included as part of the state and federal permit application:

- a. The source of the applicant's right to conduct the proposed dredging or fill;
- b. A legal description of the area where the proposed dredging or fill will occur;
- c. A map or diagram showing the location and extent of the proposed dredging or fill;
- d. A description of the dredging methods which will be used or the type of fill material which will be used;
- e. The time when the project is scheduled to begin and to be completed;
- f. Location of dredged material disposal sites. Dredged material shall be deposited behind a watertight berm to avoid any sloughing and to stabilize the area.

B. In-Water Structures.

1. In-water structures such as bridge crossing support structures, submerged cable, sewer line, water line, or other pipeline, and other uses or activities which could alter the estuary shall be allowed only if:

- a. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights;
- b. If no feasible alternative upland locations exist; and
- c. If adverse impacts are minimized.

2. Adverse impacts of in-water structures shall be minimized through application of the following requirements:

- a. In-water structures shall be the minimum size necessary to accomplish the proposed use, and shall occupy the minimum amount of estuarine surface area.
- b. The structure will not interfere with the normal public use of fishery, recreation or water resources.
- c. The planning commission may require a report from a licensed engineer or hydrologist to demonstrate that the proposed structure will not alter water circulation patterns in a manner that will increase erosion, sedimentation or flood hazards on nearby areas.
- d. In-water structures shall meet applicable requirements of Section 10 of the Rivers and Harbors Act of 1899 and the Clean Water Act. These requirements shall be enforced by the U.S. Army Corps of Engineers.
- e. Construction shall be timed in order to minimize the effects of sedimentation and turbidity and to minimize impacts on fish, shellfish, and recreational and commercial fishery activities. The work periods specified in the Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources (ODFW, 1976) shall be followed unless approval of alternative work periods has been obtained from ODFW.

3. Proposals for in-water structures shall include the following information. This requirement may be waived by the city if equivalent information is included as part of the state and federal permit applications:

- a. The source of the applicant's right to construct the proposed structure;
- b. A legal description of the area where the proposed construction will occur;
- c. A map or diagram showing the location and extent of the proposed structure;
- d. A description of the construction methods which will be used;
- e. The time when the project is scheduled to begin and to be completed.

C. Temporary Alterations.

1. Temporary alterations may be allowed only in conjunction with a use which is allowed in the estuary natural zone.
2. Temporary alterations may not be for more than three years, and the area must be restored to its original condition.
3. Short-term damage to resources must be consistent with the resource capabilities of the area.

D. Active Restoration and Estuarine Enhancement.

1. Proposals for active restoration and estuarine enhancement shall identify:
 - a. The original conditions to be restored or enhanced;
 - b. The cause of the loss or degradation;
 - c. The location and extent of actions necessary to achieve the restoration and enhancement objective.
2. The planning commission may refer proposals for active restoration and estuarine enhancement to the Oregon Department of Fish and Wildlife for their review and comment.

E. Resource Capabilities Test for Estuarine Natural Management Units.

1. The conditional uses in the estuary natural zone are permitted as long as the uses are consistent with the resource capabilities of the area, as defined in Section 9.04.030, and the purpose of the natural management unit. Technical review of a proposed conditional use shall ensure that, if approved, the use will be consistent with resource values.
2. A determination of consistency with resource capability shall be based on:
 - a. Identification of resources existing at the site, including environmental (e.g., aquatic life and habitat present, benthic population, migration routes) and social and economic factors (e.g., public access);
 - b. Evaluation of impacts on those resources by the proposed use;
 - c. Determination of whether the resources can continue to achieve the purpose of the management unit if the use is approved.
3. If available, information from federal environmental impact statements or assessments, or other environmental information may be used to satisfy requirements listed in subsection (E)(2)(a) and (b) of this section. (Ord. 175 (part), 1995; Ord. 73E § 10.060, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.010 Purpose.

There were lots, structures and uses that were lawful before the ordinance codified in this title was adopted or amended, but which have become either prohibited, regulated or restricted under the new terms and conditions of this title. They shall hereafter be referred to as pre-existing, nonconforming lots, structures, and uses.

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such uses and structures and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, aesthetics and functional aspects of the community. It is therefore the intent of this title to allow these structures and uses that existed prior to the adoption of the ordinance codified in this title to continue, including normal maintenance, repair or replacement in case of damage due to disaster or any means of destruction. (Ord. 73E § 11.010, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.020 Continuation of nonconforming use or structure.

Subject to the provisions of ORS 215.130 and subsequent provisions of this chapter, a lawful nonconforming structure or use may be continued. The extension of a lawful nonconforming use to a portion of a structure which was arranged or initiated for the lawful nonconforming use at the time of passage of the ordinance codified in this title is not considered an enlargement or expansion of a nonconforming use. (Ord. 73E § 11.020, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.030 Discontinuance of nonconforming use.

- A. If a nonconforming use involving a structure is discontinued or if a nonconforming trailer house is removed for a period of one year, further use of the property shall conform to this title.
- B. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this title. (Ord. 73E § 11.030, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.040 Change of nonconforming use.

- A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.
- B. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced. (Ord. 73E § 11.040, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.050 Destruction of nonconforming use.

If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the county assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this title except that replacement of nonconforming signs shall be in accordance with the provisions of this title. (Ord. 73E § 11.050, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.060 Expansion of nonconforming uses.

A nonconforming use existing at the time that zoning was or is adopted in the area of such use, or changed in the area, may be expanded if such expanded use does not result in an increase in the degree to which a structure or use is nonconforming. (Ord. 175 (part), 1995; Ord. 73E § 11.060, 1992)

[Chapter 9.76 NONCONFORMING LOTS AND USES](#)

Section 9.76.070 Discontinuance of nonconforming uses.

A nonconforming use determined by the planning commission to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the planning commission to be the amortized life of the use. (Ord. 73E § 11.070, 1992)

Chapter 9.76 NONCONFORMING LOTS AND USES

Section 9.76.080 Undersized lots of record.

A. Any lot having an area or dimension less than the minimum shall be designated a building site provided the following criteria are met:

1. The lot is shown on an officially approved and recorded subdivision map; and
2. The lot was of legal area and dimension for a building site or was a legal nonconforming building site at the time the ordinance codified in this title was adopted.

B. No lot, or combination of contiguous lots, either vacant or containing a single-family dwelling, shall be replatted so that an undersized lot is created, nor shall a lot be replatted if setbacks or dimensions less than the minimum would result. (Ord. 73E § 11.080, 1992)

Chapter 9.80 VARIANCES

Section 9.80.010 Authorization to grant or deny variances.

The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. (Ord. 73E § 12.010, 1992)

Chapter 9.80 VARIANCES

Section 9.80.020 Circumstances for granting a variance.

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;
- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship;
- E. The hardship asserted as a basis for the variance does not arise from a violation of the zoning ordinance. (Ord. 73E § 12.020, 1992; Ord. 73A, 1982)

Chapter 9.80 VARIANCES

Section 9.80.030 Variance procedure.

The following procedures shall be followed in applying for action on a variance:

- A. A property owner may initiate a request for a variance by filing an application with the city recorder, using forms prescribed pursuant to Section 9.88.040. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The city council or planning commission may request other drawings or material essential to understanding of the variance.
- B. If the request for a variance meets all the requirements of this title, the city recorder shall set a time for a public hearing before the planning commission on the request within forty (40) days from the filing thereof and shall cause notice to be given in accordance with Section 9.88.060.
- C. At the conclusion of the public hearing the planning commission may approve or deny the request, based on findings which address applicable variance criteria, pursuant to Chapter 9.88. (Ord. 73E § 12.030, 1992)

[Chapter 9.80 VARIANCES](#)

Section 9.80.040 Time limit on a variance.

Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one year, on request. (Ord. 73E § 12.040, 1992)

Chapter 9.84 AMENDMENTS

Section 9.84.010 Authorization to initiate amendments.

An amendment to the text of this title or to a zoning map may be initiated by the city council, the planning commission or by application of a property owner in the affected area. (Ord. 73E § 13.010, 1992)

Chapter 9.84 AMENDMENTS

Section 9.84.020 Amendment to the text.

The following procedure shall be followed in applying for and acting on an amendment to the text of this title:

- A. The planning commission shall conduct a public hearing on the proposed amendment to the text at its earliest practicable meeting after the city recorder receives the completed application, and shall, within forty (40) days after the hearing, provide a report and recommendations to the city council regarding the consistency of the proposed amendment with the comprehensive plan. Notice of a public hearing shall be given in accordance with Section 9.88.060.
- B. The city council after receiving the planning commission's report and recommendation(s) shall conduct a hearing on the proposed amendment to the text of this title. Notice of the public hearing shall be given in accordance with Section 9.88.060.
- C. At the conclusion of the public hearing, the city council may approve, deny or remand back to the planning commission for reconsideration the proposed amendment, pursuant to Chapter 9.88. (Ord. 73E § 13.020, 1992)

Chapter 9.84 AMENDMENTS

Section 9.84.030 Amendment to a zoning map.

The following standards and procedures shall be followed in applying for and acting on an amendment to modify or change a zoning map:

A. Standards.

1. The change is in accord with the land use plan for the area; and
2. There has either been a substantial change in the character of the area since zoning was adopted, which warrants changing the zone; or, the zoning adopted for the area was in error;
3. If the proposed change is not in accord with the land use plan for the area, the planning commission and the city council shall seek to determine that alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted and which warrants a change in the plan, or that the plan adopted for the area was in error.

B. Procedure.

1. The applicant shall submit the complete application and filing fee at the city office. Pursuant to Chapter 9.88, the request is placed on the agenda for planning commission consideration, and is duly noticed by the city recorder.
2. The planning commission shall conduct a public hearing on the proposed amendment and shall, within forty (40) days after the hearing, provide a report and recommendation(s) to the city council regarding consistency of the proposed amendment with the standards in subsection A of this section.
3. The city council shall conduct a public hearing on the proposed amendment to the zoning map subsequent to receiving the report and recommendation(s) of the planning commission. Notice of the public hearing shall be given in accordance with Section 9.88.060.
4. At the conclusion of the public hearing, the city council may approve, deny or remand back to the planning commission for reconsideration the proposed amendment, pursuant to Chapter 9.88. (Ord. 73E § 13.030, 1992)

[Chapter 9.84 AMENDMENTS](#)

Section 9.84.040 Records.

The city recorder shall maintain records of amendments to the text and map of this title in a form convenient for use by the public. (Ord. 73E § 13.040, 1992)

Chapter 9.84 AMENDMENTS

Section 9.84.050 Limitations.

No application of a property owner for an amendment to the text of this title or to the zoning map shall be considered by the planning commission within the one-year period immediately following a previous denial of such a request, except the planning commission may permit a new application, if in its opinion, new evidence or change of circumstances warrant it. (Ord. 73E § 13.050, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.010 Compliance with title provisions.

- A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used as this title permits.
- B. No lot area, yard, off-street parking or loading area or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.
- C. No lot area, yard or off-street parking or loading area or other required open space for one use shall be used as the required area, yard, off-street parking or loading area, or other required open space for another use. (Ord. 73E § 1.010, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.020 Administration authority.

The city council, planning commission and/or its designates shall have the power and duty to enforce the provisions of this title. (Ord. 73E § 14.010, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.030 Consolidated application procedure.

If a proposed development requires more than one application for a permit or zone change request, the applicant may choose to apply for all necessary applications at the same time. In this case, the planning commission shall consolidate its review of all necessary applications. If review by the city council is necessary, the city council shall also consolidate its review of all necessary applications. This consolidated application procedure shall be subject to the requirements of Section 9.88.080. (Ord. 73E § 14.020, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.040 Form of petitions, applications and appeals.

All petitions, applications and appeals provided for in this title shall be made on forms prescribed by the city. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the material to be used; the external sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure or part thereof; the number of families, if any, to be accommodated thereon; and such other information as is needed to determine conformance with this title. (Ord. 73E § 14.030, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.050 Filing fees.

The following fees shall be paid to the city recorder upon the filing of an application. Such fees shall not be refundable, except as provided in Section 9.84.030:

1. Changes to the urban growth boundary \$1000.00
2. Conditional use 250.00
3. Variance 250.00
4. Change of nonconforming use 250.00
5. Partitions 200.00
6. Appeal of: 75% of cost of original or 100.00
whichever is greater.
7. Subdivision 4-9 lots 250.00
10 lots or more 350.00
8. Planned unit development 1000.00
9. Zone change or change to comp. plan 500.00
10. Transcripts: Fees for preparation of written transcripts shall not exceed the cost of preparing the transcript, up to \$500.00, plus one half of the actual cost over \$500.00. (Ord. 195 § 2, 1997: Ord. 73E § 14.040, 1992)
11. Property Line Adjustment 250.00

Applicants shall be charged the actual costs for any expenses related to a land use application that exceed the application fee; including, but not limited to, charges for services performed by outside consultants, engineers, or others for services, work performed by City staff, copies, mailing, and legal notices.

(Ord. 252, Amended, 04/18/2005; Ord. 234, Amended, 06/19/2003)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.060 Notice of public hearing.

A. When the planning commission or city council is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Quasi-Judicial Applications. Notice of public hearings on any quasi-judicial application shall be provided as follows:

a. By mail to the applicant and to owners of record on the most recent property tax assessment roll of property which is located within two hundred fifty (250) feet of the perimeter of the property which is the subject of the notice, at least: (a) twenty (20) days before the evidentiary hearing; or (b) if two or more evidentiary hearings are allowed, ten days before the first evidentiary hearing;

b. By publishing in a newspaper of general circulation in the county at least ten days prior to the date of the hearing; and

c. By posting in three public and conspicuous places at least ten days prior to the date of the hearing.

2. Text and Zoning Map Amendments. Each notice of a public hearing regarding an amendment to the text of this title or a legislative amendment to the zoning map shall be provided as follows:

a. By publication of a notice in a newspaper of general circulation within the county at least ten days prior to the date of the hearing;

b. By posting notice in three conspicuous places in the city at least ten days prior to the date of the hearing.

3. Zone Change, Manufactured Dwelling Park. Each notice of a public hearing on a zone change for property which includes all or part of a manufactured dwelling park shall be sent by first class mail to each existing mailing address for tenants of the manufactured dwelling park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. The city may require the applicant for the zone change to pay the costs of the notice.

B. Notice of a public hearing on a quasi-judicial land use action shall include the following information:

1. The name of the applicant;

2. The date, time and location of the hearing;

3. A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number;

4. A concise description of the proposed development action;

5. A reference to the applicable comprehensive plan and zoning ordinance criteria which apply to the proposal;

6. A statement that a failure to raise an issue in person or by letter, or failure to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue;

7. A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted;

8. The name and phone number of a local government representative to contact for more information;

9. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost, and that copies can be provided at reasonable cost;
 10. A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing, and that copies can be provided at reasonable cost;
 11. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
- C. Failure of a person to receive the notice provided pursuant to subsection B of this section shall not impair the validity of the hearing. (Ord. 180 § 2, 1996: Ord. 73E § 14.050, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.070 Authorization of similar uses.

The city council may permit in a particular zone a use not listed in this title, provided the use is compatible to the uses permitted there by this title. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone. (Ord. 73E § 14.060, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.080 Public hearing procedures.

A. Any staff report used at a public hearing on a quasi-judicial land use action shall be available at least seven days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. This continuance period shall not be counted as part of the one hundred twenty (120) day time limit in Section 9.88.090.

B. The planning commission or city council may continue a hearing in order to obtain additional information or to serve further notice upon other property owners it decides may be interested in the proposal being considered. Upon continuing the hearing, the time and date when the hearing is to be resumed shall be announced.

C. Unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing on a land use action, the record shall remain open for at least seven days after the hearing.

Whenever the record of a land use hearing is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue. This extension of time shall not be counted as part of the one hundred twenty (120) day time limit in Section 9.88.090. (Ord. 180 § 3, 1996; Ord. 73E § 14.065, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.090 Final action on application for permit or zone change request.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

A. The city shall take final action on an application for a permit or zone change request, including resolution of all local appeals, within one hundred twenty (120) days after the application is deemed complete. This one hundred twenty (120) day period may be extended for a reasonable period of time at the request of the applicant.

B. If an application for a permit or zone change is incomplete, the city shall notify the applicant of the additional information required within thirty (30) days of the receipt of the application. The applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. Refusal by the applicant to submit the required additional information shall deem the application complete on the forty-fifth day after the governing body first received the application.

C. All documents or evidence provided by the applicant shall be submitted to the city and be made available to the public at the time the notice of public hearing required by Section 9.88.060(B) is provided.

D. If the application was complete when first submitted, or the applicant submits the requested additional information within one hundred eighty (180) days of the date the application was first submitted, the city's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted. (Ord. 73E § 14.070, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.100 Findings of fact.

Approval or denial of a permit application shall be based upon and accompanied by a brief statement (findings of fact) that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. In lieu of a separate document addressing these findings, the minutes of the planning commission or city council which reflect the criteria, standards, facts and decision may be used as findings of fact. (Ord. 73E § 14.080, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.110 Effective date of decision.

The effective date of a decision of the planning commission or city council is the date of adoption of the findings of fact, if available. In the case where the record of minutes serves as the findings, the effective date of decision is the date on which these minutes are approved.

Within five days of adoption of a decision, the city recorder shall send written notice of the decision to the applicant(s) and all other persons who submitted testimony at the hearing. (Ord. 73E § 14.090, 1992)

Chapter 9.88 ADMINISTRATION AND ENFORCEMENT

Section 9.88.120 Appeals.

- A. Any action or ruling of the planning commission pursuant to this title may be appealed within fifteen (15) days of the effective date of decision, as noted in Section 9.88.110. If the appeal is not filed within this fifteen (15) day period, the decision of the planning commission shall be final.
- B. To appeal a decision of the planning commission, the appellant(s) shall submit an appeal form with the appropriate filing fee at the city office. An appeal that does not address applicable criteria will be deemed incomplete and returned to the appellant(s).
- C. Upon receipt of an appeal request, it shall be scheduled for a public hearing with the city council and duly noticed, in accordance with the provisions of Section 9.88.060. The council shall be provided with the planning commission's findings and recommendations for review prior to the hearing.
- D. At the conclusion of the hearing, the council may uphold the decision of the planning commission or the appeal or remand the matter back to the planning commission for reconsideration.
- E. At its discretion the city council may choose to initiate the appeal process and the fee shall be waived. (Ord. 73E § 14.100, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.130 Interpretation of provisions.

Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern, except in a planned unit development. (Ord. 73E § 15.010, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.140 Unanticipated provisions.

Anything not covered by this title shall be permitted only by unanimous agreement of the city council after a public hearing. (Ord. 73E § 15.030, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.150 Zoning of annexed areas.

Zoning regulations applicable to an area prior to annexation to Yachats shall continue to apply and shall be enforced by the city council until the city council changes the zoning. The planning commission shall thoroughly and expeditiously investigate the annexed property and recommend the appropriate zone to the city council for adoption after review in public meetings and receiving testimony from the affected parties. (Ord. 73E § 15.040, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.160 Highway cuts.

Cuts on Highway 101 shall be allowed only if no other alternative is available. (Ord. 73E § 15.050, 1992)

[Chapter 9.88 ADMINISTRATION AND ENFORCEMENT](#)

Section 9.88.170 Violation--Penalty.

Any person violating or causing the violation of any provisions of this title shall be deemed to have committed a Class A civil infraction, such infraction to be processed in accordance with the procedures set forth in Chapter 1.12 which governs all civil infractions. (Ord. 180 § 4, 1996: Ord. 73E § 16.010, 1992)