

## ORDINANCE NO. 348

### AN ORDINANCE AMENDING THE CITY OF YACHATS ZONING AND LAND USE ORDINANCE AND ESTABLISHING SPECIAL CONDITIONAL USE REVIEW CRITERIA FOR FORMULA BUSINESSES

**WHEREAS**, as described in the Comprehensive Land Use Plan of the City of Yachats, adopted in June 2008, the City's identity as a small-town, coastal community plays a direct role in attracting the City's main industries: retirement, travel, and recreation. Yachats has become a special destination among Oregon coastal cities because the City emphasizes the natural beauty and resources of the ocean, bay, river, and surrounding forests and mountains, rather than commercial development.

**WHEREAS**, the City finds that an increase in formula businesses within the City's commercial area, if not regulated, would frustrate the City's goals of retaining and enhancing its small-town, Oceanside character, which in turn supports the economic viability of the City as a retirement, travel, and recreation destination. The community prefers a rural and natural environment over an overly commercialized one. The amendment adopted in this ordinance will ensure that formula businesses that choose to locate in the City are as compatible as possible with existing development and surrounding natural resources, thereby preserving or enhancing the City's identity.

**WHEREAS**, the City's Comprehensive Land Use Plan is largely dedicated to establishing policies and goals that work to preserve and enhance the City's natural setting along the Oregon coast. The Introduction to the City's Comprehensive Land Use Plan provides that:

*The City's comprehensive plan is intended to not only address statewide planning goals, but to take into account local land use planning needs and issues and respond to the desires, needs, and aspirations of the citizens of Yachats.*

*Land use policies, procedures, and applications shall complement the natural beauty of Yachats' location and its environment, which has led to Yachats' long-standing reputation as "The Gem of the Oregon Coast."*

*The construction and maintenance of public, commercial, professional, and residential buildings, their siting, design materials, and landscaping, within reasonable variation, shall enhance rather than detract from the quiet coastal ambiance of the City as noted above.*

*This plan includes background and analytic sections that support recommendations for the protection of natural resources, recreational opportunities, control of urban growth and form, and providing for economic growth, adequate public facilities, housing, transportation, and other functions.*

**WHEREAS**, Goal G. Control of Urban Growth and Form includes the following mandatory policies:

6. *The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.*

7. *The City shall encourage improvement of the community's visual character.*

**WHEREAS**, Goal H. Provide for Economic Growth includes the following mandatory policies:

1. *The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.*

4. *The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.*

**WHEREAS**, as of the date of this ordinance, there are only two formula businesses located within the City. One is still in the construction phase. The other is a long-standing grocery store. The majority of the businesses located within the City and within the C-1 Retail Commercial Zone are small, one-story buildings that were constructed pre-1970s. Some businesses within the City have been converted from residences.

**WHEREAS**, in compliance with the goals and policies of the Comprehensive Plan, the City desires to regulate formula businesses in the City by creating a new conditional use within the C-1 Retail Commercial Zone and new review criterion.

**WHEREAS**, on November 15, 2016, the Planning Commission held a public hearing on an amendment to the Yachats Zoning and Land Use Code to include Formula Business regulations. One resident submitted a written letter in opposition to the amendment; one non-resident, who operates a business in the City, verbally testified in opposition. The Planning Commission voted to forward the proposed amending language to the Council for adoption.

**WHEREAS**, on October 4, 2017 and October 11, 2017, the City Council held public hearings on the ordinance amending existing Code ...

**NOW THEREFORE, THE CITY OF YACHATS ORDAINS AS FOLLOWS:**

**SECTION 1.** The following definition is added to Section 9.04.030 Definitions:

*"Formula Business" means a business that is required by contractual or other arrangement to adhere to prescribed standards and features, particularly for exterior color schemes, signs or architectural design.*

*"Business" means a commercial enterprise carried on for profit.*

**SECTION 2.** The following is added to Section 9.28.020 Conditional uses:

*V. Formula Business and any accessory use to a Formula Business for:*

- 1. 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.*
- 2. Automobile service stations with direct access to U.S. Highway 101.*
- 3. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments.*
- 4. Financial institutions.*
- 5. All other conditional uses listed in this section that are also formula businesses.*

**SECTION 3.** The following section is added to Chapter 9.28 – C-1 Retail Commercial Zone:

*Section 9.28.040 Prohibited uses.*

*Except as provided in Section 9.28.020 Conditional uses, all formula businesses are prohibited in the C-1 Retail Commercial Zone.*

**SECTION 4.** The following is added as a subsection to Section 9.72.050 Standards and procedures governing conditional uses:

*F. Standards for Formula Businesses*

- 1. An approved formula business shall only be for one of the uses listed in Section 9.28.020 V.*
- 2. A formula business must demonstrate compliance with the criteria listed in this subsection in addition to all other applicable conditional use criteria contained in Section 9.72.050.*
- 3. The applicant shall demonstrate in its application materials that:*
  - i. The building has been designed to be consistent with and to preserve the City's small-town, coastal community character.*
  - ii. The building scale as compared to surrounding development is compatible.*
  - iii. Precautions have been taken to minimize adverse impacts of development and operation on the natural setting and abutting properties; and*
  - iv. The business meets the goals of the City's Comprehensive Plan, as*

*applicable.*

**SECTION 5. SEVERABILITY.** Any provision of this Ordinance which proves to be invalid, void, or illegal shall in no way affect, impair, or invalidate any other provision of this Ordinance, and the remaining provisions of this Ordinance shall remain in full force and effect.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall take effect on the 30<sup>th</sup> day after its adoption.

ADOPTED by a vote of 4 aye; 1 nay (Scott, Frye, Glenn and Tooke, aye: Stanley, nay)  
on October 4, 2017 and on October 11, 2017.

DATED this 11<sup>th</sup> day of October, 2017.

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Gerald F. Stanley, Mayor

ATTESTED TO:

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Shannon Beaucaire, City Manager