

August 13, 2013

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Code Amendment – Delete Reference to RNKR Study**

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In prior Zoning & Land Use Code amendments to Section 9.52.050 Hazard Areas, references to the 1978 Environmental Hazard Inventory (RNKR study) were deleted. One reference to the RNKR Study remains in Section 9.52.050.B. as follows:

Section 9.52.050.B states “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: .....

At the July 16, 2013 work session, the Planning Commission recommended deleting this last reference to the RNKR study (see attached draft language).

## Chapter 9.52 - Supplementary Use and Design Regulations

### Sections:

- 9.52.010 Distance between buildings.
- 9.52.030 General provisions regarding accessory uses.
- 9.52.040 Approval of health department.
- 9.52.050 Hazard areas.
- 9.52.060 County road No. 804 right-of-way.
- 9.52.070 Shoreland setbacks.
- 9.52.080 Maintenance of access.
- 9.52.090 Shoreline stabilization.
- 9.52.100 Older stabilized dune construction standards.
- 9.52.110 Protection of archaeological sites.
- 9.52.120 Demolitions or alterations of historic structures.
- 9.52.130 Development on beaches.
- 9.52.140 Projections from buildings.
- 9.52.150 General exceptions to lot size requirements.
- 9.52.160 General exceptions of yard requirements.
- 9.52.170 General exceptions to building height limitations.
- 9.52.180 Removal and Fill Definitions and Requirements.

### **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)

### **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)

**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)

**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.