

**BEFORE THE PLANNING COMMISSION
OF
YACHATS, OREGON**

Request for Conditional Use Permit

Case File #2-CU-PC-21

FINDINGS AND CONCLUSION

Applicant: Agate Point Residences LLC

Nature of the Application

The applicant is requesting a conditional use permit for development of a hotel in the R-4 Residential Zone on less than 1 acre with no direct access from Highway 101. The proposed development consists of 7 detached single-level lodging units. One of the units is a duplex, making for a potential total of 8 guest units. Following submission of the original application, an office and meeting room were added to the proposal.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. The subject site is located at 358 Yachats Ocean Road and described on the Lincoln County Assessor's Map 14-12-34-AA as Tax Lot 1601.
- B. The property is zoned R-4 Residential with a Comprehensive Plan Map designation of residential.
- C. The Lincoln County Assessor's Office property tax information states that the subject property totals 0.57 acres, or 24,829.2 square feet. The Lincoln County Assessor's Office map shows the subject property with dimensions of approximately 100 x 246 feet, or 24,600 square feet. The applicant's narrative states that the lot size is 24,698.97 square feet. For purposes of this report, the lot size used for all calculations is 0.57 acre, or 24,829 square feet. No calculations are close enough to be affected by the discrepancy.
- D. There are no existing structures on the lot.
- E. The subject site is generally flat.
- F. Surrounding land uses include a mix of vacant land, single-family residential dwellings, condominium developments and a hotel (Yachats Inn). The Yachats Ocean Road State Natural Site is directly to the west.

- G. The property is served by City water and sewer services. Power is provided by Central Lincoln PUD.
- H. The Oregon Statewide Wetlands Inventory identifies PEMIC and PSS IA wetlands on and adjacent to the site. Any development shall be in accordance with the guidelines dictated by Oregon Department of State Lands (DSL) and Army Corps of Engineers.
- I. The applicant submitted the required application form and fee and a narrative describing the requested proposal. The application also included site plans, aerial photographs, floor plans and elevations and a Wetland Delineation Report as submitted to and approved by Department of State Lands.
- J. A public hearing was held before the Yachats Planning Commission on June 21, 2022 at 3:00 p.m. via Zoom to consider the applicant's request. Due notice of the hearing was given and all interested parties were given an opportunity to present testimony. The applicant provided oral testimony at the June 21, 2022 meeting. Both the written testimony provided prior to the hearing and oral testimony given at the hearing are available at www.yacahtsoregon.org.

Relevant Criteria

Relevant Yachats Municipal Code (YMC) criteria are identified below by title only. Complete descriptions of relevant criteria were provided in the staff report and are herein incorporated into the record.

Chapter 4 - Business Licenses and Regulations

Chapter 9.04.030 - Definitions

Chapter 9.24 - R-4 Residential Zone

Chapter 9.48 - Off-Street Parking and Loading

Chapter 9.72 - Conditional Uses

Findings

The following is a summary of the Planning Commission findings:

1. The Request and the R-4 Residential Zone

The applicant requested a conditional use permit to operate an 8-unit hotel on less than 1 acre with no direct highway access in an R-4 Residential Zone. The Planning Commission found as follows:

- A. Hotels are allowed as a conditional use in the R-4 zone on less than 1 acre without direct highway access.
- B. The proposed use does not meet the definition of a hotel in YMC Section 9.04.030. There was not consensus as to whether the use is a motel or a collection of short-term rentals.
- C. The proposed use does not meet the standards for vehicular access in YMC Section 9.24.040. If the use is determined to be a motel, the required 35' right-of-way width for

access has not been meet. If Shellmidden Way is considered to be a “cul-de-sac or dead end street” as defined in YMC Section 9.040.030, access to a commercial use is prohibited.

2. Conditional Use

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. In permitting a conditional use the Planning Commission may impose conditions which are considered necessary to protect the best interests of the surrounding city as a whole.

Conclusions

Based on the above facts and findings, the Yachats Planning Commission finds:

- A. The proposed use is not a hotel is defined in YMC Section 9.04.030.
- B. The proposed use does not meet the standards for vehicular access in YMC Section 9.24.040.

Order

It is ORDERED by the Yachats Planning Commission that the requested Conditional Use Permit for Case File #2-CU-PC-21 is hereby denied.

This ORDER was presented to and adopted by the Yachats Planning Commission on July 19, 2022.

Lance Bloch, Yachats Planning Commission Chair

Date