

**MEMORANDUM**

**TO:** Yachats Planning Commissioners  
City Planner Katherine Guenther

**FROM:** John Theilacker, Planning Commission Chair

**DATE:** June 8, 2023

**RE:** Continuing with Yachats Municipal Code Work

I believe we now have an opportunity to resume from last December our focus on portions of the Yachats Municipal Code, particularly Title 9, that we found in need of immediate fixes. At our December 2022 meeting, we approved our final draft set of new or amended definitions for various terms in Title 9, we revised the purpose section of this Title, and thanks to Loren’s expertise, we proposed to add a new section that explains how to calculate “Height of Building”. I have asked Kimmie to include this draft code work (dated 12-14-22) in our packet for our Tuesday, June 13<sup>th</sup>, work session. Loren’s height calculation illustration is not included.

Before we recommend these amendments for City Council’s formal adoption, we agreed in December that we wanted to address other portions of Title 9 where some of these terms are used. At a minimum, we wanted to fix the standards for hotels, motels, inns, and resorts, and we wanted to establish appropriate impervious coverage standards. I suggest we first focus on hotels, motels, inns, and resorts.

In preparation for Tuesday’s work session, please review the final draft code amendments of 12-14-22 in your packet, as well as existing Chapters 9.24 (R-4 District) and 9.28 (C-1 District) (available on-line), paying particular attention to hotels, motels, and resorts when permitted “by-right”, when permitted by conditional use, and the standards which apply to such uses.

For example, in the R-4 District, Section 9.24.020.K permits a motel, hotel, or resort by-right when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses.

According to Section 9.24.030.P, a motel, hotel, or resort is permitted subject to Conditional Use approval when proposed on less than one acre of land with accessory commercial uses. This provision omits the text “....with direct access provided from U.S. Highway 101 only...”, which we assume was intentional – that hotels, motels, and resorts do not have to have direct access to Highway 101 when permitted by Conditional Use, as was the case with the recent Agate Point CUP application.

In the C-1 District, Section 9.28.010.N permits a motel or resort by-right (hotel excluded?) when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses. Section 9.28.020.T permits motels, hotels (now added), and resorts by Conditional Use when proposed on less than one acre with accessory commercial uses (excludes the Hwy. 101 direct access requirement), and Section 9.28.020.V permits motels or resorts (hotel again excluded?) as part of a Formula business on a minimum of one acre with accessory commercial uses, but only when having direct access provided from U.S. Highway 101.

In the R-4 District, there is a minimum lot size standard of 1,500 sq.ft. per hotel, motel, or resort guest unit with public water and sewer; for motels only (?) there is a vehicle access requirement calling for ingress/egress from a street with a minimum right-of-way width of 35 feet, and a minimum all-weather surface width of 25 feet; and no commercial use can have access to or from a cul-de-sac.

The Agate Point CUP application proposed for a small lot zoned R-4 District, with single-family dwellings abutting the proposed use on at least two sides, was controversial. Many of us on the PC were frustrated by the inconsistencies found in the R-4 District standards when we were considering this application. Now is a good opportunity to, at a minimum, clean up the text and address these inconsistencies. Also, no specific standards exist for hotels, motels, or resorts in the C-1 District. Should there be?

Looking forward to hearing your thoughts/ideas!

