

## MEMORANDUM

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

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

**DATE:** August 2, 2023

**RE:** Yachats Municipal Code Amendments, Title 9,  
Conditional Use Standards and Criteria

At our August 8<sup>th</sup> Planning Commission work session, we will continue our discussion of the Yachats Municipal Code, specifically Title 9, Zoning and Land Use.

At our July work session and regular meeting, we discussed hotels, motels, and resorts as uses permitted in the R-4 and C-1 Zones. We had agreed to change the R-4 Zone to prohibit such uses when they did not have direct access to Highway 101, but continued to debate whether to permit such uses in the C-1 Zone when they did not have direct access to Highway 101. We had agreed that, at a minimum, Conditional Use approval would be required in such cases, but Commissioner opinions varied on an appropriate numeric limit of guest units per hotel, motel, or resort to address potential traffic and emergency response concerns.

We also referred to the Agate Point Conditional Use application and public testimony offered at the hearing that included potential traffic increases on Yachats Ocean Road, and related impacts on the neighborhood character. We talked about new standards or criteria that we might propose in the Code for hotels, motels, or resorts proposed for the C-1 Zone without direct access to Highway 101 to address similar concerns.

I'm proposing that we shift our next work session discussion to conditional uses in general since many of the Commission's expressed concerns with hotels, motels,

and resorts proposed without direct access to Highway 101 would likely apply to other uses currently permitted by Conditional Use. I propose that we consider adding the following general standards and criteria to Section 9.72 (Conditional Use) of the Municipal Code:

1. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
2. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
3. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
4. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
5. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
6. Activities and developments within special purpose districts must comply with the regulations described in Section 9.52.050 (Geologic Hazard), Chapter 9.36 (Estuary Natural), and Section 9.54 (Flood Hazard), as applicable.

When added to Section 9.72, an applicant for Conditional Use would need to demonstrate how his or her proposed use meets these standards and criteria, or what mitigations he or she proposes to increase compliance. The Planning Commission would need to find that the Conditional Use application meets these standards and criteria, or would meet these standards and criteria with conditions imposed by the Commission as part of its approval, or does not meet these standards and criteria.

With these general standards and criteria in place, we should not need to establish specific parameters, such as number of guest rooms, to permit a hotel, motel, or resort without direct access to Highway 101 in the C-1 Zone.

These general standards and criteria would be in addition to specific standards and criteria for certain uses. For example, for hotels, motels, and resorts, we would want to keep many of the standards proposed on page 9 of our July work product.

Attached to this memo is the City of Albany, Oregon's Conditional Use Checklist and Review Criteria that the Community Development Department provides to all Conditional Use applicants. The standards and criteria I've suggested above are listed on page 2 of Albany's document.

Although I think that Albany's Conditional Use Checklist and Review Criteria document is far more than what Yachats might need, their section on "Site Plan" also starting on page 2 is illuminating. I would like to see our Code's section on Conditional Use include a subsection that requires a site plan submittal of all applicants, and lists the information to be provided on a site plan. This should make the City Planner's and the Planning Commission's application reviews much easier.

Finally, I have updated our July work product with regard to correcting the standards for conditional uses proposed on page 9. Since it would be awkward to fit these standards within the R-4 and C-1 Zone text, I am proposing that we add a new section to Chapter 9.52 Supplementary Use and Design Regulations, which would apply to all permitted and conditionally permitted hotels, motels, and resorts. Let's discuss on Tuesday.

