

1. 3:00 P.M. Agenda

Documents:

[2022-08-16 Planning Commission Agenda.pdf](#)

2. Meeting Materials

Documents:

[Vacation Rental Memo.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Yachats OR
Tuesday August 16, 2022, at 3:00 pm
Public Meeting via ZOOM Meeting

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Regular Meeting

- I. Call to Order
- II. Announcements and Correspondence
- III. Citizen Concerns
- IV. New Business
 - a. Vote on Code Enforcement letter
- V. Old Business
- VI. City Planner
 - a. Planner's report
 - b. Update to "Fences, Hedges, and Walls" public hearing status
 - c. Wetlands inventory status
- VII. Other Business
 - a. From the Commission
 - b. From staff

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance.

MEMORANDUM

TO: Katherine Gunther, City Planner

FROM: John Theilacker, Vice Chair
Planning Commission

DATE: August 12, 2022

RE: Vacation Rental Units

Cc. Lance Bloch, Chair, Planning Commission

Katherine, I was really pleased with our Planning Commission work session discussion this past Tuesday and wanted to thank you for input. I also wanted to follow-up on a point you made regarding vacation rental units. If I understood you correctly, you interpret the provisions of Title 4 of the Yachats Municipal Code to require only a single license for multiple vacation rental units on a single lot or parcel (subject to applicable zoning standards). From my review of Title 4, I'm having trouble reaching the same conclusion.

For example, the underlined text from the current definition of "Vacation rental" under Title 4 (below) clearly states that each vacation rental unit is to be separately licensed and regulated:

"Section 4.08.020 Definitions:

"Vacation rental" means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days."

Subsection A. of Section 4.08.030 (see below) recognizes that more than one vacation rental license can be held by a property owner or owners where multiple units exist on a single lot. However, subsection A. doesn't eliminate the need for a vacation rental license to be obtained for each unit on the property, regardless of the dwelling unit type or number of dwellings existing or proposed. For example, if the developers of Agate

Point had proposed multiple dwelling units on their property as Vacation rentals, they would be required by Title 4 to obtain a vacation rental license for each dwelling unit.

“Section 4.08.030 Standards:

- A. Except for individual units located on the same property, such as a duplex or triplex as defined above in Section 4.08.020, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.”*

Let's discuss further if you conclude differently than I regarding the above provisions.

Also, Vacation rentals, when added to Title 9 as a permitted use, would be subject to current zoning requirements. For example, in the R-1 District, only one single-family detached dwelling could be used as a Vacation rental on a single lot. In the R-2 District, only one single-family detached dwelling, or one duplex, could be used as Vacation rentals on a single lot. In the R-3 District, only one single-family detached dwelling, or one duplex, or one triplex, or one multi-family dwelling could be used for Vacation rentals on a single lot. The same would apply in the R-4 District.

Any proposal for six (6) or more vacation rental units on a single lot would fall under our proposed definition for hotel/motel, and, as such, be limited to the R-4 and C-1 Districts where such uses are permitted. Perhaps we should limit the maximum number of vacation rentals per multi-family dwelling to five (5) so that we're not enabling multi-family dwellings in the R-3 District with more than five vacation rental units, that are essentially hotels/motels.

We can discuss this further at our September work session.