

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
September 2, 2014
7:00 p.m.

- 1. CALL TO ORDER:**
- 2. PLEDGE OF ALLEGIANCE:**
- 3. OPENING REMARKS:**
- 4. DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
- 5. APPROVAL OF MINUTES:**
- 6. PUBLIC HEARING:**

A.) 14-043VRD – A request by Kelly Farmer for a four (4) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than ten (10) people regardless of age. The property is located at 450 6th Avenue (6-10-16DDTL4604) and it is zoned Medium Density Residential (R-2).

B.) 14-044CU: A conditional use request by Eddie & Tara Baumann to replace the non-conforming structure at 330 12th Avenue (6-10-16DATAL9800) with a new dwelling that will be more compliant with the development standards in the Seaside Zoning Ordinance. The subject property is zoned High Density Residential (R-3)

C.) 14-046CU A conditional use request by the City of Seaside to permit multipurpose municipal use of the structure at 1115 Broadway (6-10-22BC-TL800). The structure was previously used for the Faith Lutheran Church and the property is zoned Medium Density Residential (R-2).

- 7. ORDINANCE ADMINISTRATION:**
- 8. PUBLIC COMMENTS:** Not related to specific agenda items:
- 9. PLANNING COMMISSION & STAFF COMMENTS:**
- 10. ADJOURNMENT**

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: September 2, 2014
Applicant: Kelly Farmer
360 East 1825 N
Centerville, UT 84014
Owner: Robert & Carol Heiney
45354 NW Hartwick Rd,
Banks, OR 97106-8854
Location: 450 6th Avenue, T6-R10-S 16DD TL#4604
Subject: Conditional Use 14-043VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **450 6th Avenue**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **ten (10) people** (regardless of age) within the existing **four** bedroom dwelling.

The review will be conducted in accordance with Article 6 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Conditional Use. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the best interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

DECISION CRITERIA # 1: Pursuant to Section 6.137, Vacation Rental Dwellings (VRDs) within the R-2 and R-3 zones shall be reviewed by the Planning Commission whenever the surrounding VRD density is 20% or greater. A permit shall be issued as an accessory use provided the applicant can demonstrate by written application that all of the following standards are met:

A. Parking. One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.

B. Number of Occupants. The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum

occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.

C. **Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

D. **Local responsible party.** A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

E. **Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:

1. The use of the property as a VRD will be compatible with the surrounding land uses.

2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **450 6th Avenue**. The subject property is zoned **High Density Residential (R-3)** and the **applicant** is requesting a maximum occupancy of **ten (10) people** (regardless of age) within the existing **four** bedroom dwelling.

The applicant's submitted justification is adopted by reference and summarized below:

- a. The applicant's plot plan indicates there is sufficient room for **at least four off-street parking spaces and there may be additional room to park inside the garage**.
- b. The existing **four** bedroom residence will have a limited occupancy of **ten (10) people** (regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.

d. **Beach House Vacation Rentals (800 N Roosevelt, Seaside, OR 97138) will be the local manager for the VRD. Erin Barker will be the local contact for the VRD and she can be reached at (503) 738-9068 during normal work hours. Erin's after hours number is (503)-440-1168.**

e. The applicant, **Kelly Farmer** has read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **55%** of the surrounding properties are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.

3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received written comments about the applicant's request.

4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.

5. The property has not undergone a preliminary compliance inspection. All of the corrections noted during the compliance inspection must be completed and approved by final inspection prior to any transient rental of the property.

6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the

maximum occupancy. The final occupancy will be noted in land use file **(14-043 VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

2. **Parking spaces: Four (4) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.
3. **Maximum number of occupants: Ten (10) persons regardless of age.** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact: Beach House Vacation Rentals (800 N Roosevelt, Seaside, OR 97138) will be the local manager for the VRD. Erin Barker** will be the local contact for the VRD **and she can be reached at (503) 738-9068. Erin's after hours number is (503)-440-1168.**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.

- 8. Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
- 9. Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- 13. Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision

and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.

15. Time Period for Approval, Required Re-inspection: This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

16. Tsunami Information & Weather Radio: The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.

17. Grace Period: If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

FINAL STAFF RECOMMENDATION

Conditionally approve application **14-043VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons (regardless of age) at **450 6th Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a list of reminders to applicant.

- This approval will become void one (1) year from the date of decision unless final plans are submitted or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.

Attachments: Applicant's Submittal

**CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION**

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information and submit it for review along with their business license application.

In addressing the following questions, additional information and supporting evidence can be referenced and attached to the submittal.

SUBMITTAL INFORMATION

1. Applicant's Name: Kelly Farmer
2. Mailing Address: 360 East 1825 N Centerville, UTAH 84014
3. Telephone #: ^{cell} Home 801-381-3384, Work _____, Fax _____
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 450 6th Ave
6. Tax Map Ref.: Township 10, Range 10, Section 16 DD, Tax lot # 4604 R3
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 12. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

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VRD Application updated 5-5-11

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CITY OF SEASIDE

JUL 25 2014

PAID

past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request? YES.

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: Kelly F. [Signature] Date: 7-25-14

~~For Office Use Only~~

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$75.00, 6-10 occupants \$100.00, 11+ occupants 150.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 11) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

430
100
20
550

If the VRD application is not approved, only the business license fee will be refunded.

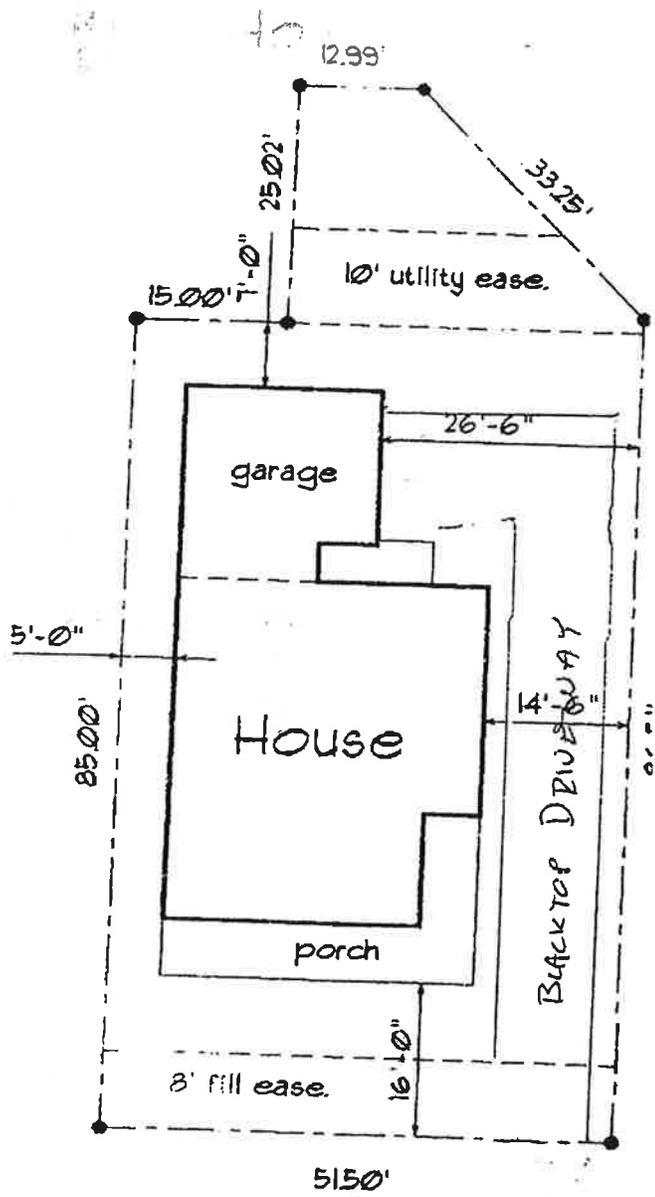
Submittal Date: _____ Amount Paid: _____

~~~~~ For Community Development Use ~~~~~

Date application was received at Community Development: \_\_\_\_\_

File Reference # 14-043 VRD Date determined to be complete: \_\_\_\_\_

If applicable, date for Planning Commission Hearing: \_\_\_\_\_



7/25/2014

To Whom It May Concern:

Re: 450 6<sup>th</sup> Ave., Seaside, OR

Robert & Carol Heiney are the current owners of this property, and we have a VRD License which is active.

We have an accepted offer on the property and hope to close the sale on September 3, 2014. The buyers, Kelly Lee and Stacy Farmer, wish to apply for a VRD License right away and apparently need our approval if it is sent in before closing.

We have no objection to this and hope the new License can be approved soon. The house is fairly new and met all requirements, even with extra off-street parking.

The 2<sup>nd</sup> quarter VRD taxes are being paid this week, so everything should be current.

Sincerely yours,

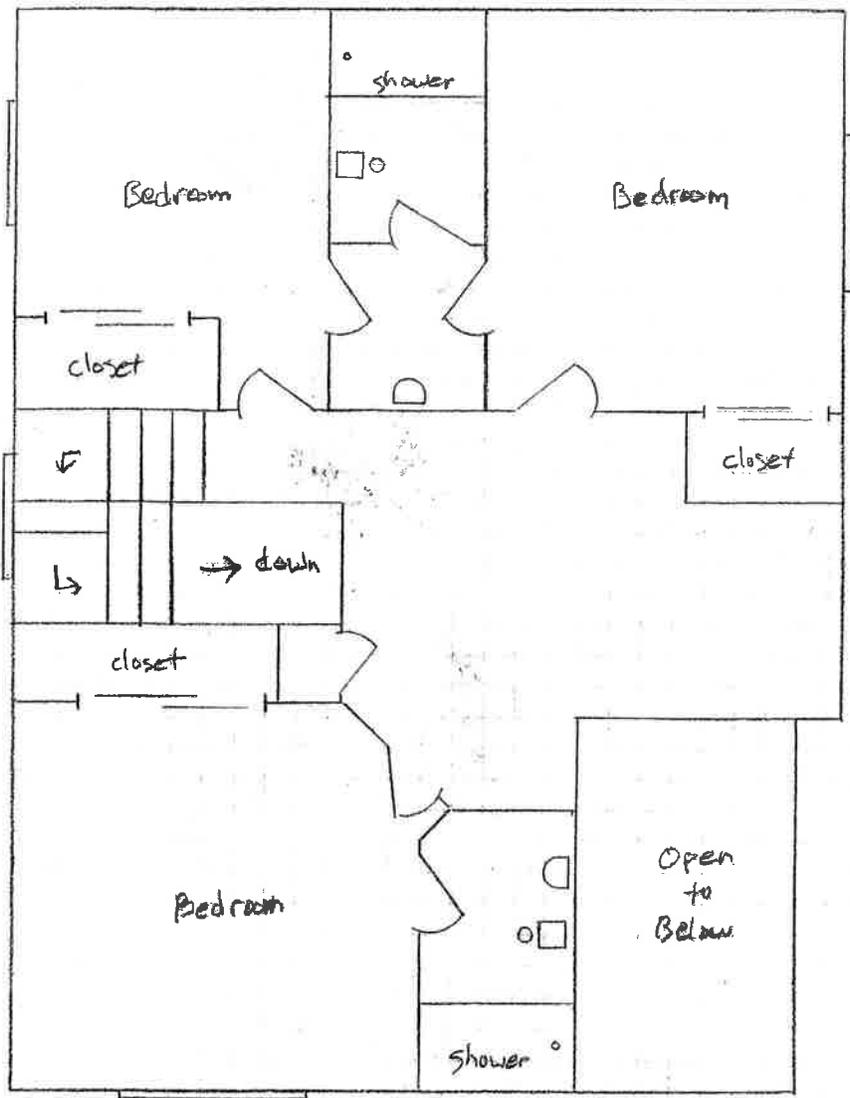
Robert B. Heiney Jr.

45354 NW Hartwick Rd.

Banks, OR 97106

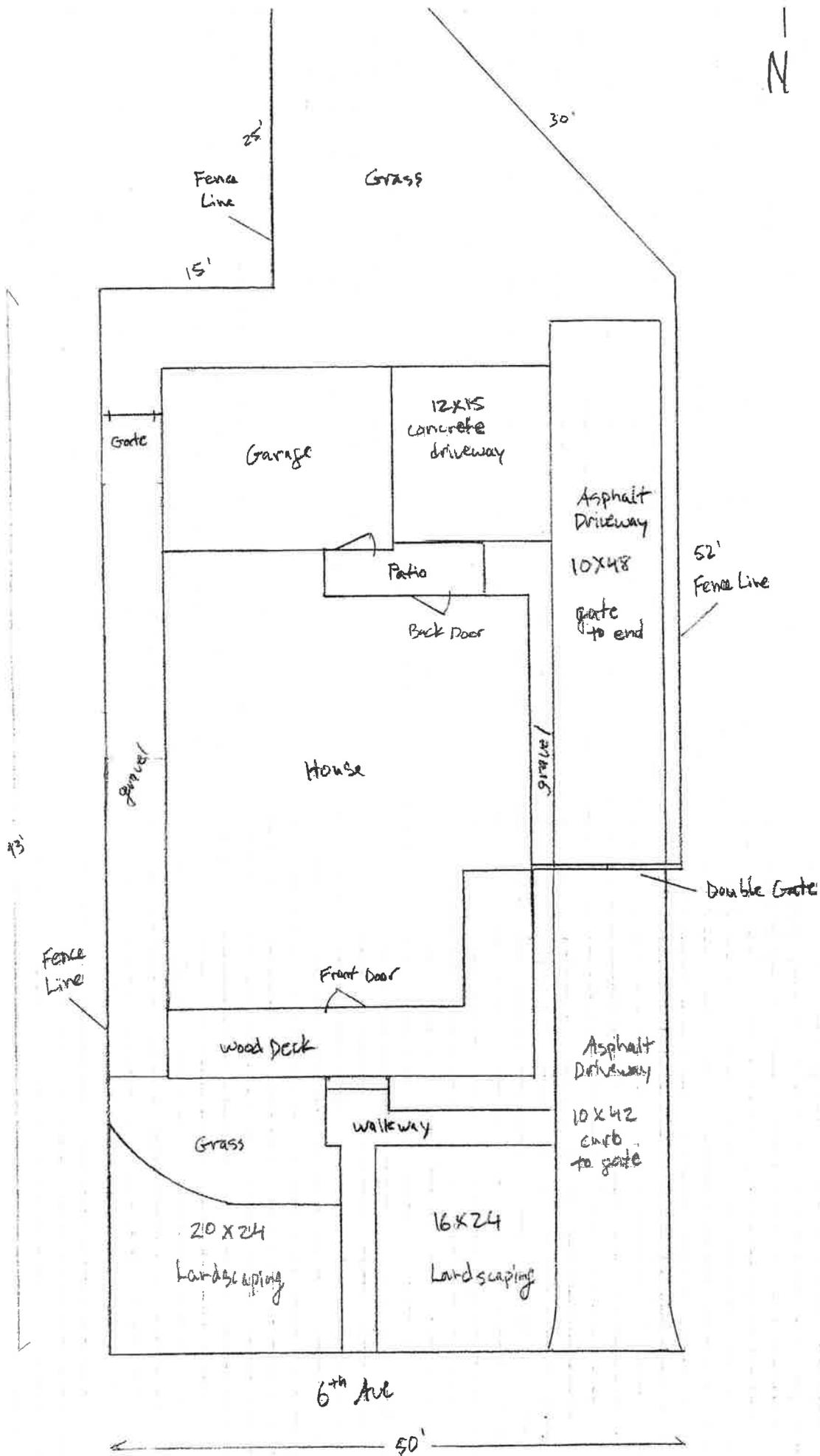
[skip@skiney.com](mailto:skip@skiney.com)

503-351-4449



Upper Level

N



Fence Line

Grass

30°

15'

Gate

Garage

12x15  
concrete  
driveway

Asphalt  
Driveway

10x48

gate  
to end

52'  
Fence Line

Patio

Back Door

paper

House

grass

43'

Fence Line

Front Door

Double Gate

wood Deck

Asphalt  
Driveway

Grass

walkway

10x42  
curb  
to gate

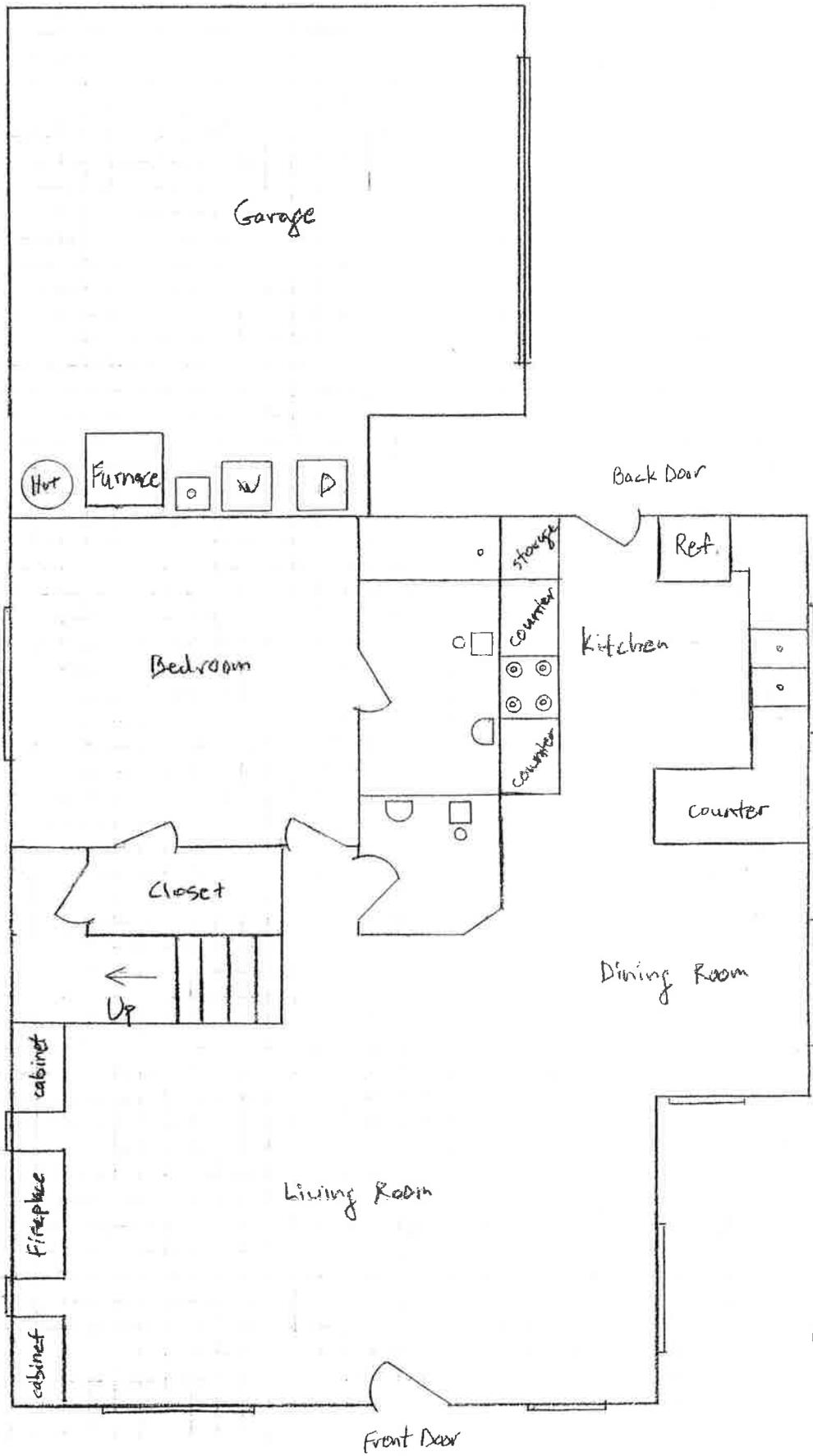
20x24  
Landscaping

16x24  
Landscaping

6<sup>th</sup> Ave

50'

Ave



Lower Level

6<sup>th</sup> A  
↓

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission

**From:** Planning Director, Kevin Cupples

**Date:** September 2, 2014

**Applicant:** Eddie & Tara Baumann, 497 Regency Circle; Vacaville CA 95687

**Owner:** Lavon Howel Trust, 10300 NE Hassalo; Portland, OR 97220

**Location:** 330 12<sup>th</sup> Avenue; Seaside, OR 97138; (T6, R10, 16DA TL 9800)

**Subject:** Conditional Use Request 14-044CU Modified Replacement of a Non-Conforming Structure

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### **REQUEST:**

The applicants are requesting a conditional use that will allow the replacement of a non-conforming structure at 330 12th Avenue (6-10-16DATL9800). They plan to build a new dwelling that will be more compliant with the development standards in the Seaside Zoning Ordinance.

The subject property is zoned High Density Residential (R-3) and the zoning ordinance permits modified replacement of a non-conforming structure in accordance with Section 8.060,1B. These requests require Planning Commission review as a conditional use.

### **DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compatibility with the surrounding area or compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:**

- 1. Increasing the required lot size or yard dimension.**
- 2. Limiting the height of buildings.**

3. **Controlling the location and number of vehicle access points.**
4. **Increasing the street width.**
5. **Increasing the number of required off-street parking spaces.**
6. **Limiting the number, size, location and lighting of signs.**
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification, site plan and example elevation drawing are adopted by reference. The applicant's proposal is summarized as follows:
  - The applicant plans to replace the existing non-compliant structure with a new code compliant home that will provide a garage and one parking space in the driveway.
  - This will be a single family dwelling that may possibly be used as a vacation rental dwelling in the future.
  - The home will have a compliant front yard and rear yard setback.
  - The subject property is a narrow, non-conforming lot with a width of 25'.
  - The standard side yard setback is 5' and the applicant is requesting a modified side yard setback of three (3) feet.
  - The applicants will consider the look of the current neighborhood and build a house that has nice curb appeal on a narrow lot.
  - The example elevation drawing shows a two story dwelling with a recessed porch and entryway. The single wide garage sets forward of the entryway and the main part of the dwelling. This will provides a two tiered dormer appearance from the street and a small deck will provide a complementary architectural feature above the garage.
2. The applicable ordinance section (Section 8.060,1B) addressing the modified replacement of non-conforming structures states:

The use and/or structure may be modified in an effort to more closely conform to the development standards and/or use provision in the ordinance if the Planning Commission approves a conditional use permit for the proposed modification. The conditional use must be applied for within 6 months from the date of the damage or destruction and the reconstruction must be completed within a time frame established by the Planning Commission. (ORD. 2001-14, effective 12-12-2001)
3. The existing structure has non-conforming side yards that are estimated to be between 0 and 3 feet. Setbacks less than 3 feet do not meet building code standards unless they provide firewalls without openings.

4. The current development of the property does not provide any off street parking.
5. The structure has been vacant for years and is in a state of disrepair.
6. Based on the proposed development plan, the applicant would:
  - a. Improve the side yard setbacks so they would meet building code standards,
  - b. Correct the non-compliant front yard setback,
  - c. Upgrade the property so it can once again be used as a habitable single family dwelling, and
  - d. Maintain compliance with lot coverage and rear yard setback.
7. Although small house plans are becoming more common today, Seaside already has a number of small beach cabins that were developed decades ago. These structures are gaining notoriety in the press and they are commonly seen as a more affordable approach to housing development. Many of the small houses in Seaside are found on small lots and they are usually single, one & a half, or full two story structures. As such, they generally blend in with the development of the neighboring properties.
8. A fully compliant replacement structure would only be 15' wide and it would likely be developed as a three story structure in order to provide sufficient living space. Tall skinny structures tend to provide an awkward aesthetic appearance and they do not blend in well with the development of the neighboring properties.

#### **CONCLUSION TO CRITERIA #1:**

The proposed modified redevelopment plan will more closely conform to the development standards in the ordinance while remaining compatible with the appearance of the surrounding built environment provided the following conditions are attached to the approval.

**Condition 1:** The redevelopment plan will be limited to not more than two stories and closely follow the appearance depicted in the applicant's submitted elevation drawing. Aside from the modified three foot side yard setback, the redevelopment will comply with all of the other property development standards in the R-3 zone.

**Condition 2:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve the modified redevelopment of the property at 330 12<sup>th</sup> Avenue. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a list of reminders to applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

**Attachments:**

Applicant's Submittal



**City of Seaside, Planning Department**

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                     |                               |                                |
|---------------------------------------------------------------------|-------------------------------|--------------------------------|
| NAME OF APPLICANT<br>Eddie and Tara Baumann                         | ADDRESS<br>497 Regency Circle | ZIP CODE<br>Vacaville CA 95687 |
| STREET ADDRESS OR LOCATION OF PROPERTY<br>330 12th Ave   Seaside OR |                               |                                |

|            |               |               |             |                 |                 |
|------------|---------------|---------------|-------------|-----------------|-----------------|
| ZONE<br>R3 | OVERLAY ZONES | TOWNSHIP<br>4 | RANGE<br>10 | SECTION<br>16DA | TAX LOT<br>9800 |
|------------|---------------|---------------|-------------|-----------------|-----------------|

**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

The purpose of this application is to grant permission to use this narrow lot for new construction of a two story home with single car garage and additional car space in the driveway. Property is currently sold with contingent on the conditional use granted by the City of Seaside. See attached plot plan for the lot and structure.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

|                                                   |                                                                  |
|---------------------------------------------------|------------------------------------------------------------------|
| <b>OWNER:</b>                                     | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>              |
| PRINT NAME OF PROPERTY OWNER<br>Lavon Howel Trust | PRINT NAME OF APPLICANT/REPRESENTATIVE<br>Eddie and Tara Baumann |
| ADDRESS<br>10300 NE Hassalo, Portland, OR 97220   | ADDRESS<br>497 Regency Circle, Vacaville CA 95687                |
| PHONE / FAX / EMAIL<br>Unknown                    | PHONE / FAX / EMAIL<br>707.447.4977 Tbaunn@aol.com               |
| SIGNATURE OF PROPERTY OWNER                       | SIGNATURE OF APPLICANT/REPRESENTATIVE<br><i>Eddie Baumann</i>    |

**FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE**

**CHECK TYPE OF PERMIT REQUESTED:**

- |                                                     |                                                   |                                          |                                                |
|-----------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW    | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION            | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION            | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

|                                 |              |
|---------------------------------|--------------|
| <b>PLANNING DEPARTMENT USE:</b> |              |
| DATE ACCEPTED AS COMPLETE       | BY <i>PK</i> |
| CASE NUMBER (S) <i>14-044CU</i> |              |
| HEARING DATE                    | P.C. ACTION  |

|                           |         |
|---------------------------|---------|
| <b>OFFICE USE:</b>        |         |
| FEE                       | RECEIPT |
| DATE FILED <i>7-29-14</i> | BY      |

**CONDITIONAL USE - ARTICLE 6**

**TYPE 2 - PLANNING COMMISSION DECISION**

**FEE: \$ 675.00**

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Commission may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Commission will make a determination concerning a conditional use based on the applicant's justification of the following statements:

1. What is the proposed use in the zone?

The purpose of this lot is to replace the existing out of compliance structure, with a new, to code, single family home with one car garage and driveway.

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2. How will the development conform to the general development standards in Ordinance and the specific standards in the zone?

This structure will conform to city ordinances as a single family home, and possibly short term vacation rental. Front set backs and city building codes will be followed.

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3. How will the development meet any of the applicable standards in Article 6?

12TH Ave., is a narrow non conforming lot, 25 feet wide by 100 feet deep. Standard side set backs are 5 feet,  
we respectfully request a 3 feet side set backs making the structure footprint 19 feet wide.

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**4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.**

We will consider the look of the current neighborhood and build a house that has nice curb appeal on this narrow lot.

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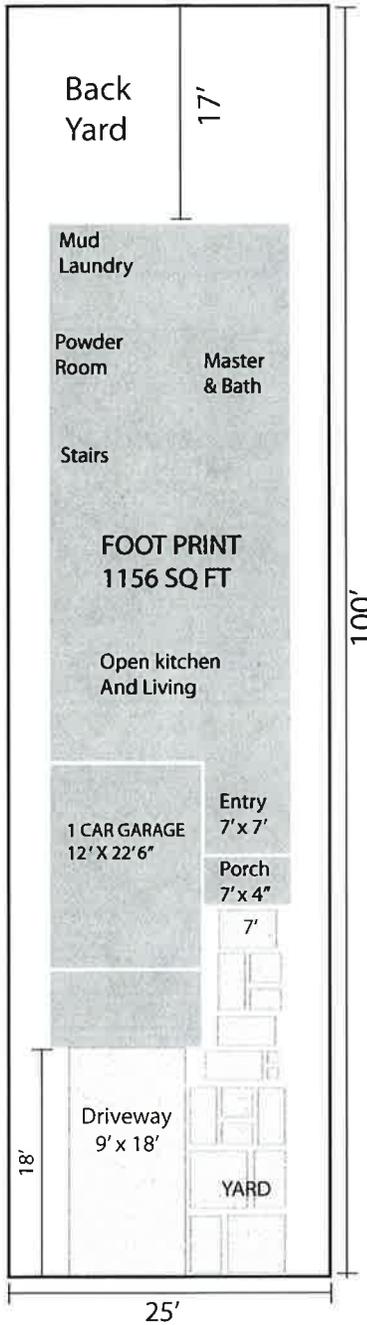
**5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)**

ATTACH EXTRA SHEETS IF NEEDED

Parcel # 61016DA

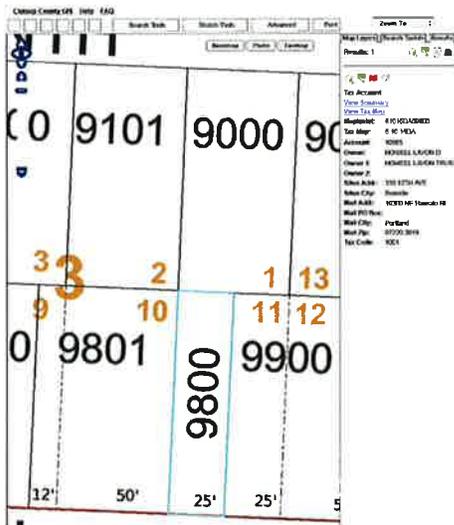
### 330 12 Th Ave Seaside, OR 97138

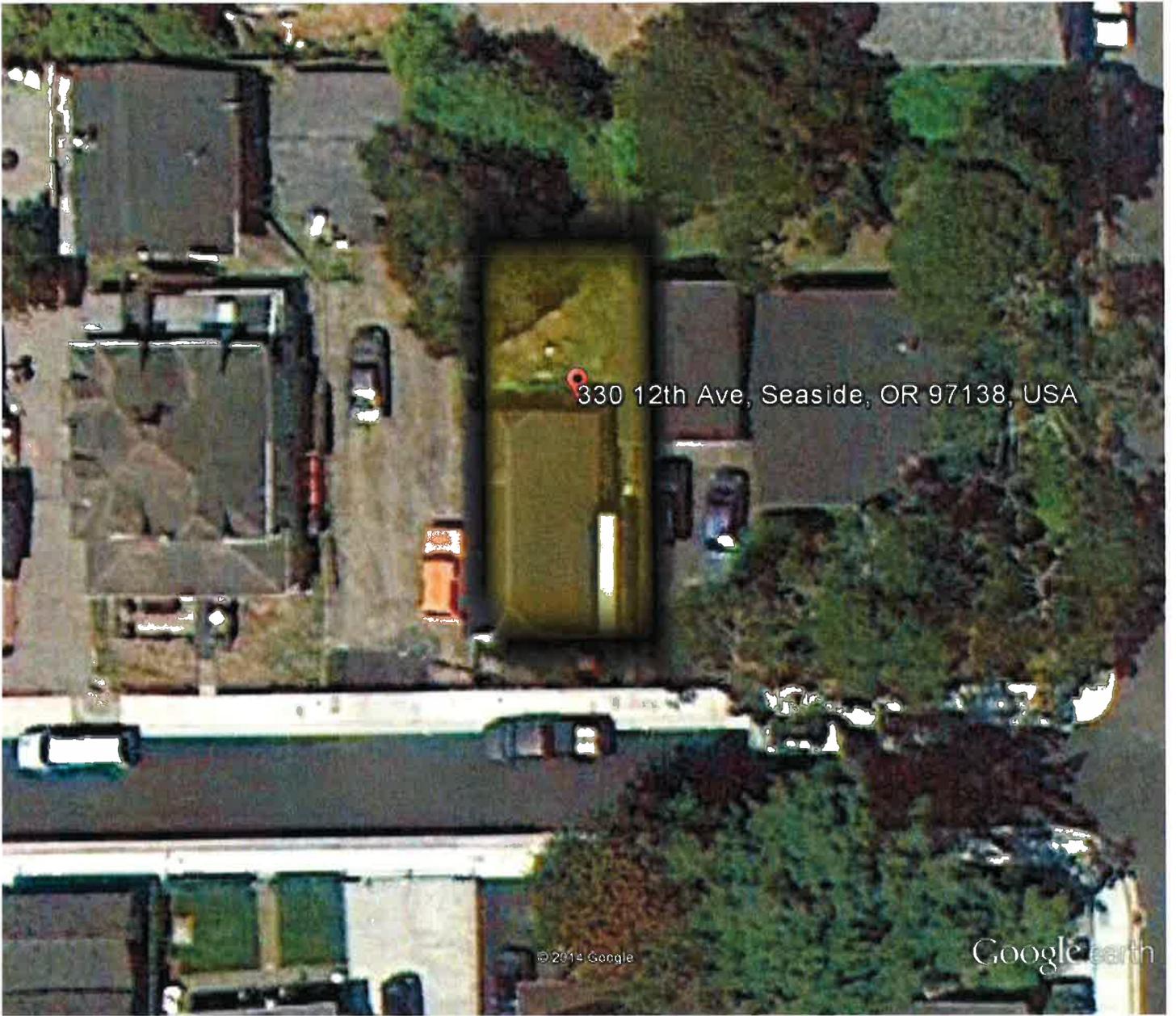
Current structure on 25' x 100' lot with side porch requires demolition and rebuild. Below is the proposed redesign that is more consistent with the neighborhood and zoning while maintaining curb appeal.



#### Purposed

Full two story with single car garage and room for additional car in driveway, low maintenance stepping stone yard with ground planting between steps.





330 12th Ave, Seaside, OR 97138, USA

©2014 Google

Google earth

Google earth



## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** September 2, 2014  
**Applicant:** City of Seaside, 989 Broadway; Seaside, OR 97138  
**Owner:** NW District LCMS, 1700 NE Knott St.; Portland, OR 97212  
**Location:** 1115 Broadway; Seaside, OR 97138; (T6, R10, 22BC TL 800)  
**Subject:** Conditional Use Request 14-046CU Multipurpose Municipal Use Structure

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### **REQUEST:**

The applicant is requesting a conditional use that will authorize a multipurpose municipal use structure at 1115 Broadway (T6, R10, 22BC TL 800). The subject property is currently zoned Medium Density Residential (R-2) and the proposed use would utilize the existing structure previously used by the Faith Lutheran Church.

### **DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:**

- 1. Increasing the required lot size or yard dimension.**
- 2. Limiting the height of buildings.**
- 3. Controlling the location and number of vehicle access points.**
- 4. Increasing the street width.**
- 5. Increasing the number of required off-street parking spaces.**
- 6. Limiting the number, size, location and lighting of signs.**

7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification, aerial site plan is adopted by reference. The applicant's proposal is summarized as follows:
  - The applicant plans to utilize the existing structure as a multipurpose municipal use structure. The exact use of the building has not been determined yet by the Seaside City Council. The City is requesting a generic conditional use in order to meet the conditions of purchase and still allow them to determine the best use of the property given the property's location adjacent to the public library and close proximity to Broadway Middle School & the Sunset Empire Park & Rec District's facilities. The multipurpose building would allow for meetings or activities when other venues are not available.
  - The existing Church functioned in this location without any off-street parking. The City is in a unique position in this case since they own the neighboring library property and also have access to the parking lot across from the fire hall. Any plan to utilize the building will involve careful consideration of the limited parking and timed appropriately so the available parking is not being double utilized. For Example, all of the library's parking could be used during non-library hours or just a portion when their meeting room is not being used.
  - One of the aerial maps identifies surface parking located within 200' of the subject property.
  - While this property has been vacant, there have been issues with unauthorized camping out under the building. The City will be adding to the security and general appearance of the property. The City Council will carefully consider future use so it will be compatible with neighboring residential and public uses. One of the reasons the City is interested in purchasing the property is so they can control the use and eliminate the chance of an incompatible use operating close to other public facilities.
2. The subject property is already developed so there are no proposed changes in the setbacks, building height, or coverage.
3. The applicant does have parking available within 200 feet of the subject property. Coordinated use with the other facilities (Library & Fire Department) that share that parking will avoid double demand of the space. By ordinance, shared parking within 200', measured along a straight line, can be used by another use.
4. Without any parking lot, there isn't a requirement to provide a handicapped parking space; however, a modified loading space could be provided along the street or a space could be developed in the northwest corner of the Library's parking lot.

## **CONCLUSION TO CRITERIA #1:**

The proposed use of the existing building will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

**Condition 1:** The City Council will be charged with determining specific municipal use of the structure that will remain compatible with the surrounding residential and public uses.

**Condition 2:** The City will be responsible for coordinating the use of the facility so that parking will be available at the library or the fire department's lot. The City could also obtain permission for Broadway Middle School to utilize some of their parking in order to address parking demands when the facility is in use.

**Condition 3:** A bike rack with space for two bikes must be provided for short term parking (normally outside/uncovered) along with similar accommodations for long term parking (covered or inside the facility).

**Condition 4:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

## **FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed multi-purpose municipal use of the existing building at 1115 Broadway. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a list of reminders to applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

Attachments:

Applicant's Submittal

14-046CU



# City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

## Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                              |         |          |
|------------------------------------------------------------------------------|---------|----------|
| NAME OF APPLICANT<br><b>CITY OF SEASIDE; 989 BROADWAY; SEASIDE, OR 97138</b> | ADDRESS | ZIP CODE |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><b>1115 BROADWAY</b>               |         |          |

|                    |                             |                                    |       |         |         |
|--------------------|-----------------------------|------------------------------------|-------|---------|---------|
| ZONE<br><b>R-2</b> | OVERLAY ZONES<br><b>N/A</b> | TOWNSHIP<br><b>6 10 22BC TL800</b> | RANGE | SECTION | TAX LOT |
|--------------------|-----------------------------|------------------------------------|-------|---------|---------|

### PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

**MULTIPURPOSE MUNICIPAL USE STRUCTURE WITHIN FORMER FAITH LUTHERAN CHURCH**

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(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

| OWNER:                                                           | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):                     |
|------------------------------------------------------------------|------------------------------------------------------------------|
| PRINT NAME OF PROPERTY OWNER<br><b>NW DISTRICT LCMS</b>          | PRINT NAME OF APPLICANT/REPRESENTATIVE<br><b>CITY OF SEASIDE</b> |
| ADDRESS<br><b>1700 NE KNOTT STREET</b>                           | ADDRESS<br><b>989 BROADWAY</b>                                   |
| PHONE / FAX / EMAIL                                              | PHONE / FAX / EMAIL<br><b>503-738-5511</b>                       |
| SIGNATURE OF PROPERTY OWNER<br><b>SEE ATTACHED AUTHORIZATION</b> | SIGNATURE OF APPLICANT/REPRESENTATIVE<br>                        |

**FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE**

### CHECK TYPE OF PERMIT REQUESTED:

- |                                                     |                                                   |                                          |                                                |
|-----------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW    | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION            | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION            | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

| PLANNING DEPARTMENT USE:                        |             |
|-------------------------------------------------|-------------|
| DATE ACCEPTED AS COMPLETE<br><b>8-14-14 KSC</b> | BY          |
| CASE NUMBER (S)<br><b>14-046 CU</b>             |             |
| HEARING DATE<br><b>9-2-14</b>                   | P.C. ACTION |

| OFFICE USE:                 |                  |
|-----------------------------|------------------|
| FEE<br><b>675.00</b>        | RECEIPT TRANSFER |
| DATE FILED                  | BY               |
| <b>8-14-14 CITY MANAGER</b> |                  |

## **CONDITIONAL USE - ARTICLE 6**

### **TYPE 2 - PLANNING COMMISSION DECISION**

**FEE: \$ 675.00**

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

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6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Commission will make a determination concerning a conditional use based on the applicant's justification of the following statements:

**1. What is the proposed use in the zone?**

The existing building is being considered for a multi-purpose municipal structure. The exact use of the building has not been determined by the City Council at this point in time and the purchase is conditioned upon obtaining a semi generic conditional use that will allow the City to determine the best use given the property's location adjacent to the public library and close proximity to the school & the Sunset Empire Park & Rec District's facilities. Multi-purpose building would allow for meetings or activities when other venues are not available.

**2. How will the development conform to the general development standards in Ordinance and the specific standards in the zone?**

The existing Church functioned in this location without any off-street parking. The City is in a unique position in this case since they own the neighboring library property and also have access to the parking lot across from the fire hall. Any plan to utilize the building will involve careful consideration of the limited parking and timed appropriately so the available parking is not being double utilized. For example, all of the library's parking could be used during non library hours or just a portion when their meeting room is not being used.

**3. How will the development meet any of the applicable standards in Article 6?**

There are not applicable standards in Article 6 for municipal structures

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**4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.**

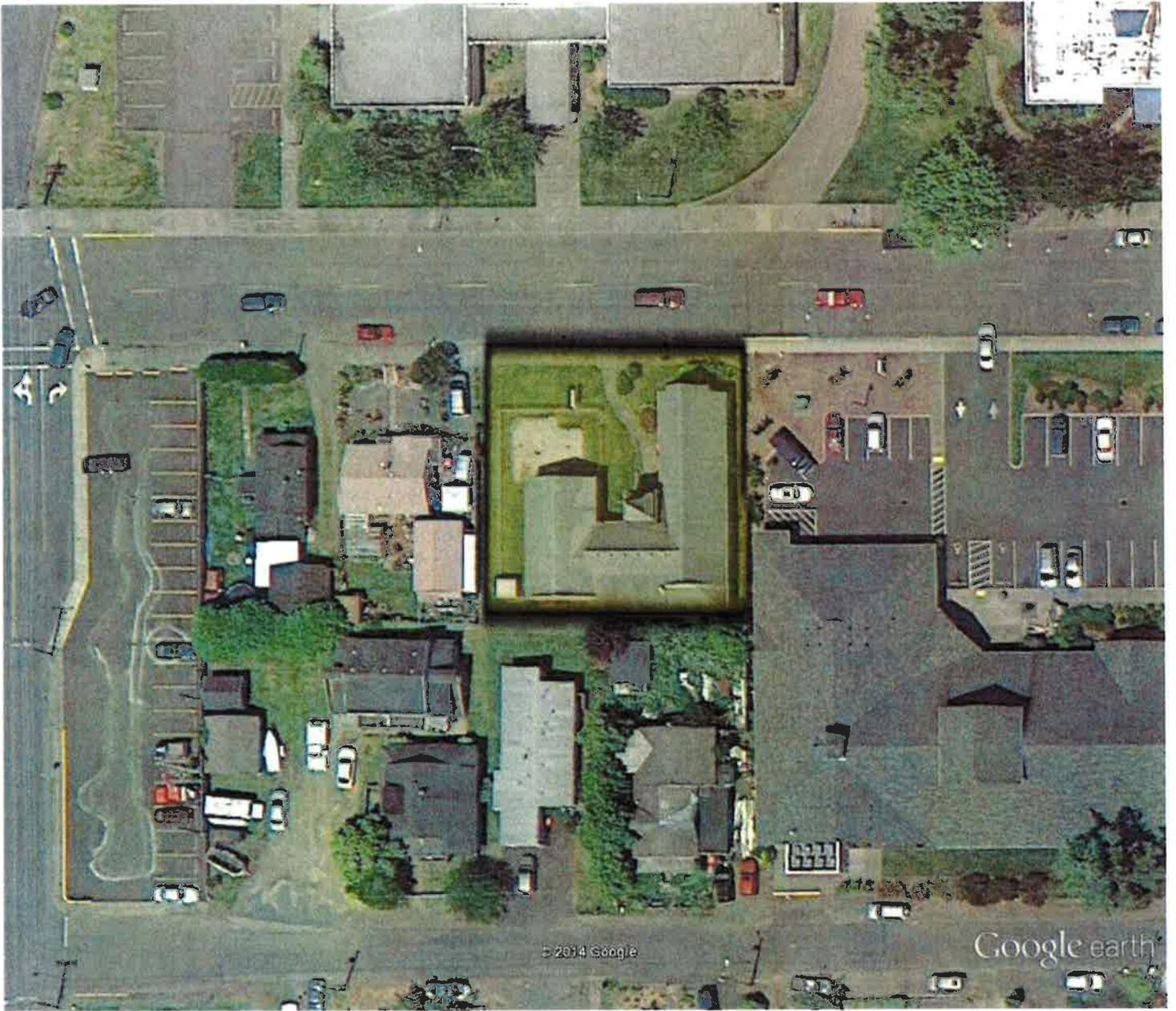
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**5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)**

**ATTACH EXTRA SHEETS IF NEEDED**

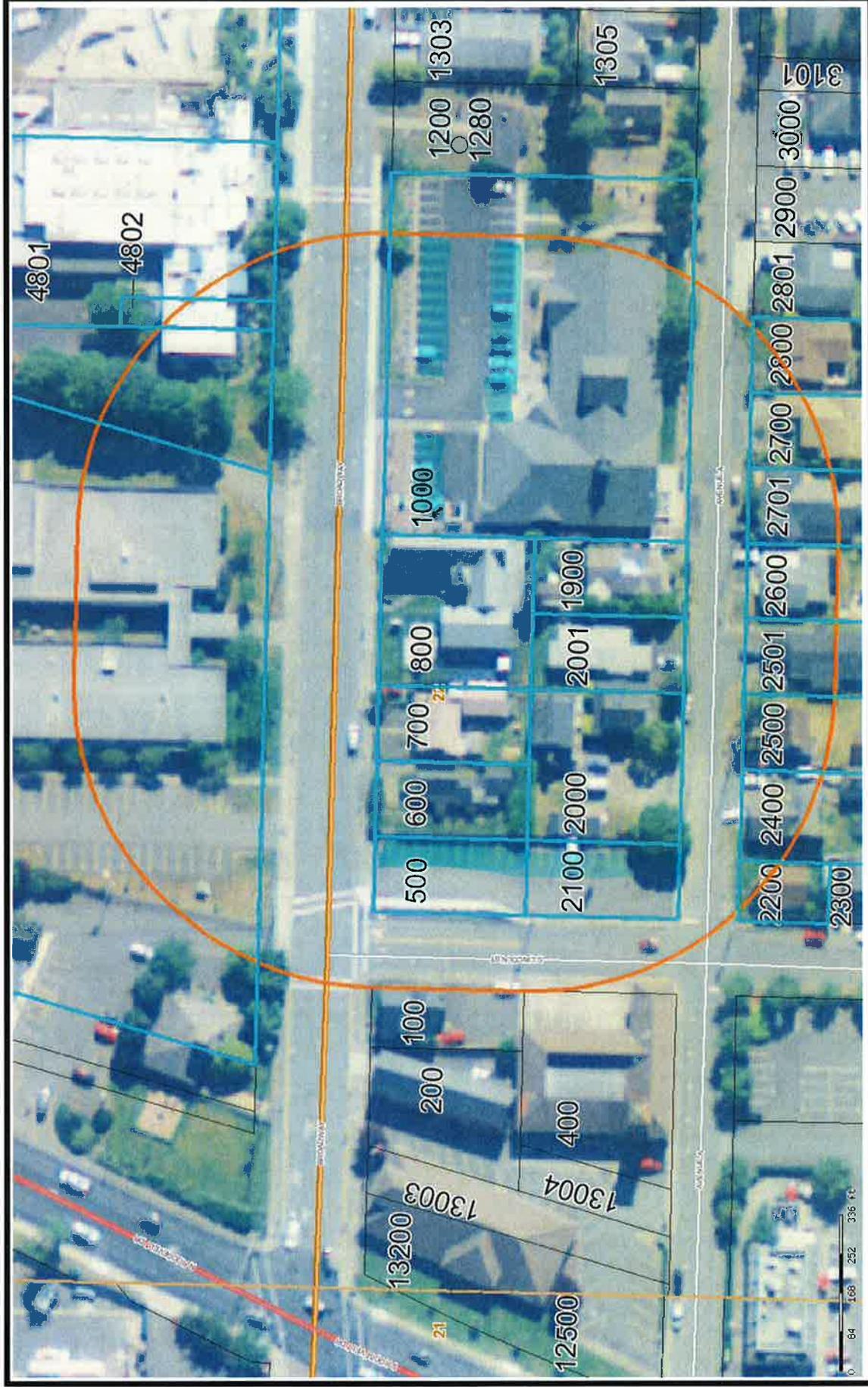


Google earth

feet  
meters



# 200' Boundary @ 1115 Broadway



**PARKING SPACES**



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



I/We, NW District-LCMS, the undersigned owners of the property at 1115 Broadway Street hereby authorize the submittal of a conditional use permit at the above referenced property.

X DocuSigned by:  
Marilyn Allen, Business MGR 8/14/2014  
NW District-LCMS 1566480...