

CASE FILE: #1-CU-PC-18
DATE FILED: Dec. 21, 2018
DATE APPLICATION DEEMED COMPLETE: Dec. 24, 2018
120-DAY COMPLETION DATE: Apr. 23, 2019
HEARING DATE: Jan. 15, 2019
PREVIOUS ACTION: None

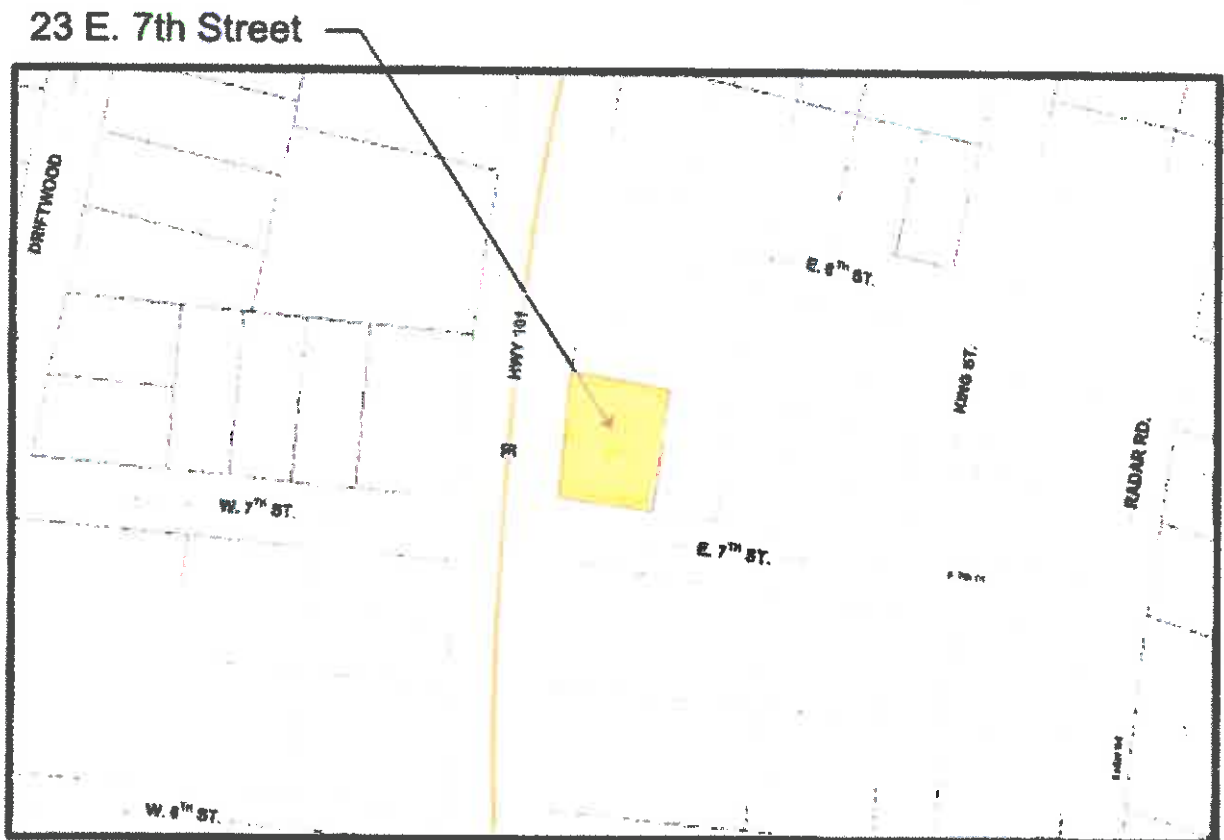
STAFF REPORT

Conditional Use Application

APPLICANT: Heidi Travaglio

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to operate a 3 bedroom Bed & Breakfast within a single family dwelling.
2. Property Location: The subject property is located at 23 E. 7th Street; at the northeast corner of Hwy 101 and E. 7th Street; and described on the Lincoln County Assessor's Map 14-12-27AD as Tax Lot 2103.



3. Zoning: Residential Zone R-3
4. Plan Designation: Residential

5. Lot Size and Dimensions: The subject property totals approximately 7,722 square feet with approximate dimensions of 99 x 78 feet.
6. Existing Structures: There is one single family dwelling on the property.
7. Topography and Vegetation: The subject site is generally flat with grass and shrubs on the perimeter of the property.
8. Surrounding Land Use: Surrounding land uses primarily consist of single family residential uses on the east side of Hwy 101. The Dublin Motel is located across Hwy 101 to the west.
9. Utilities:
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
10. Development Constraints: None identified.

23 E. 7th Street



B. EVALUATION OF REQUEST

1. Applicant's Proposal: The applicant submitted the required application form and fee, aerial photograph, and met with the city planner to review bed and breakfast standards identified in the Yachats Zoning and Land Use Ordinance.

2. Relevant Yachats Municipal Code (YMC) Criteria:

YMC Chapter 9.04.030 Definitions

“Bed and breakfast facility” means a single-family dwelling containing rooms for rent in accordance with Section 9.72.050.

YMC Chapter 9.20 R-3 Residential Zone

9.20.030 Conditional Uses

L. Bed and breakfast facility

YMC Chapter 9.48 Off-Street Parking and Loading

- D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Parking spaces for non-residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
- L. Off-street parking space requirements:
 - 1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:
One-family dwelling, two spaces.

YMC Chapter 9.72 Conditional Uses

Section 9.72.010 Authorization to grant or deny conditional use permits.

Conditional uses listed in this title may be permitted, enlarged, altered or denied by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

- A. 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, as addressed in Chapter 9.88.
- B. In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily dwelling, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests of the surrounding city as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions;
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 fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
8. Designating sites for open space;
9. Setting a time limit for which the conditional use is approved;
10. Regulation of noise, vibration, odors and sightliness;
11. Requiring surfacing of parking areas;
12. Regulation of hours of operation and duration of use or operation;
13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

Section 9.72.040 Time limit on a conditional use permit.

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed six months on request.

Section 9.72.050 Standards and procedures governing conditional uses.

E. Standards for Bed and Breakfast Facilities.

1. A bed and breakfast facility must be in a one-family dwelling.
2. A maximum of five bedrooms may be rented.
3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.
4. A resident, relief manager may be employed for no more than five months per year, unless approved by the Planning Commission.
5. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
6. The exterior of the building shall maintain a residential appearance.
7. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.

8. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.
9. An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the Planning Commission.
10. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.
11. A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.
12. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.

3. **Public Testimony Received:** At the time this staff report was prepared the City had not received any written testimony.

C. STAFF ANALYSIS

1. **The Request and the R-3 Residential Zone**

The applicant is requesting a conditional use permit to operate a 3 bedroom Bed & Breakfast within a single family dwelling in an R-3 Residential Zone. Bed & breakfast facilities are allowed as a conditional use in the R-3 zone.

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.

YMC Chapter 9.72.050.E describes standards for Bed & Breakfast facilities. The standards are identified below in *italics* and followed by a response from the applicant.

- a. *A bed and breakfast facility must be in a one-family dwelling.*

APPLICANT RESPONSE. 23 E. 7th Street is a one-family dwelling.

- b. *A maximum of five bedrooms may be rented.*

APPLICANT RESPONSE. The proposed B&B (bed and breakfast) will have 3 bedrooms available for rent.

- c. *The facility shall be the residence of the operator, who is the owner or lease holder of the building.*

APPLICANT RESPONSE. The property owner will reside in the facility.

- d. *A resident, relief manager may be employed for no more than five months per year, unless approved by the Planning Commission.*

APPLICANT RESPONSE. Owner plans to personally manage the B&B. A relief manager will be will be employed if the owner is out of town or not available (less than five months per year).

- e. *Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.*

APPLICANT RESPONSE. Owner will restrict guests to staying within the guidelines, i.e. no more than 7 consecutive days and no more than 15 days in any 30 day period.

- f. *The exterior of the building shall maintain a residential appearance.*

APPLICANT RESPONSE. Owner is not requesting any exterior changes to the building and will continue to maintain a residential appearance.

- g. *A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.*

APPLICANT RESPONSE. Owner intends to serve breakfast on site. No other meals will be served. The cost of breakfast will be included in the room charge.

- h. *The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.*

APPLICANT RESPONSE. The existing dwelling meets Lincoln County Building Code requirements and applicable county, state health, safety and liability requirements.

- i. *An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the Planning Commission.*

APPLICANT RESPONSE. Any externally illuminated sign shall be a maximum of three square feet and meet applicable standards of the Yachats Municipal Code.

- j. *One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.*

APPLICANT RESPONSE. The proposed three bedroom B&B requires five parking spaces (1 for each rented bedroom and 2 for the dwelling unit). The existing site easily accommodates five parking spaces with the garage and driveway.

- k. *A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.*

APPLICANT RESPONSE. Owner understands the permit for B&B is a conditional use permit and must be reviewed by the city planner each year.

- i. *An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.*

STAFF ANALYSIS: The applicant acknowledges a new conditional use permit shall be required if more than three rooms are to be rented.

D. CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

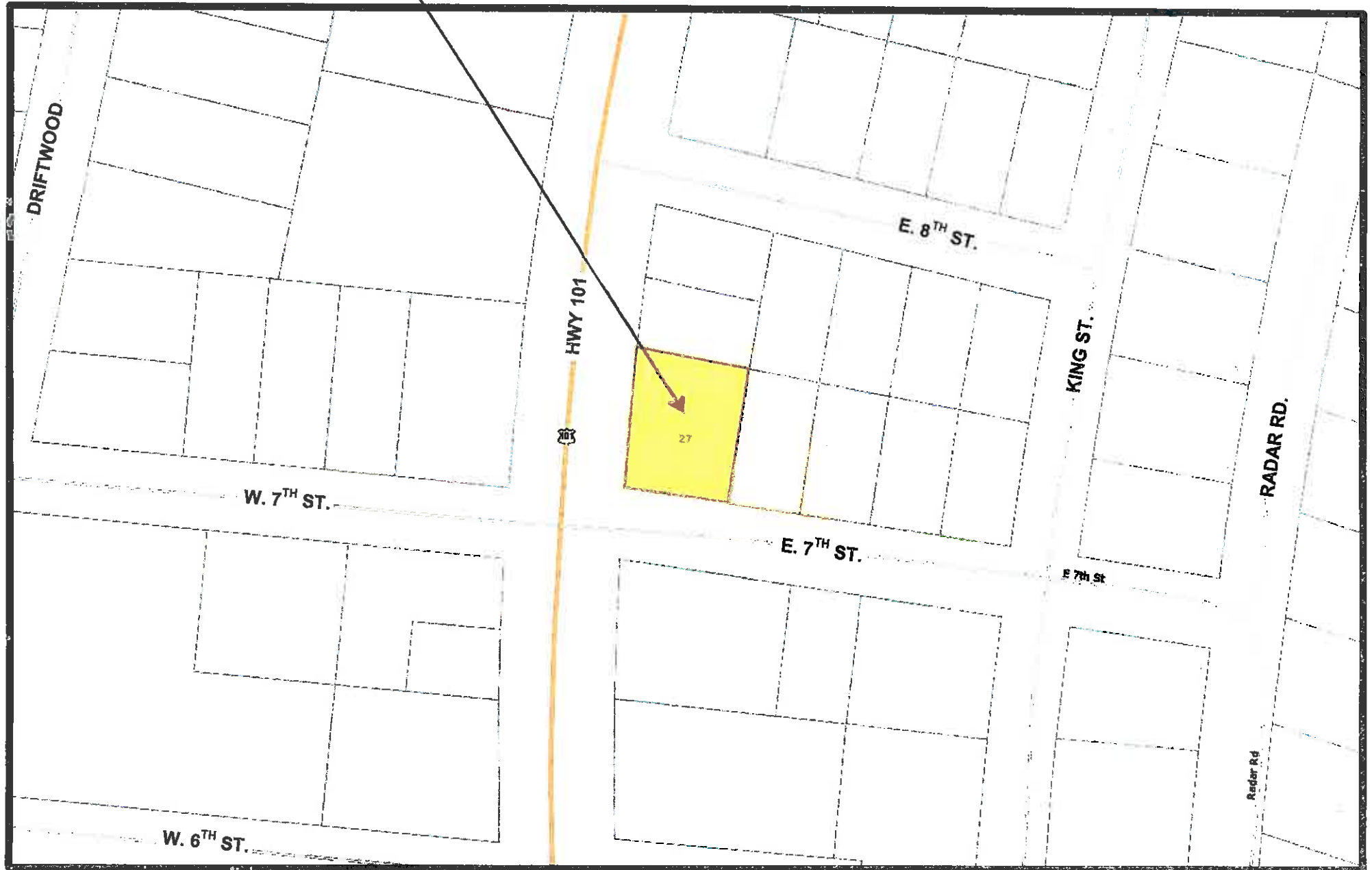
1. The B&B shall have a maximum of 3 rooms that can be rented.
2. The owner shall reside at the B&B.
3. The resident relief manager may be employed for no more than five months per year.
4. Rooms shall not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
5. The exterior of the building shall maintain a residential appearance.
6. A morning meal shall be served on premises and included within the room charge for guests of the facility.
7. The facility shall meet applicable county and state health, safety (including but not limited to Lincoln County Building Code requirements concerning maximum occupancy) and liability requirements.
8. Illuminated signs shall be in accordance with Yachats Municipal Code requirements.
9. Five on-site parking spaces shall be maintained.
10. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.

Submitted by,

Larry Lewis
City Planner

Enclosures: • Vicinity Map
 • Aerial Photograph

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