

CASE FILE: #2-CU-PC-15
DATE FILED: Jul. 21, 2015
DATE APPLICATION DEEMED COMPLETE: Jul. 28, 2015
120-DAY COMPLETION DATE: Nov. 25, 2015
HEARING DATE: Aug. 18, 2015
PREVIOUS ACTION: None

STAFF REPORT

Conditional Use Application

APPLICANT: Callista Snively

A. REPORT OF FACTS

1. Property Location: The subject property is located at 235 King Street; and described on the Lincoln County Assessor's Map 14-12-26CB as Tax Lot 900.
2. Applicant's Request: The applicant is requesting a conditional use permit to operate a 3 bedroom Bed & Breakfast within a single family dwelling.
3. Zoning: Residential Zone R-1
4. Plan Designation: Residential
5. Lot Size and Dimensions: The subject property totals approximately 7,700 square feet with approximate dimensions of 100 x 77 feet.
6. Existing Structures: There is one single family dwelling on the property.
7. Topography and Vegetation: The subject site slopes downward from north to south. The property is landscaped with grass, shrubs and trees.
8. Surrounding Land Use: Surrounding land uses primarily consist of single family residential uses. The Prospect Trail is adjacent on the west side of the subject property.
9. Utilities:
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
10. Development Constraints: Development constraints include a steep slope.

B. EVALUATION OF REQUEST

1. Applicant's Proposal: The applicant submitted the required application form and fee, narrative addressing applicable ordinance standards, photograph showing off-street parking, site plan, map showing access to Hwy 101, and a petition signed by 20 people supporting the application for the Bed & Breakfast facility. The applicant also submitted a letter to the Planning Commission that provides information about her plans for the 235 King Street house, and states that she is unable to attend the Hearing because of a previous commitment as the head organizer and week leader for an Alpine Wilderness Outing for Trails Club of Oregon.

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 9.12 R-1 Residential Zone

9.12.030 Conditional Uses

E. 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-1 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-1 Residential Zone. Bed & breakfast facilities are allowed as a conditional use in the R-1 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. 235 King is a one-family dwelling.

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

APPLICANT RESPONSE. Proposed B&B (bed and breakfast) has 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. Owner Callista Snively will stay in the facility when room(s) are rented to guest(s).

- 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 the majority of the time. Owner will use a relief manager no more than 5 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 and NOT billed separately. Owner will maintain a food handling permit.

- 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 dwelling at 235 King St does meet the Uniform Building Code 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. Owner currently does NOT intend to have an illuminated sign.

- 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. By double parking in front of the garage, there is room to park four (4) cars off-street, thereby meeting the requirement of one parking space for each rented bedroom plus parking for dwelling unit.

STAFF ANALYSIS. Five parking spaces are required for a 3-room B&B, i.e. 2 parking spaces for the dwelling and 1 parking space per rented bedroom. Six parking spaces are available – two in the garage and four in the driveway.

Please note the driveway for 235 King Street is within the King Street right-of-way. There are at least five residences along the south side of King Street that have nonconforming front yard setbacks with driveways that are largely located within the King Street right-of-way, including 235 King Street. The dwelling is currently approved as a vacation rental with adequate parking. In the event the right-of-way (where the driveway is located) is needed in the future for travel lane, utilities, or other purposes that eliminate the parking,

the B&B would not have adequate parking. Therefore the B&B would need to cease operation unless approved by the Planning Commission through a variance procedure.

- 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.

- l. *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 when rooms are rented.
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 the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.
8. No illuminated signs are allowed.
9. Two-garage parking spaces shall be maintained for the resident of the facility. A minimum of three parking spaces shall be maintained in the driveway for the three rented bedrooms. If the King Street right-of-way (where the driveway is located) is needed in the future and the parking is eliminated, the B&B will not have adequate parking and therefore would need to cease operation unless approved by the Planning Commission through a variance procedure.

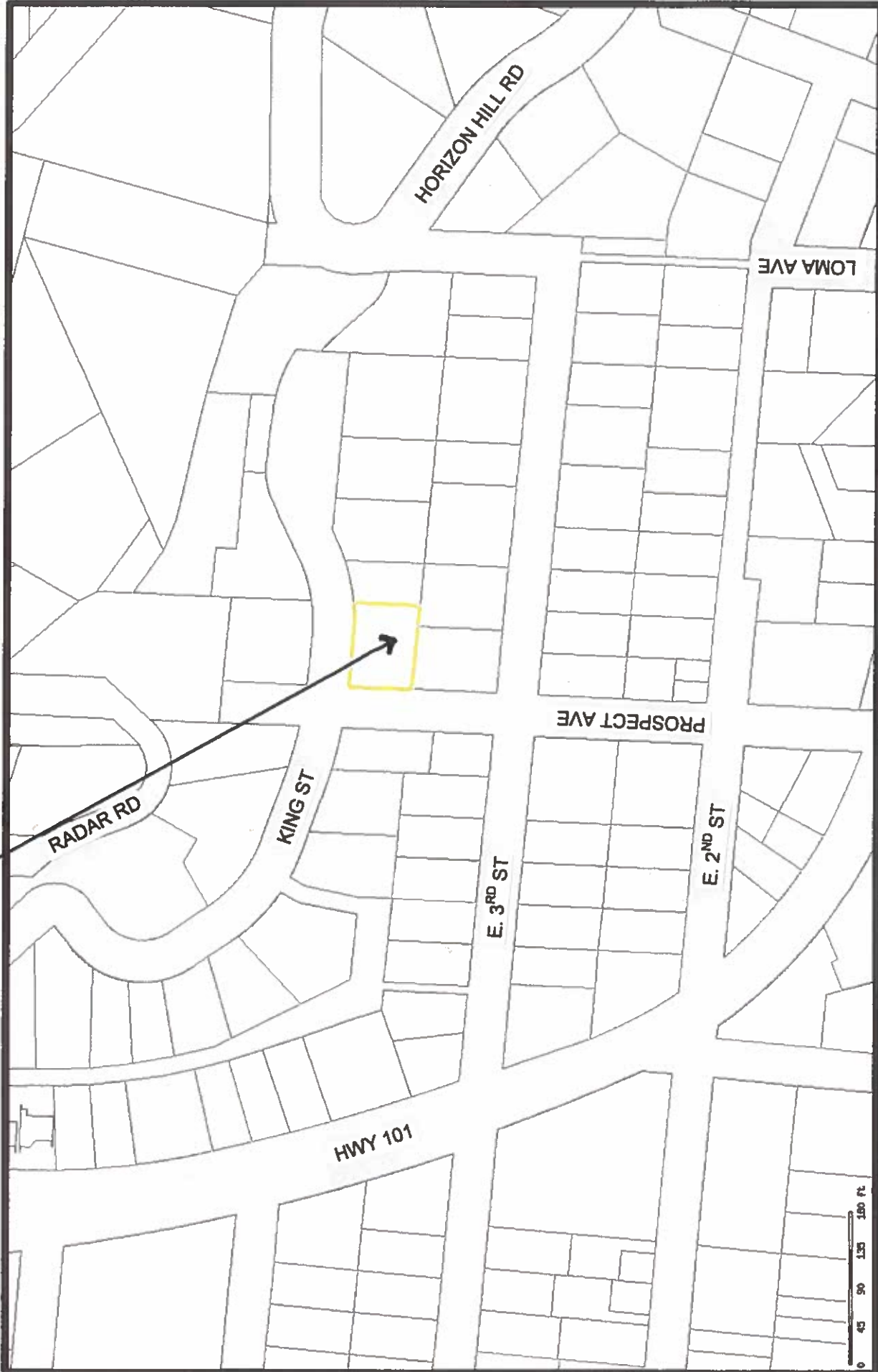
10. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.

Submitted by,

Larry Lewis
City Planner

- Enclosures:
- Vicinity Map
 - Aerial Photograph
 - Applicant Letter to Planning Commission
 - Applicant Narrative addressing relevant Yachats Municipal Code Conditional Use Standards for a Bed and Breakfast Facility
 - Applicant Photograph of Garage and Driveway
 - Site Plan
 - Petition of Support

235 KING STREET



Printed 07/24/2015

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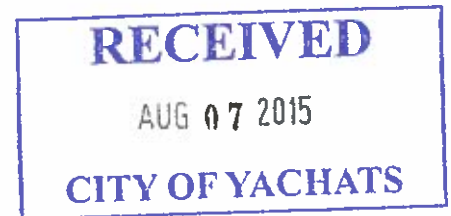
235 KING STREET



Printed 08/11/2015



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Callista Snively
5380 SW 150th Court
Beaverton, OR 97007
Cell: 503-330-7344

Callista's Ocean View Home
235 King Street
P.O. Box 869
Yachats, OR 97498

Email: callistasoceanviewhome@gmail.com

Dear Yachats Planning Commission,

I am Callista Snively. I am a resident of Beaverton, Oregon. I own the house 235 King Street in Yachats, Oregon. I am applying for a Bed & Breakfast license so that I may live in my home and have a business.

In March 2014, I purchased the house of my dreams. I have admired this house since it was built in 1987. I feel truly blessed and am very grateful. I want this house to become my home and to become a full time residence. All my life, for over 60 years, I have considered Yachats as my home, even though I have never been a resident. To be a full time resident of this community has been a life long goal of mine.

I obtained a Vacation Rental License in 2014 and have been working with an International Company called AirBnB since December 2014. I have been renting one or two bedrooms to folks from all around the world. It has been a joy for me to meet so many wonderful people. I enjoy sharing my dream home with others. Please check out my website.....www.airbnb.com Yachats, Oregon then Callista's Ocean View Home. Notice the comments from previous guests.

In April 2015, I was informed that since I have a Vacation Rental license and not a Bed and Breakfast license, I am not allowed to occupy the house when the guests are renting. If I have a Bed and Breakfast license then I must be present and reside in the house. Now, at this time, as a Vacation Rental the guests and their friends have the house all to themselves. I am not comfortable with this arrangement.


My goal is to obtain a Bed and Breakfast license and to become a full time resident of Yachats. I want to, through AirBnB, rent to guests one or maybe two bedrooms, for example, to only one couple or one family. I am complying with the City of Yachats rules and regulations. I have submitted the necessary forms and paperwork to the Yachats Planning Committee to obtain a Bed and Breakfast license so that I may live in my home and have a small income.

My long term plans are to enjoy my dream home, become a resident of Yachats, and leave my house to my children and for future generations so that they too may also enjoy Yachats for years to come.

Please let me know if you have any questions. Unfortunately, I am unable to attend the Hearing on August 18, 2015. I am the head organizer and also a week leader for an Alpine Wilderness Outing for Trails Club of Oregon. I will be camping and hiking in the Sawtooth Mountain during the Tuesday meeting.

Thank you for your time.

Sincerely,


Callista Snively

Narrative Which Addresses Applicable Ordinance Standards.

The house at 235 King St is zoned R-1. Pursuant to Sec 9.12.030, the conditional use of a bed and breakfast facility may be permitted by the Planning Commission on a R-1 zoned property.

Sec 9.72.050 E Standards for a bed and breakfast facility

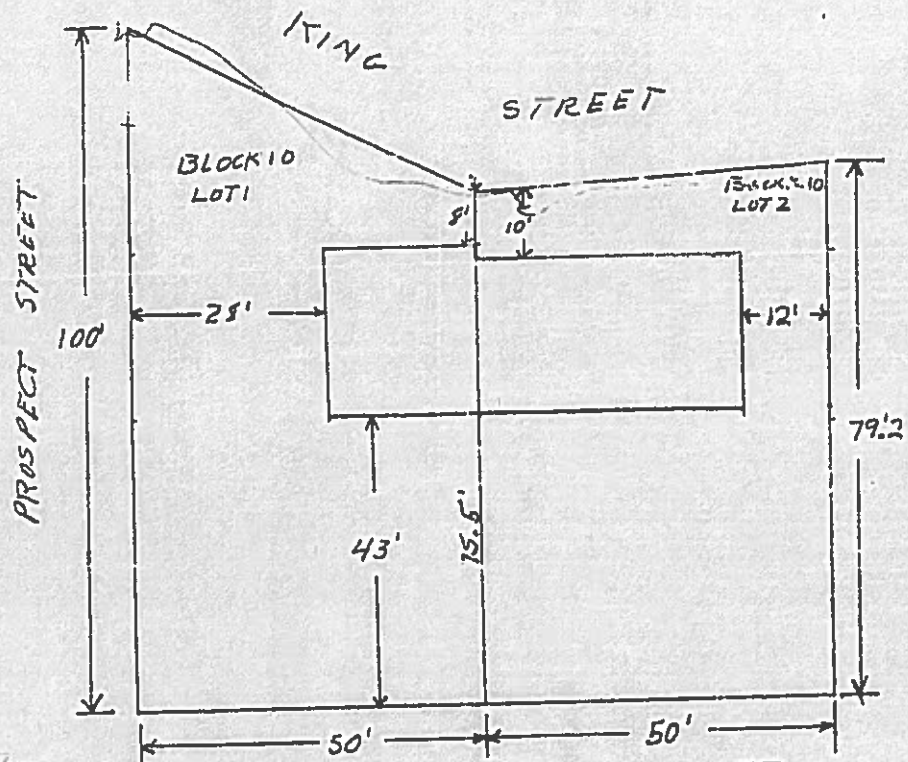
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4. A resident relief manager may be employed for no more than five months per year. Owner plans to personally manage the B&B the majority of the time. Owner will use a relief manager no more than 5 months per year.
5. Rooms may not be rented for more than seven consecutive days, and no more than fifteen days per person in any thirty day period. Owner will restrict guests to staying within the guidelines. ie no more than 7 consecutive days and no more than 15 days in any 30 day period.
6. The exterior of the building shall maintain a residential appearance. Owner is not requesting any exterior changes to the building and will continue to maintain a residential appearance.
7. A morning meal must be served on premises and included within the room charge. Owner intends to serve breakfast on site. No other meals will be served. The cost of breakfast will be included in the room charge and NOT billed separately. Owner will maintain a food handling permit.
8. The facility must meet applicable county and state health, safety and liability requirements. The dwelling at 235 King St does meet the Uniform Building Code and applicable county, state health, safety and liability requirements.
9. Externally illuminated sign not to exceed 3 square feet subject to approval by the planning commission. Owner currently does NOT intend to have an illuminated sign.
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. By double parking in front of the garage, there is room to park four (4) cars off-street, thereby meeting the requirement of one parking space for each rented bedroom plus parking for dwelling unit.
11. Owner understands the permit for B&B is a conditional use permit and must be reviewed by the city planner each year.

Off Street Parking



235 King St

OVERLOOK ADDITION
YACHTS, OREGON



75.5
11.5
11.225

LOT AREA APPROX 8200 SQ.FT.
ALLOWABLE COVERAGE 2460 SQ.FT.
LOT COVERAGE WITH PROPOSED DECKS 2058 SQ.FT.

Scale: 1/4" = 5'

Nester W. & Moira R. TAM

SITE LOCATION

NOTE: The 8' & 10' offset measured at 75.5' point between LOTS 1 & 2. (shortest point)

SEE OVER for previous discussions

CLATSOP COUNTY PLANNING DEPT.
COURT HOUSE
REDFORD, OREGON 97135

RECEIVED
AUG 15 1992

APPROVED
3-6-92
Checked by: H.A.
Subject to: C.60
Edg. Permit No. 7-Y-92
App. No. 2.6

5,000
1,000

George Quayle
547-4104

We the undersign, support Callista Snively's application of 235 King Street, Yachats, Oregon to be approved for a Bed and breakfast facility. A single-family dwelling containing rooms for rent in accordance with Section 9.72.050.

PRINT SIGNATURE ADDRESS DATE

PRINT	SIGNATURE	ADDRESS	DATE
<u>Donald L. Amort</u>	<u>Donald L. Amort</u>	<u>264 Prospect, Yachats</u>	<u>5 July 2015</u>
<u>Gloria H. Amort</u>	<u>Gloria H. Amort</u>	<u>Prospect Yachats</u>	<u>July 5, 2015</u>
<u>DAVID B CAMERON</u>	<u>DAVID B CAMERON</u>	<u>3 E THIRD YACHATS</u>	<u>5/JULY/2015</u>
<u>Jack H. Ash</u>	<u>Jack H. Ash</u>	<u>2327 King St. Yachats</u>	<u>6-5-2015</u>
<u>Sue May</u>	<u>Sue May</u>	<u>453 Horizon Hill</u>	<u>" "</u>
<u>Nan Apos</u>	<u>Nan Apos</u>	<u>9 St. Yachats, OR.</u>	<u>7/11/15</u>
<u>JAMES D. S</u>	<u>JAMES D. S</u>	<u>101st Yachats</u>	<u>7/11/15</u>
<u>(u) Karen E</u>	<u>(u) Karen E</u>	<u>407 King Yachats</u>	<u>" "</u>
<u>Russell W</u>	<u>Russell W</u>	<u>1st Yachats</u>	<u>7/12/15</u>
<u>Martha Ho</u>	<u>Martha Ho</u>	<u>1st Yachats</u>	<u>7/12/15</u>
<u>David We</u>	<u>David We</u>	<u>EVER RD YACHATS</u>	<u>7/12/15</u>
<u>Jon Bate</u>	<u>Jon Bate</u>	<u>4th Rd Yachats</u>	<u>7-12-15</u>
<u>Ellen Bar</u>	<u>Ellen Bar</u>	<u>" "</u>	<u>7-12-15</u>
<u>Tracie</u>	<u>Tracie</u>	<u>1st St Yachats</u>	<u>7/12/15</u>
<u>FRED WATSON</u>	<u>FRED WATSON</u>	<u>1 1st St Yachats</u>	<u>7/12/15</u>
<u>Robert</u>	<u>Robert</u>	<u>center way</u>	<u>" 7/12/15</u>

