

## **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 proposed use is an expansion of the public sport complex known as Broadway Field. Refer to Article 3 of the attached code narrative for additional information.

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

The proposed development conforms to the standards of Zone R-2. Refer to Article 3 of the attached code narrative for additional information.

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

The proposed development meets the requirements of Section 6.140. Refer to Article 6 of the attached code narrative for additional information.

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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.

The applicant is proposing the inclusion of a barrier netting system along the north property line to protect the residential properties to the north from errant foul balls.

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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

A "Supplemental Code Analysis"  
is appended to this document

## **Supplemental Code Analysis:**

The project is subject to City of Seaside Zoning Ordinances and Municipal Code of Ordinances. The below sections of the Ordinances were identified by the Applicant as applicable to the proposed project. The code section number and title are provided with an applicant response; the language of the code is not reproduced here to keep the document as succinct as possible.

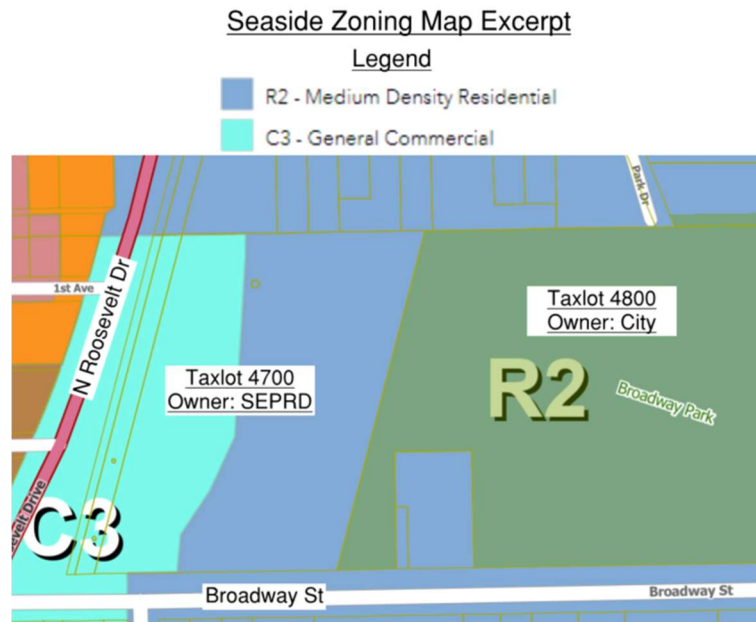
## **Zoning Ordinances**

### **Article 3 Use Zones**

#### **§ 3.030 R-2 Residential Medium Density**

##### **Applicant Response:**

*The project site spans portions of two taxlots, 4700 and 4800. Taxlot 4700, owned by SEPRD, is split between Zone C3 (General Commercial) and Zone R2 (Medium Density Residential). Per City of Seaside Zoning Ordinance, Article 2, Section 2.040, "If a zone boundary as shown on the map divides a single lot of record between two zones, the entire lot shall be deemed to be in the zone in which the greater area of the lot lies". By that rule, taxlot 4700 appears to be zoned R2. Taxlot 4800, owned by the City, is zoned R2. Refer to the excerpted zoning map below.*



#### **§ 3.033 Conditional Uses Permitted**

##### **Applicant Response:**

*The proposed project consists of an expansion of the existing sports field complex. The proposed use is most similar to permitted conditional uses 3.033.6 "public park, playground, or similar publicly owned recreational use" and 3.033.14 "private sports complex" as a*

*publicly owned and operated public sport complex. Therefore, the proposed use is an approvable, permitted conditional use.*

§ 3.035 Standards

*Applicant Response:*

*The proposed project is situated within the R-2 zone, and therefore must meet the standards of that zone as described below.*

- 1. Lot size substantially exceeds the minimum lot size as well as width and depth minimums.*
- 2. No dwelling units are existing or proposed on the parcels, so the overall density maximum is not exceeded.*
- 3. The front yard setback of 20 feet is maintained along Broadway Street.*
- 4. The side yard setback of 5 feet is met and in fact exceeded as required by Section 6.141.*
- 5. The rear yard setback of 15 feet is met and in fact exceeded as required by Section 6.141.*
- 6. Proposed structures are under 35 feet in height.*
- 7. Lot building coverage does not exceed 40 percent of the total area of the lot; refer to Section 6.141 of this narrative for additional information.*
- 8. Off-street parking requirements are met, refer to Section 4.100 of this narrative for additional information.*
- 9. The use complies with the applicable supplementary provisions, refer to Article 4 of this narrative for additional information.*

**Article 4 Supplementary Provisions****§ 4.051 Fence Requirements****Applicant Response:**

*New on-site permanent fencing around the expanded softball field is proposed to consist primarily of chain link fence 6 feet or under in height. Limited sections of chain link fence up to 8 feet may be included on the field side of the bullpens to protect players from foul balls; the field side of the third base line bullpen is approximately 35 feet from the north property line.*

*A new backstop is also proposed, consisting of tensioned black sport field netting mounted on twenty- to thirty-foot-tall metal support poles. A new 40-foot tall barrier netting system constructed of similar materials to the backstop is proposed along the north property line to address public concerns raised during the project planning phase about foul balls flying into the back yards of neighbors to the north of the ball fields.*

*Applicable fence height requirements are proposed to be exceeded with this project. The applicant requests Planning Commission approval of the proposed fencing plan. The need for higher fencing adjacent to the softball field is for player and spectator safety, and the need for the tall barrier netting system is to protect neighboring residential property from foul balls.*

**§ 4.052 Outdoor Storage****Applicant Response:**

*No permanent outside storage is proposed, other than regularly used materials and equipment ancillary to the operation and maintenance of the sport fields. Therefore, this requirement is met.*

**§ 4.100 Off-street Parking Requirements****Applicant Response:**

*A new access-controlled parking lot is proposed on the north side of the SEPRD building-is designed to meet the code-required parking count for the Broadway Field Renovation and provide a fire/emergency services route along the north side of the SEPRD building. Parking lot area lighting meeting the City's Dark Sky ordinance is proposed with full cutoff fixtures to minimize light encroachment on the neighboring properties to the north.*

*The Broadway Field Renovation is centered around the expansion and improvement of the existing softball field. Section 4.104 Commercial Recreation lists 11 uses and their associated parking space requirements; the softball field is most similar to use number 9, a race track or stadium use, which requires one space per four seats or eight feet of bench length. The two existing softball field bleachers that will be relocated with the field expansion each include 92 linear feet of bench, for a total of 184 linear feet. Therefore, the parking requirement for the softball field is 23 parking stalls. Though new parking is proposed for construction, the proposed softball field expansion does not include an additional playing field or more bleacher seating than exists today so parking demands are anticipated to be similar to the current configuration and it is not anticipated that total vehicle trip count will increase.*

*The Herche training facility building is proposed to be relocated on the site due to a conflict with the proposed softball field footprint. As the building is not proposed to be enlarged or otherwise substantially modified, and will be situated on the same taxlot (4800) as it is today, the Herche building scope of work does not trigger parking requirements beyond existing conditions.*

*The proposed parking lot north of the SEPRD building is currently designed to include 30 parking stalls (27 regular and 3 ADA stalls), exceeding the code-required minimum by 7 parking stalls. Therefore, the code-required parking stall count for the Broadway Field Renovation scope of work proposed with this Conditional Use Permit application is met.*

*The applicant requests that any parking-related conditions of approval require that the code-required minimum be met rather than requiring the 30 stalls currently planned, as the final parking configuration may require minor adjustments to accommodate final emergency services requirements or other site design considerations. Further, the applicant requests that any conditions of approval related to off-street parking be limited to times the softball field is in use. The high school softball season typically runs from late February to early June; in 2023, the OSAA First Practice Date is February 27, and the 4A finals are June 3. Further, during the softball season practices and games are typically scheduled during evenings and weekends. SEPRD currently operates a reservation system for Broadway Field and potentially the new parking lot could be incorporated into the existing reservation system to ensure the code-required minimum parking count is available for softball field uses. A locking gate (with Knox box for emergency vehicle access) is proposed for access control to the new parking lot. By including access control in the design of the new parking lot, it provides the opportunity for SEPRD to utilize the parking lot for overflow parking during their normal hours of operation, evenings, and weekends when high school softball does not use the facility.*

*The applicant understands that SEPRD is currently in the process of updating their building occupancy and applying for a new CUP related to current or proposed uses of the SEPRD building on taxlot 4700, and that parking requirements are a key element of that effort. The applicant believes that the addition of a parking lot on the north side of the SEPRD building is in line with the ongoing SEPRD efforts as the softball parking lot will be available for other uses the vast majority of the year. Therefore, the addition of the parking lot may also play a role in alleviating the burden of overflow parking encroaching into neighboring residential areas during high-use times at the SEPRD and Broadway facilities.*

#### § 4.128 Design Requirements for Parking Spaces

##### Applicant Response:

1. *Runoff from the proposed parking lot will be collected and conveyed to existing on-site stormwater infrastructure. Final details of the storm drainage system will be included with the building permit application. Therefore, this requirement is met.*
2. *The existing fencing along the north property line, adjacent to the neighboring residential use, will be maintained to minimize disturbance of residents. Therefore, this requirement is met.*
3. *The existing fencing along the north property line is approximately 10-12 feet south of the actual property line. The proposed curb is a further 3-5 feet south of the fence, therefore the minimum 4.5' setback from property line to parking lot curb is met. The*



- parking spaces in this area will be contained by a curb as required. Therefore, these requirements are met.*
4. *Artificial lighting illuminating the parking lot, if included with the final design, will be designed by a professional lighting designer to minimize glare for the residential use to the north. This requirement can and will be met.*
  5. *The proposed parking lot is designed to permit passenger vehicles to park and turn around within the parking lot. Further, the parking lot drive aisle has been designed to accommodate emergency vehicle access to the northern side of the existing SEPRD building and the proposed softball field, and the final parking lot design will be reviewed and approved by the fire official; therefore, this requirement is met.*
  6. *The proposed parking lot is designed to permit passenger vehicles to park and turn around within the parking lot, so no backing movements within a street will be necessary; this requirement is met.*
  7. *All parking stalls and access aisles are proposed to be striped; this requirement is met.*
  8. *The proposed parking is adjacent to and accessed from an existing parking area, and no new driveway approaches are proposed; therefore, this requirement is not applicable.*

#### § 4.129 Parking Lots of Ten or More Spaces

##### Applicant Response:

*No compact stalls are currently proposed. Should compact parking stalls be incorporated into the final site plan, no more than 30 percent of the stalls will be compact stalls. Therefore, this requirement is met.*

#### § 4.142 Areas Where [Geological Hazard Areas] Standards Apply

##### Applicant Response:

*The project site is generally flat and outside areas of special geological hazard. Therefore, the requirements for this section are not applicable to the project site.*

#### § 4.150 Foredune Management Overlay Zone

##### Applicant Response:

*There are no dunes on or adjacent to the already fully developed project site, so this section is not applicable.*

#### § 4.202 Grading and Erosion Control Plan

##### Applicant Response:

*The proposed renovations will disturb more than 1000-SF of area; therefore, a grading and erosion control plan is required. Further, the project is anticipated to disturb more than one acre, so an Oregon DEQ 1200-C permit is anticipated to be required. The final building permit plan submittal to the City will include the DEQ 1200-C permit plans for City review and approval. Therefore, this requirement will be met.*

#### § 4.204 Design and Operation Standards and Requirements

##### Applicant Response:

*The final grading, erosion, and sediment control plans will be developed to meet the applicable Oregon DEQ 1200-C standards as well as the City standards detailed in this section. The ESC plans will be submitted for City review as part of the building permit application.*

**Article 6 Conditional Uses**

## § 6.020 Planning Commission Authority

Applicant Response:

*The applicant understands that this Conditional Use Permit Application is subject to the Planning Commission process.*

## § 6.140 Private Sports Complex

Applicant Response:

*The proposed use is a public sport complex, a substantially similar use to a private sport complex. Per the code, a sports complex may be allowed after consideration of the following factors:*

- 1. Adequacy of access from the principal street: access to the sport field complex from Broadway Street is unchanged from existing conditions. An additional access point to the sport complex from the SEPRD parking lot on taxlot 4700 is proposed. The SEPRD parking lot has driveway approaches onto Broadway Street and Highway 101. Therefore, access to the site will be improved. Traffic volumes on public roadways are not anticipated to be impacted by the proposed softball field expansion as it is an expansion/relocation of the existing field and relocation of existing spectator seating; additional fields and an expansion of spectator seating are not proposed.*
- 2. Adequacy of building and site design to maintain a minimum of noise from the building site: The site is already a sport complex. The proposed softball field expansion is not anticipated to increase noise pollution.*
- 3. Adequacy of screening, landscaping, and buffering of adjoining residential uses: Existing fencing and landscaping along the north property line, adjacent to the neighboring residential use, is intended to remain in place.*

## § 6.141 Standards Include

Applicant Response:

*The code lists seven standards for the proposed use.*

- 1. Lot size: The lot width exceeds the 20,000 square foot minimum.*
- 2. Front yard: No changes to the front "yard" along Broadway Street are proposed.*
- 3. Side Yard: The Herche building relocation is proposed to be set back at least 10 feet from property lines.*
- 4. Rear yard: All proposed new structures (crow's nest and dugouts) are set back at least 20 feet from the northern property line.*
- 5. Height restrictions: All proposed buildings (crow's nest and dugouts) are below 35 feet in height.*
- 6. Lot coverage: For a conditional use in zone R-2, building coverage is limited to 35% of the lot area. As the proposed project spans portions of taxlot 4700 and taxlot 4800, and the SEPRD, Broadway Field, and Broadway Park facilities are functionally linked, the proposed building coverage calculation considers taxlots 4700, 4800, 4801, and 4802 holistically. Taxlot 4700 is 5 acres, 4800 is 9.66 acres, 4801 is 0.49 acres, and 4802 is 0.04 acres for a total area of 15.19 acres or approximately 661,700 square feet. Post-development building coverage will total approximately 107,350 square feet, or approximately 16% of the total area, which meets the criteria. Further, approximately 2,000 square feet of buildings are proposed to be removed (shed along north property line, wood building by the community garden,*



- softball dugouts and crow's nest) and replaced by approximately 700 square feet of new building (new dugouts and new crow's nest). Therefore, the total building coverage meets the criteria and is reduced from existing conditions.*
7. *Off-street parking: The proposed parking lot includes sufficient parking stalls to meet the criteria of Section 4.100, as discussed in that section of this narrative.*

**Article 10 Administrative Provisions**

**§ 10.050 Filing Fees**

**Applicant Response:**

*The required Conditional Use Permit Application filing fee will be paid with the application.*

## **Municipal Ordinances**

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### **Title IV – Public Works – Chapter 51 – Sewers**

§ 51.017 Discharges of Stormwater and Unpolluted Drainage

**Applicant Response:**

*Stormwater will be collected via new pipes and discharged to the existing stormwater system. Stormwater will not be conveyed to the sanitary sewer system, so this ordinance will be met.*

§ 51.020 Grease, oil and sand interceptors

**Applicant Response:**

*No new facilities requiring interceptors are planned.*

§ 51.041 Elevation of Building Sewer

**Applicant Response:**

*Proposed modifications to the existing sanitary sewer system is limited to re-connecting the Herche building to the existing on-site sanitary sewer service after the structure is relocated. As the structure is planned to be relocated closer to the sanitary sewer service connection to the public main and at a similar finish floor elevation, a simple re-connection to the existing gravity sewer service line is anticipated.*

### **Title IV – Public Works – Chapter 52 – Water**

§ 52.21 Separate Control of Service; Joint Use

**Applicant Response:**

*No change to the existing public main or primary site water meter is anticipated. Proposed modifications to the on-site water system are limited to re-connecting the Herche building after the structure is relocated, and irrigation system modifications if necessary.*

### **Title IV – Public Works – Chapter 101 – Outdoor Lighting**

§ 101.03 Shielding and Glare Elimination

**Applicant Response:**

*The sport field complex currently has a 'Musco' sport field lighting system with halide luminaires. The additional sport field lights proposed with the softball expansion will also be 'Musco' lights that will be integrated into the existing lighting control system. New luminaires will be LED, and the existing halide luminaires will be replaced with modern LEDs as well. The proposed 'Musco' lights are shielded, and the 'Musco' design team will prepare a photometric plan analyzing light encroachment onto neighboring properties as a tool to verify the design meets the intent of this ordinance.*

### **Chapter 152 – Flood Damage Prevention**

**Applicant Response:**

*The tax lot has limited easterly locations that fall within the Wahanna Creek 100-Year floodplain (Zone AE) as mapped on the FEMA FIRM panel. The floodplain is situated outside the proposed limits of work.*