

All attendees are reminded that strict social distancing must be followed at all times and the total occupancy will be limited to no more than 25 people at any one time. Once that occupancy has been reached, the public will be asked to wait outside the building before being called in to testify.

SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

April 6, 2021

6:00 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:** March 2, 2021
6. **PUBLIC HEARING:**
 - A. **21-011SUB:** A subdivision request by Oceanside Investments, LLC represented by Jason Kraushaar. The subject property is located 410 Avenue G (T6, R10, S21AC, TL# 17201) and the vacant parcel is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from Avenue G and developed with a detached single family dwelling. The approximate size of the lots will be L1-3,492 sq. ft., L2 & L3-3,007 sq. ft., and L4-3,104 sq. ft. In addition to the land division, the applicant is also requesting a variance (**21-010V**) that will allow a reduction to the interior side yard setbacks for each lot from 5' to approximately 3'-6".
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION (ELECTRONIC MEETING)
March 2, 2021

CALL TO ORDER: Chairman Hoth called the regular meeting of the Seaside Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman, Chris Hoth, Vice Chairman Robin Montero, Lou Neubecker, Teri Carpenter, Jon Wickersham and Kathy Kleczek. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer.

APPROVAL OF MINUTES: February 2, 2021 adopted as written.

INTRODUCTORY STATEMENTS

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chairman Hoth asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:

Chairman Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Commissioner Neubecker stated that one of the applicants, William Montero, had been performing work at the Legion, but no topics were discussed in regards to the application of this conditional use permit request. Vice Chair Montero stated that she would have to recuse herself from 21-004OM, as the applicant is her husband.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman Hoth:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING

- A. 21-001VRD:** A conditional use request by Krystin Baker for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of Six (6) persons over the age of three, no more than ten (10) regardless of age. The property is located at 450 8th Ave. (T6-R10-16DD-TL2100) and it is zoned High Density Residential (R3). Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Krystin Baker, 899 SW Summit View Drive, Portland OR, 97225, stated that she was one of the applicants for this short term rental. Her intent for this

home is to be used by both her family and other owner's family, but with the option to rent it out if neither of them will be using it.

Chairman Hoth asked if anybody else would like to speak in favor. Kari Otani Pigao, 15625 NW Perimeter Dr, Beaverton, OR 97006, is the second owner of the property. She purchased the home with Krystin as a second home for her family. She added that friends would ask if they could use the house and wanted to allow them to rent the house legally.

Chairman Hoth asked if anybody else would like to speak in favor. There were none.

Chairman Hoth asked if anybody who would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth stated that parking does not look like an issue, even if the renters didn't use the garage. He asked Kevin Cupples what the regulations were for having 2 applicants of a VRD request. Mr. Cupples responded that the applicant was listed as Mrs. Baker, but we will have the information from both parties listed. Commissioner Kleczek asked that the application has both names, one as the owner and the other as applicant/representative, but how would the record reflect this dual ownership. Mr. Cupples responded that this hearing would serve as a record of the dual ownership of the permit and Mr. Flory would include this information within the file. Vice Chair Montero stated that the local contact listed on the application does not have the city or state. Chair Hoth replied that the information was on page 6 of the application. He then asked Mrs. Baker to clarify this information and if they are aware of the requirements for the position. Mrs. Baker responded that she has gone over the information with the local contact and the information was a typing error on the local contact section. Commissioner Neubecker motioned to approve 21-001VRD. Commissioner Kleczek seconded the motion. The motion passed unanimously.

- B. **21-004OM:** A request by Bill Montero to allow outdoor merchandising (a food truck) in conjunction with the Hamilton Market located at 250 Avenue U (T6-R10-S28BA-TL4000, 4100 & 4200). The subject property is zoned Central Commercial (C-1) and the zone allows the Planning Commission to review limited outdoor merchandising based on the provisions in Section 5.100, 3,A-C of the Seaside Zoning Ordinance. As proposed, the food truck would be located within the existing parking lot on the west side of Hamilton Market.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Vice Chair Montero recused herself from this hearing. William Montero, 2471 Sunset Blvd., Seaside, OR, and is the owner of the Hamilton Market. Mr. Montero stated that since the shop is located a mile from the downtown area, the market takes in requests from the locals for what inventory they would like the shop to have. A constant request is to have pre-packaged food. These requests have intensified when the COVID shutdown started roughly a year ago. A temporary food truck was permitted as a trial to test how well received the food service would be for the locals.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth asked for clarification on the definition of "drive-in", if people were going to park and eat within their car. Mr. Cupples replied that it was not this type of drive-in service. Commissioner Wickersham stated his approval for this proposal, but asked if it would be permissible to have a food truck between 12th Avenue and Avenue U. Mr. Cupples replied that Avenue U is probably the only avenue to allow a food truck, because of the outdoor merchandising section limitations. The allowance of this would be under subsection C of the outdoor merchandising section, and will be using less than 15% of the parking lot for this food truck. Commissioner Carpenter asked if the current food truck is licensed with the City. Mr. Cupples replied that the food truck has a business license, because Sasquatch Sandwiches also provides food to special events in town. Commissioner Kleczek questioned if Sasquatch Sandwiches will be parking in the space permanently, or if they would be pulling in and out of the space to attend other events, and if the space is vacant will another food

truck take its place. Mr. Montero replied that the Sasquatch food will be pulling in and out of the spot to attend other events and locations. He added that if this permit allows for the food truck space, they have not talked to other food trucks at this time. Chairman Hoth asked Mr. Montero if the food trucks are regulated by the health department. Mr. Montero replied that the food trucks are permitted through the County and have to have a City of Seaside business license. Commissioner Kleczek asked if Mr. Montero had future plans to put in picnic tables or eating areas on site. Mr. Montero responded that he was not planning on having these, unless the Planning Commission allows them to install them. Commissioner Wickersham motioned to approve 21-004OM. Commissioner Kleczek seconded the motion. The motion passed 5-0, with Vice Chairman Montero recused.

ORDINANCE ADMINISTRATION

Chairman Hoth had some questions regarding some of the language within the updated Vacation Rental Dwelling Application and Approval Policies, submitted by Jeff Flory, Transient Rental Compliance Officer. One example was under section 6, where the applicant must be the owner of record for the subject property, with the exception of the applicant applying with the property owner's permission and the property owner is to retain ownership of the property. Mr. Flory responded that this was added if item number 4 was also approved, as this prevents purchase contract from being contingent on the house being a vacation rental. This exemption allows parents to own a family home, and one of their children would want to obtain a vacation rental license with the parents still retaining ownership of the house. Chairman Hoth asked for clarification if this would restrict somebody from applying subject to the sale of the house. Mr. Flory replied that item 4 was added based on discussions at the work session, but there was no final decision made. Vice Chairman Montero stated that she wanted to keep section 6, item 4. Commissioner Kleczek asked for clarification between the verbiage for both sections. Mr. Flory stated that item 4 would restrict people from being able to apply for a VRD permit while in contract to purchase a house, where as section 6 would allow applications based on ownership being retained by the owner of the property. Vice Chairman Montero questioned the wording on item 4, regarding where the primary contact and local contact reside. Mr. Flory responded that this wording still requires the local contact to live within Clatsop County, where the primary contact does not have to live within Clatsop County. Vice Chairman Montero added that the verbiage used stated that the primary contact may not reside within Clatsop County. Mr. Flory stated that he would change that to reflect that the primary contact does not have to reside in Clatsop County, instead of may not reside in Clatsop County. Chairman Hoth requested that the name of the primary contact be changed, as the wording states that the primary contact is supplemental and secondary to the local contact. Mr. Flory questioned if the name should be changed to "secondary contact." Commissioner Kleczek added that in the previous discussion, these contacts wanted to be the first contact to be called before the local contacts. Chairman Hoth replied that this was a language issue where in some cases, the local contact is the primary contact where the owners do not get involved. Mr. Flory added that the name could be changed to "owner contact" instead. Chairman Hoth stated that he liked owner contact as the title. Commissioner Kleczek stated that the point of these two forms was to provide people with a main point of contact, and if an owner does not want to be a contact, the primary contact would default to the local contact. Vice Chair Montero suggested the title be called "preferred contact" instead of owner contact. Commissioner Neubecker agreed with Vice Chairman Montero's previous recommendation of "owner contact." Chairman Hoth moved onto the next subject of VRD parking for visitors who are not renting the VRD, and when it becomes a nuisance. Mr. Flory responded that it comes down to what's reasonable. This issue would have to be considered on a case by case basis. Chairman Hoth stated that these cases would require judgement on what Mr. Flory would allow, having this become a subjective resolution. Vice Chairman Montero asked if there was a way to inform VRD managers and/or owners to require the number of parking spaces available on their advertisement for the VRD. Mr. Flory responded that he has worked with some of the property management companies that receive parking complaints, and they have been clarifying how many cars are allowed at the rental. Some companies have started to stripe the parking spaces and install a camera to check the number of cars parking on the property. Mr. Flory added that there isn't a policy currently that would require this information to be posted.

Chairman Hoth stated that although we can't require the management companies to post parking spaces online, we should suggest that they provide the number of parking spaces. Vice Chairman Montero added that being proactive on potential parking issues is better than being reactive. Commissioner Carpenter stated that now that Mr. Flory is working for the City, the dynamics of rentals will change by having an active compliance officer. Mr. Flory added that with new applicants and inspections, he spends a good amount of time on the education piece of the rules and guidelines for having a VRD. Chairman Hoth asked the commission if they would want Mr. Flory to incorporate the topics discussed tonight and bring it back with the revisions, or allow him to make the adjustments without bring it back. The commissioners agreed that the verbal suggestions provided gave Mr. Flory a direction and would not have to return with the changes. Mr. Flory stated that he will make the changes and email the updated copy to the commissioners. He also added that the City of Seaside has a new website, which has an easier complaint process for neighbors and other locals.

COMMENTS FROM THE PUBLIC

Chairman Hoth asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth asked if there were any comments from the Commission or staff. There were none.

ADJOURNMENT: Adjourned at 6:53 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: April 6, 2021
Owner: Jason Kraushaar, Oceanside Investments, LLC, 89625 West Lake Acres Dr., Warrenton, OR 97146
Surveyor: Mark Mead, Mead Engineering, 89643 Ocean Dr., Warrenton, OR 97146
Location: Vacant Parcel of Land, 410 Avenue G (T6, R10, S21AC, TL# 17201); NE Corner of S Edgewood & Avenue G.
Subject: 21-011SUB: A Subdivision Creating Four (4) Lots within the High Density Residential (R-3) Zone; and, 21-010V: A Variance to the Lot Size & Side Yard Setbacks.

REQUEST:

The applicant is requesting approval of a four (4) lot subdivision at 410 Avenue G (T6, R10, S21AC, TL# 17201). The subject property is located at the NE corner of S Edgewood and Avenue G and the property is zoned high density residential (R3). Each of the newly created lots would be developed with detached single family dwelling that would be accessed with separate driveways from Avenue G.

The approximate size of the proposed lots will be L1-3,492 sq. ft., L2 & L3-3,007 sq. ft., and L4-3,104 sq. ft. In addition to the land division, the applicant is also requesting a variance (21-010V) that will allow a reduction to the interior side yard setbacks and smaller lot sizes that would be consistent with the zero lot line setback provisions in Section 3.045.1 & 5.070 of the Seaside Zoning Ordinance (SZO). In lieu of attaching each unit, the applicant is proposing to separate the units with combined yard separations of approximately 6'-6" to 7' and the lot sizes would exceed the 3000 sq. ft. minimum allowed under a zero lot line setback development.

A one foot reduction in the street side yard along S Edgewood (L1) is also being requested based on the neighboring property's current setbacks. This justification is similar to the prescriptive front yard exceptions allowed under Section 5.022 of the SZO.

The subdivision review will be conducted in accordance with Section 5 of the City's Subdivision & Land Partition Ordinance (SLPO) & Article 10.070 of the SZO . The preliminary plat is subject to the information requirements of Section 7 and any applicable requirements in Sections 8-10 of the SLPO. The variance will be reviewed in accordance with Article 7 and Article 10 of the SZO, which establishes the review criteria and procedures for a variance. Although the Planning Director can review variance requests, this request is being referred to the Planning Commission since they are required to hold a hearing to review the subdivision.

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 along with any necessary conditions to ensure compliance with city ordinance. 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.

REVIEW CRITERIA #1: Section 7, the tentative plan shall contain the following information:

1. Proposed name, date, north point and scale of drawing.
2. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
3. Name and address of the subdivider.
4. Appropriate identification of the drawing as a tentative plan.
5. Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
6. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
7. Names of the record owners of all contiguous land.
8. The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.
9. The location and approximate dimensions of each lot and each to be numbered.
10. Setback lines, if any, proposed by the subdivider.
11. The outline of any existing buildings and their use, showing those which will remain.
12. Contour lines where the data is made available by the City.
13. The location of at least one temporary benchmark within the subdivision boundaries.
14. City boundary lines crossing or bounding the subdivision.
15. Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
16. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads & water courses.

18. Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets are fully described.

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary: **21-011SUB**: A subdivision request by Oceanside Investments, LLC represented by Jason Kraushaar. The subject property is located at 410 Avenue G (T6, R10, S21AC, TL# 17201) and the vacant parcel is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from Avenue G and developed with a detached single family dwelling. The approximate size of the lots will be L1-3,492 sq. ft., L2 & L3-3,007 sq. ft., and L4-3,104 sq. ft. In addition to the land division, the applicant is also requesting a variance (**21-010V**) that will allow a reduction to the interior side yard setbacks for each lot from 5' to approximately 3'-6".
2. The applicant's supporting evidence and preliminary plan are adopted by reference. The applicant's submitted information is summarized as follows:
 - a. The applicant plans to divide the 12,610 sq. ft. (97'X130') subject property into four lots and intends to build four detached single family dwellings, one on each subsequent lot.
 - b. Each lot will have frontage on existing streets and each of the subsequent lots would have a separate driveway access from Avenue G.
 - c. The utilities are currently provided within the existing public rights of way and they will be utilized to provide services.
 - d. A variance to the minimum lot sizes, the interior side yard and street side yard setbacks have been included in the submittal. The minimum lot size in the R-3 zone is 5,000 sq. ft.; whereas, the minimum lot size for zero lot line townhomes is 3000 sq. ft. The proposed lot sizes are: L1-3,492 sq. ft., L2 & L3-3,007 sq. ft., and L4-3,104 sq. ft. The zone requires 5 foot interior side yard setbacks; whereas, there are no setbacks required for zero lot line setback development. The proposed variance would allow a 3' to 3'-6" setback for the interior side yards, so each proposed dwelling would be separated by 6'-6" to 7' instead of them being connected townhome units.
 - e. The applicant believes four detached dwellings would be more suited to the neighborhood instead of creating attached units and the variance is necessary to allow the units to be the alternative lots sizes and setback without having to build attached units.
3. Subdivisions commonly involve the creation of new street and utilities within those streets; however, in this case the applicant is simply dividing the property and utilizing the existing public streets and utilities. If only three parcels were being created, the request would have been reviewed as a minor partition subject to approval by the City Manager; but in this case, the creation of four lots within a calendar year is subject to approval by the Planning Commission.

4. Variances are commonly subject to review and approval by the Planning Director, but in this case, the request is being referred to the Planning Commission since they are required to hold a hearing to review the subdivision.
5. Based on the dwelling unit density in the R-3 zone (20 units per net acre or 2,178 sq. ft. per dwelling unit), the subject property would allow up to 5 dwelling units.
6. The applicant's proposed subdivision will provide four separate accesses to a major collector street. The Transportation System Plan encourages reducing the number of driveway access points on new developments. Whenever practical, access driveways should be limited in an effort to reduce the impacts they have on traffic flow and safety.
7. The applicant could provide a common access drive along the back side of the development and avoid connections to Avenue G entirely. This option was discussed with the applicant; however, the applicant believes the access to Avenue G is key to the project for ease of access and believes it will clear up parking issues along their Avenue G street frontage by provided the required off street parking for this development.
8. All the new utility connections and driveway accesses for the proposed lots must be reviewed and approved by the City prior installation.

CONCLUSION TO CRITERIA #1:

The proposed subdivision will create four new lots that will have vehicular and utility access from the currently developed public rights of way, and based on the applicant's submittal, the final subdivision plat can be prepared in accordance with the standards in the Subdivision and Land Partitioning Ordinance (Ord. 74-36) subject to the following conditions.

Condition 1. Plans for all utility connections must be approved by the utility providers prior to installation. In the case of the City of Seaside's utilities, the improvements must satisfy any requirements established by the City of Seaside Public Works Director.

Condition 2. The variance to the minimum lot sizes and setbacks must be approved in order to use the proposed plat as a basis for the final plat.

REVIEW CRITERIA #2: SZO Section 7.031 the property owner must demonstrate by written application that all of the following circumstances exist:

1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.
2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant; and,

4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

Section 7.032 The Planning Director shall make all the following findings:

1. That the requirements of Section 7.031 have been met by the applicant for a variance.

2. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance which will make possible the reasonable use of the land, building or structure; and,

3. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

FINDINGS & JUSTIFICATION STATEMENTS:

9. The applicant's supporting evidence and justification for the variance are adopted by reference.

10. The ordinance does not address a row house plan that eliminates the common walls but falls short of the 5' setback requirement, as this plan does. The applicant could meet the ordinance standards constructing row houses without setbacks but the 3' to 3'-6" interior side yard setbacks will provide yards between the dwellings between 6'-6" and 7'.

11. A literal interpretation restricts the applicant to a five foot yard or no yard at all. That does not serve the public interest. The plan is not to maximize allowable density, but enhance livability without common wall row houses.

12. This is a pre-construction proposal and not intended to address some prior development of the property.

13. The zoning already allows for a density greater than the proposed. The applicant is curtailing allowable structure size (e.g. lot coverage, building height (floors), and number of dwelling units) as a tradeoff for separation between dwellings (3' to 3'-6" yards for a total of 6'-6" to 7' feet between the dwellings) and elimination of the common wall zero lot line option.

14. The applicant plans to divide the subject property into four lots and intends to build detached single family dwellings on each subsequent lot.

15. The ordinance language would allow the proposed development if there were no yards provided between the dwellings. That would create a greater continuous visual impact to the site and surroundings than the proposed detached units on similar sized parcels of land. This circumstance is a result of how the ordinance language was constructed and a literal interpretation of the ordinance would deprive the applicant of a right that would be supported under a zero lot line setback development.

16. The applicant is not responsible for the way the ordinance provisions were constructed, and without a variance, the applicant's development proposal would be subject to a disadvantage that can be avoided by allowing for a reasonable interpretation of the ordinance and its intent.

17. The city did not receive any negative comments from any of the surrounding property owners that received notice of the request.

18. The Planning Commission finds:

- a. The variance criterion in Section 7.031 has been adequately addressed.
- b. That the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance which will make possible the reasonable use of the land, building or structure; and,
- c. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and of the Comprehensive Plan and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

CONCLUSION TO CRITERIA #2:

The proposed development plan is consistent with the provision in the ordinance for a zero lot line setback development and by providing for the separation of each dwelling, the proposal will enhance the livability of the development without providing common wall row houses. The variance conforms to the variance criteria and the Planning Commission has made the appropriate findings to support the applicant's request for **a reduction to the minimum lot size at the time the property is divided and allow a reduction to required side yard setbacks when the subsequent lots are developed. The approval is subject to the following condition:**

Condition 3. 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, reduce impacts to the neighboring properties, or comply with any modifications required during final plan review or subdivision process.

FINAL STAFF RECOMMENDATION

Approve variance 21-010V and tentative subdivision plan 21-011SUB subject to the previously stated conditions. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report.

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 Submitted Evidence and Tentative Partition Plan



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 Oceanside Investments, LLC	ADDRESS 89652 West Lake Acres Dr., Warrenton, OR 97146	ZIP CODE 97146
STREET ADDRESS OR LOCATION OF PROPERTY Vacant land at the corner of Ave G and Edgewood, Seaside, OR 97138		

ZONE R3	OVERLAY ZONES	TOWNSHIP 16N	RANGE 10W	SECTION 21AC	TAX LOT 17201
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

The proposal is create 4 buildable lots with a variance to lot size and side yard setback.

The intent is to build 4 detached single-family dwellings with an attached garage including three off street parking spaces each.

(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 Oceanside Investments, LLC	PRINT NAME OF APPLICANT/REPRESENTATIVE Jason Kraushaar
ADDRESS 89652 West Lake Acres Dr., Warrenton, OR 97146	ADDRESS 89652 West Lake Acres Dr., Warrenton, OR 97146
PHONE / FAX / EMAIL 503-739-6043, jasonkraushaar@gmail.com	PHONE / FAX / EMAIL 503-739-6043, jasonkraushaar@gmail.com
SIGNATURE OF PROPERTY OWNER 	SIGNATURE OF APPLICANT/REPRESENTATIVE 

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input checked="" type="checkbox"/> SUBDIVISION ^{150'} | <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 checked="" type="checkbox"/> VARIANCE ^{430'} | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) 21-010V, 21-011 SUB	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE 580.00	RECEIPT 17398
DATE FILED 3/2/21	BY Anne
March 2 - 2021	

PALD
17398 . 580 - 3/2/21

PROJECT INFORMATION

Developer/Owner: Oceanside Investments, LLC
Attn: Jason Kraushaar
89652 West Lake Acres Dr.
Warrenton, OR 97146
jasonkraushaar@gmail.com

Legal Description: Tax Lot 17201 Located in Section 21AC, Township 6 North,
Range 10 West, W.M., City of Seaside, Clatsop County, Oregon

Site Size: .29 Acres (12,610 sf)

Zoning: R3, Residential High Density

PROPOSAL

The proposal is create 4 buildable lots with a variance to lot size and side yard setback. The intent is to build 4 detached single-family dwellings with an attached garage including three off street parking spaces each.

The 4 proposed parcels will have frontage along Ave G, each with their own driveway accessed off of Ave. G creating at least three off street parking spaces per dwelling. Each parcel will have a city sewer connection to the existing city sewer located along Ave G. Each parcel will have an individual water meter to the existing city water main along Ave G. Power service will be an under ground service fed from a new power pole (to be installed by Pacific Power under contract by applicant) located at the corner of Ave G and South Edgewood. New sidewalks will be installed along Ave G along with the driveway approaches as per city ordinances.

A variance is also being sought for the minimum lot size and side yard setback. For single family lots, the code requires a minimum of 5,000 square feet yet for single family attached dwellings (such as a tri-plex scenario with a zero lot line between the units) the code only requires 3,000 square feet per lot. We are asking for a variance to allow four single family detached residences on separate lots as follows: **Lot 1** 3,492 sq. ft., **Lot 2** 3,007 sq. ft., **Lot 3** 3,007 sq. ft., and **Lot 4** 3,104 sq. ft.

We are requesting a variance to reduce the side yard setback on **Lot 1** from 5 feet to 3 feet along the east property line and the setback on the corner lot west property line from 10 feet to 9 feet (which is greater than the properties adjacent).

We are requesting a variance to reduce the side yard setback on **Lot 2 and Lot 3** from 5 feet to 3.5 feet.

We are requesting a variance to reduce the side yard setback on **Lot 4** from 5 feet to 3 feet along the west property line.

Please see the attached plot map. The new parcels would meet the remaining code requirements.

This particular parcel, at 12,610 square feet total, under the current code would allow the 4 units to be built with a zero lot line setback at 3,000 square feet minimum per lot without a variance.

We believe that with the current housing shortage and lack of single family dwellings that this proposed plan will be more suited in this neighborhood and our community than attached dwellings. We also believe the access off of Ave G is key to the project for ease of access, creating a greater number of off street parking spaces than required, and for clearing up the parking issues along the street on Ave G. Our intent is to have a finished project that complements this area and create additional housing.

Variance request for Oceanside Investments, LLC

Legal property description: 6-10-21AC Tax lot 17201

Zooning: R3

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

Answer: The ordinance does not address this type of row housing which intentionally eliminates the "common wall" zero lot line but falls short of the 5' set-back to the property line, as this plot plan does. We are able to meet the ordinance by constructing row houses that share a common wall with a zero-lot property line, but we believe the eliminating the common wall will create a more desirable living situation for the residents and enhances fire safety. We purpose to accomplish this by building each structure 6.5'-7' apart with a set-back of 3'-3.5' to the common property line. We are able to build a 5 plex as an outright approved use of the property but would prefer to construct 4 single family homes 6' apart with adequate off-street parking for each dwelling.

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

Answer: The literal interpretation of the ordinance will allow us to a 5' side yard setback or a zero-lot line. We believe there is no public interest in adhering to the strict interpretation of the ordinance. We are not requesting to maximize the allowable density of dwellings. We are requesting an enhancement in the livability of a row house multi-family construction design by eliminating the common wall zero lot line and granting a variance to the side yard setback.

3. Are these special conditions and circumstances a result of the actions of the applicant?

Answer: No, this is a pre-construction proposal.

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

Answer: NO, the zoning already allows for outright building of the four dwellings with a zero-lot line setback. We are within the allowable structure size, lot coverage, building height, and number of dwelling units. We are only requesting a variance to side yard setbacks to separate the dwellings for better livability and to create additional single-family dwellings in the city of Seaside.

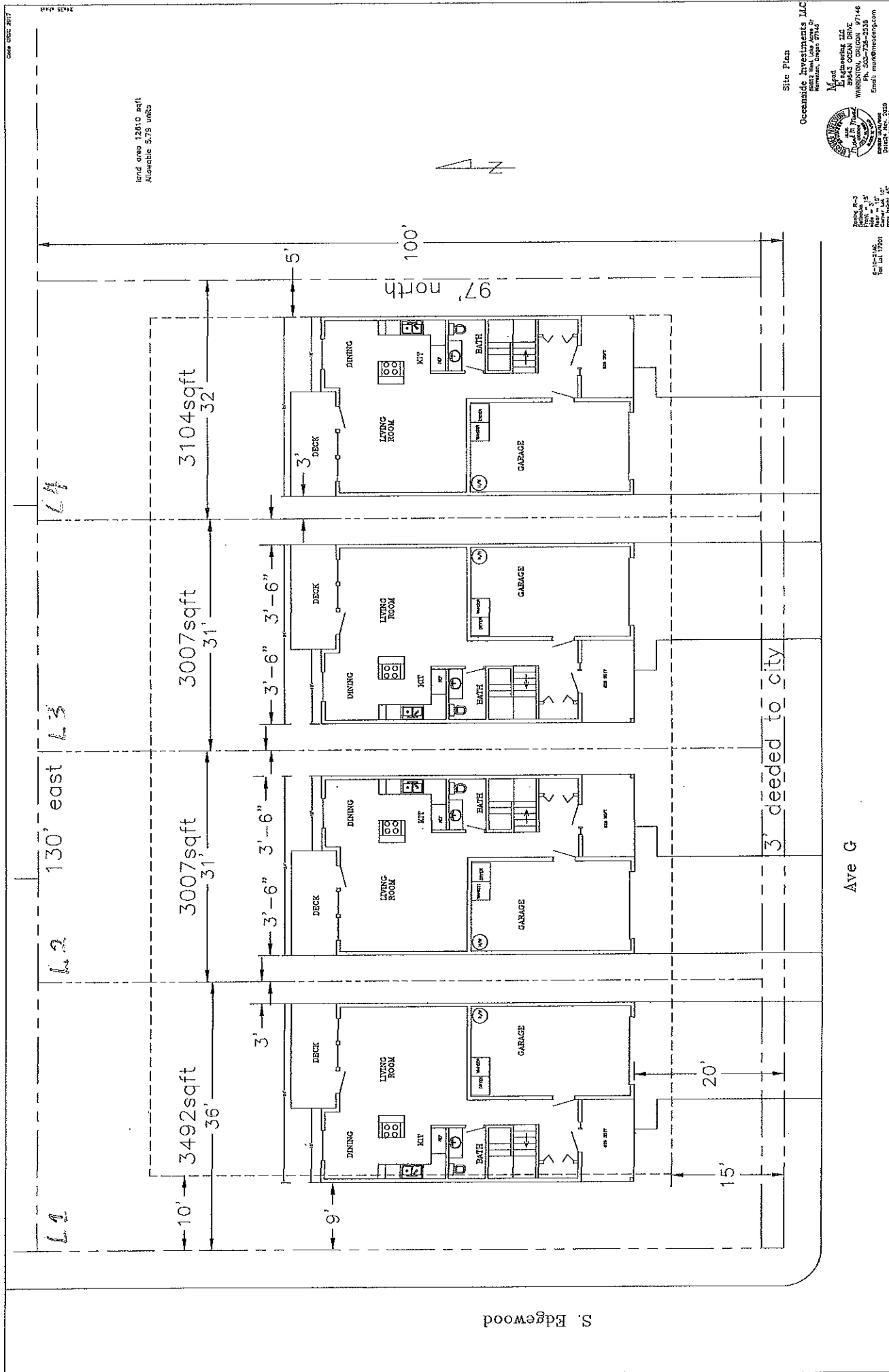
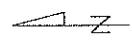
In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

See Attached.

044 032 017

2425 044

land area 12,610 sqft
Allowable 5,73 units



S. Edgewood

Ave G

3' deduced to city

100'
97' north

3104sqft
32'

3007sqft
31'
3'-6" 3'-6"

3007sqft
31'
3'-6" 3'-6"

3492sqft
36'
3' 9'

Site Plan
 Occochee Investments, LLC
 8843 West Lake Avenue, 2nd
 Floor, Denver, CO 80231
 Phone: 303-758-2535
 Email: mark@occocorp.com

Mark
 Occochee LLC
 8843 West Lake Avenue, 2nd
 Floor, Denver, CO 80231
 Phone: 303-758-2535
 Email: mark@occocorp.com

Zone: R-3
 Project: 17
 Date: 1/17/21
 Drawn: MJK
 Checked: MJK
 Title: Site Plan
 File: 1720121.dwg
 Date: 1/17/21

Scale: 1/8" = 1'-0"
 Date: 1/17/21