



City of Manzanita

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## STAFF REPORT

**TO:** Manzanita Planning Commission  
**FROM:** Walt Wendolowski, Contract Planner  
**SUBJECT:** Planning File – Conditional Use  
**DATE:** January 12, 2022

### I. BACKGROUND

- A. **APPLICANT:** April Foster.
- B. **PROPERTY LOCATION:** West side of the intersection of Laurel Avenue and North 4<sup>th</sup> Street. The property address is 217 North 4<sup>th</sup> Street and the County Assessor places the property within Township 3 North; Range 10 West; Section 29BC; Tax Lot #10000.
- C. **PARCEL SIZE:** The property contains approximately 5,100 square feet.
- D. **EXISTING DEVELOPMENT:** The site contains a single-family home with frontage on, and access to, North 4<sup>th</sup> Street. The site is served by public sewer and water.
- E. **ZONING:** The parcel is zoned High Density Residential (R-3).
- F. **ADJACENT ZONING AND LAND USE:** Property to the west, north and east is also zoned R-3 and contains single-family homes. To the south is a vacant parcel zoned High Density Residential/Limited Commercial (R-4).
- G. **REQUEST:** The applicant is requesting Conditional Use approval to operate a bakery as a Cottage Industry.
- H. **DECISION CRITERIA:** This application will be evaluated against the Conditional Use standards listed in Sections 5.010 to 5.039 and 5.065 of Ordinance 95-4, and the standards for the High Density Residential (R-3) zone listed in Section 3.020 of Ordinance 95-4.

## II. APPLICATION SUMMARY

- A. The applicant wishes to operate a bakery as a cottage industry. The owner plans on selling a variety of breads, pastries, cookies and pies and cakes. Patrons would order on-line and pick-up the items at the site. The applicant plans on using a walk-up window or mobile rack where labelled items are retrieved. While two parking spaces are located in the front, the applicant believes most patrons will walk to the site given its proximity to the downtown.
- B. The City sent notice of this application to area property owners and affected agencies. As of the date of this report, no comments were submitted.
- C. Section 1.030 Definitions, includes the following definition for Cottage Industry:

*A lawful occupation carried on by a resident of a building as a secondary use within the same dwelling or its appurtenant structures, and there is no activity conducted in such a manner as to give an outward appearance or manifest any characteristics of a business in the ordinary meaning of the term, except as permitted by the Planning Commission under the conditional use procedures and based on applicable standards.*

Further, Section 5.065 states the following:

*Cottage industries may be allowed in conjunction with residential uses in the R-2, R-3, R-4, RMD and SR-R zones in order to promote local economic activities which may be more intensive than home occupations. Businesses anticipated under this section are small scale office-based activities, professional offices, consultants, sales representatives, crafts, and similar activities which may need to have occasional client visits or an outside employee.*

- The proposed business will be a secondary use within an existing residence. While customers will visit the site, it does not have the characteristics of a bakery in the ordinary sense – an order is made online, fulfilled and then picked-up. There is no area for public interaction and seating will not be available. Further, this is a craft-based business as it involves an occupation, trade, or activity requiring manual dexterity or artistic skill (Merriam Webster). On balance, staff finds the proposed bakery a cottage industry.
- D. Pursuant to Section 3.020(2)(h), establishing a cottage industry in the R-3 zone requires approval of a Conditional Use. Per Section 5.020, this action is subject to a public hearing and review by the Planning Commission.

## III. CRITERIA AND FINDINGS – CONDITIONAL USE

- A. Section 5.010 Purpose - In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual

characteristics or potential disruption 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.

FINDING: As noted, Zoning Ordinance identifies a cottage industry as a conditionally permitted use in the R-3 zone.

- B. Section 5.020 Planning Commission Authority - The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the standards and procedures set forth in Section 5.025 through 5.039 of the goals and policies of the Comprehensive Plan.

FINDING: The scheduled hearing before the Planning Commission conforms to the requirements of this Section.

- C. Section 5.025 Findings - The Planning Commission, in reviewing a request for a Conditional Use Permit, shall find as follows:

1. That the site for the proposed use is adequate in size and shape to accommodate said use and meets all other development and lot requirements of the subject zoning district;

FINDING: The baking operation will be contained within the existing residence. The applicant will not expand the structure to accommodate the use. Combined with the expectation for walk-up patrons, the site and existing improvements appear adequate to accommodate the use.

2. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;

FINDING: The property fronts an improved public street. The applicant expects customer traffic to be "walk-up" instead of using a vehicle. That may be somewhat unrealistic, especially during times of inclement weather. However, this is likely balanced somewhat by the frequency and duration of the traffic. Again, the site will not contain a formal bakery or seating where people can congregate. Any vehicle will be parked on the driveway or adjacent street for a short duration. On balance, the site should be able to accommodate traffic provided the applicant maintains at least one customer parking space during business hours.

3. For uses other than a needed housing type, the proposed use will have no adverse effect on abutting property or the permitted use thereof. In making

this determination, the Commission shall consider the proposed location of improvements on site; vehicular ingress, egress and internal circulation; setbacks; height of buildings; walls and fences; landscaping; outdoor lighting and signs.

FINDING: As noted this is an existing structure without plans for additional improvements related to the business. Provided one vehicle space is available during business hours, the proposed use should not adversely impact area properties.

- D. Section 5.030 identifies “Standards Governing Conditional Uses” that apply to specific request. Section 5.031 notes that in permitting a new conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area to the City as a whole. These conditions may include but are not limited to:
1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district.
  2. Limiting the height of buildings.
  3. Controlling the location and number of vehicle access points.
  4. Increasing the street width.
  5. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use.
  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.
  9. Regulation of time for certain types of uses when their operation may adversely affect privacy or sleep of persons residing nearby or otherwise conflict with other community or neighboring functions.

FINDINGS: As a cottage industry, the business will occupy an existing residence without plans for additional business-related improvements. Cottage industries are limited to the hours of 8AM to 6PM (Section 5.065) so that potential impacts on area residences are minimized. This Section also identifies the sign limitations for the business. Otherwise, suggested conditions related to building height, fencing, screening, open space, etc., are not required.

- E. Section 5.032 - In case of a use existing prior to the effective date of this Ordinance and classified in the Ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.

FINDING: This Section does not apply, as this is not a pre-existing use currently classified as a conditional use.

- F. Section 5.033 - The Planning Commission may require an applicant to furnish the City with a performance bond or such other form of assurance that the Planning Commission deems necessary to guarantee development in accordance with the standards established and conditions attached in granting a conditional use.

FINDING: This option may be placed as a condition of approval. However, given the proposal does not involve new structures, building expansion or similar improvements, bonding is not required.

- G. Section 5.034 - In addition to the standards of the zone in which the conditional use is located and the general standards of this Ordinance, specific conditional uses shall meet the standards listed in Section 5.030 through 5.098.

FINDING: Compliance with provisions in 5.065 Cottage Industries, is reviewed in item "M." below.

- H. Section 5.035 Conditional Use Procedure - The following procedures shall be followed in applying for action on a conditional use.

FINDING: This Section introduces Sections 5.036 to 5.039.

- I. Section 5.036 - A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Manager. The Planning Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

FINDING: An application was submitted, deemed complete and a hearing scheduled before the Commission.

- J. Section 5.037 - Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing.

FINDING: The scheduled hearing before the Planning Commission conforms to the requirements of this Section.

- K. Section 5.038 - Within 5 days after a decision has been rendered with reference to a request for a conditional use, the City Manager shall provide the applicant with written notice of the decisions of the Planning Commission.

FINDING: This is an administrative requirement which follows the Commission's decision.

- L. Section 5.039 Time Limit on a Permit for a Conditional Use - Authorization of a conditional use shall be void after 1 year unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 6 months upon request, provided such request is submitted in writing at least 10 days prior to expiration of the permit.

FINDING: As in "K." above, this is an administrative requirement which follows the Commission's decision.

- M. Section 5.065 Cottage Industries - Cottage industries may be allowed in conjunction with residential uses in the R-2, R-3, R-4, RMD and SR-R zones in order to promote local economic activities which may be more intensive than home occupations. Businesses anticipated under this section are small scale office-based activities, professional offices, consultants, sales representatives, crafts, and similar activities which may need to have occasional client visits or an outside employee. Standards are as follows:

1. Activities may be carried out in an accessory structure.

FINDING: The business will be operated out of the existing home.

2. No more than one full time employee may be allowed. A parking space shall be provided on the property.

FINDING: The applicant did not indicate there would be any employees other than residents of the home.

3. Where regular client visits are anticipated, the Planning Commission may require a parking space on the property.

FINDING: The applicant anticipates a majority of the customers will be walk-ins. However, it is recommended that at least one on-site parking space be available during business hours.

4. There shall be no noise, outdoor storage, fumes, dust or other emissions associated with the use.

FINDING: The proposal does not require outdoor storage and will likely not generate any noise or dust. There is the potential the baking will generate some odors, but these would likely not be considered obnoxious.

5. Signs shall be no larger than 4 square feet, and shall be attached to the building no more than 8 feet above grade.

FINDING: Compliance with this provision may be placed as a development condition.

6. Hours of operation for clients and employee, and delivery of materials, shall be between 8 a.m. and 6 p.m.

FINDING: Compliance with this provision may be placed as a development condition.

- N. In addition to a conditionally permitted cottage industry, the R-3 zone also allows the creation of a home occupation as an outright permitted use. Given the potential impact of the proposal, staff suggests the use of the residence for an additional home occupation and/or cottage industry be prohibited.

#### IV. RECOMMENDATION AND CONDITIONS OF APPROVAL

City staff believes the proposal can comply with the applicable Conditional Use criteria and recommends the Planning Commission approve the application subject to the following Conditions:

- A. The business shall be subject to the following operational requirements:
  1. Hours of operation, including material deliveries, shall be limited to the hours of 8AM to 6PM.
  2. The business shall provide at least one off-street parking space during operating hours.
  3. Signage shall be limited to one sign, attached to the wall of the residence and no more than 8-square feet in area.
- B. This approval shall be limited to the proposed bakery as a cottage industry. The applicant shall be prohibited from establishing an additional cottage industry and/or home occupation on the site.
- C. Compliance with these conditions shall be the sole responsibility of the developer.

#### V. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:
  1. Approve the application, adopting findings and conditions contained in the staff report;

2. Approve the application, adopting modified findings and/or conditions; or
  3. Deny the application, establishing findings as to why the application fails to comply with the decision criteria.
- B. Staff will prepare the appropriate document for the Chair's signature.