

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
January 7, 2014
7:00 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:** December 3, 2013
- 6. PUBLIC HEARING:**
Discussion concerning a petition by residents in Ocean Cove Estates & Rose Creek Subdivisions, requesting greater restriction of vacation rental dwellings & bed & breakfasts in these neighborhoods.
- 7. ORDINANCE ADMINISTRATION:**
- 8. PUBLIC COMMENTS:** Not related to specific agenda items:
- 9. PLANNING COMMISSION & STAFF COMMENTS:** Elections of Officers
- 10. ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
December 3, 2013

CALL TO ORDER: Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine 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. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Hoth acknowledged that he knows Chris Rose but didn't feel that would impact his decision.

APPROVAL OF MINUTES: Motion to approve the November 19, 2013 minutes;
Commissioner Horning made a motion to approve the minutes as submitted. Commissioner Carpenter seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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.) 13-049VRD is a request by **Dan & Tami Kent** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people. The property is located at **1420 S Columbia** and it is zoned Medium Density Residential (R-2).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Shelly Clooten stated she was there and if the commissioner's had any questions she would answer them.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Carpenter stated that the telephone number on the application is a long distance number and does Shelly have a local number? Shelly gave her local number and stated that is the number people can call 24 hours a day.

Commissioner Dideum stated that the home looks very nice.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Ridout seconded and the motion was carried unanimously.

B.) 13-054HOZ is a request by Scott Santos for the development of a new office building within the Highway 101 Overlay Zone. The building will have a gross area of approximately 5,280 square feet. Half of the building will be used by the applicant as a dental office and the occupancy of the other half has not been established yet. The property is located at 2283 N Roosevelt and it is zoned General Commercial (C-3).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Scott Santos, PO Box 2853, Gearhart OR 97138. Mr. Santos stated that he will be moving his dental office into one side of the building and renting the other half out as retail space.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked if Mr. Santos owned the building site or if he was leasing it. Mr. Santos stated that he owns it.

Commissioner Carpenter stated that on page 4 in the final staff recommendation needs to be corrected because it includes information that doesn't apply to this request.

Commissioner Horning stated that he would like a fence or landscaping put in so that vehicle lights would not shine into the estuary. Chris Rose – 930 13th Avenue, Seaside – stated that there is a 4 foot berm there now. Commissioner Ridout stated that he would like to keep it as it is. Commissioner Hoth stated that he doesn't want to see a fence on top of the berm but vegetation on top of it would be fine.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Horning made a motion to approve the Highway Overlay Zone request with the condition that the applicant place some kind of vegetation on top of the berm to minimize light from vehicles being cast into the estuary. Commissioner Dideum seconded and the motion was carried unanimously.

C.) Continuance - 13-040ACP- Amendments to the Comprehensive Plan associated with the adoption of a new economic opportunities and housing analysis addressing Goals 9 & 10 that will justify the need for additional land within the City of Seaside's Urban Growth Boundary.

Don Hanson, Brendan Buckley and Jerry Johnson were in attendance to go over a summary of what was discussed at the last meeting. Mr. Buckley stated that the first thing to discuss is the 1000 Friends of Oregon's letter and the responses to their concerns regarding Goal 9 and Goal 10. The first point they made was in the housing projections and the factor that they used to simulate the fact that household size has been trending downward over a period of years. We tend to use the common factor of negative -0.2 percent per year decrease because that factor is the national rate of decrease since 1980. 1000 Friends of Oregon is asking why we are using that number when they look at the 10 year history of Seaside itself and the rate of decline is somewhat less. The city of Seaside has a population of older citizens and retirees' that is more than the average community. There is an even greater trend toward having smaller households of 1 or 2 people. Combining that with the fact that the baby boom generation is going to be moving into retirement over the twenty years of this analysis, we feel this number is supportable. The number that 1000 Friends of Oregon brought up is looking at the last ten years of Seaside, and due to the recession over the last decade, there's a period where the rate of decline was diminished. We feel looking at the last ten years of data may be skewed by the recession and it is not as accurate as it could be. Mr. Buckley stated that they used the rate of decline since 1980. Chair Romine asked how household size or number of occupants in a home, if it's declining, have bearing on the amount of land that is needed. You would think that it has no bearing on the amount of land that is required to move forward. Mr. Buckley stated that you begin with the population estimate, and from that, you estimate the number of people per household. So they are using, as required, the Clatsop County adopted projections for Seaside's population.

Don Hanson stated that if there are fewer people in each home then there's a need for more homes. Commissioner Hoth stated that if there are 100 people, some are families of three or four you would need 30 homes but if there are only two people in a home then you would need 50 homes. Mr. Buckley stated that this analysis is suppose to arrive at a need for land without considering boundary restrictions, that part of the equations will come later when you look at the availability of land. This really is supposed to be utilizing the population forecast to come up with the best projection and determine what that translate into. Therefore it shouldn't be limiting the population growth.

Commissioner Dideum stated that the US Census Bureau for 2010 states that the population of Seaside is 6,471 people, the report states that it is 6,550 people. Why is there a difference? Mr. Buckley stated that he relied on the Portland State University Population & Research Center 2012 estimate. They do population forecast for many communities throughout the state. The US census collects data every ten years whereas Portland State University is continually gathering information. Going forward in time, DLCDC will recognize the PSU population numbers and they will be the only numbers accepted in the next round of county growth figures. They are mandating that so no one will be setting their own numbers. Commissioner Dideum stated that her problem is that the US Census has one number and Portland State has another number and there's a lot of difference. Mr. Cupples stated that Portland States population research center does annual counts and the Census does it every ten years so that's why the numbers could be different and we (the City) report to the population research center every year so they can track the number of new homes built and home that are demolished.

Mr. Buckley stated that item 2 is in regards to the 50 acres intended for the schools. They have decided to leave this one out due to the level of uncertainty around it. Don Hanson stated that with that being said we still want to advance the rest of the process. Obviously there would be another step to this which would be the UGB expansion and map change. They haven't gotten to the details of that yet and establishing where the boundary might expand. Mr. Hanson stated that they will continue to talk to the school district and see where they are going in the future. If the school does a facilities plan that demonstrates the need for new facilities in certain locations, they can advance a UGB map amendment a lot simpler than anyone else. This way we won't have an inflated acreage number.

Mr. Buckley stated that number 3 has to do with the employment forecast. The 1000 Friends pointed out that the safe harbor is basically what state law provides guidelines for doing this calculation. If you use the safe harbor calculation, it cannot be challenged. That is looking at the growth rates for region 1, Clatsop County and Columbia County. 1000 Friends pointed out that the overall annual growth rate is 1.4% and if you look at what goal 9 says the overall growth came out to 1.7%. The reason for that is the individual industries sectors have their own projected growth rate and the breakout of Seaside's employment is among those sectors that doesn't exactly match region one.

Mr. Buckley stated that number 4 has to do with basic commercial land needs. Basically the goal 9 document provides, on the economic side, a baseline forecast and a medium growth forecast and a high growth forecast. 1000 Friends pointed out that the needs for retail land is based on household growth in the community and we base that on household spending. 1000 Friends pointed out that we should use the household growth that is reflected in the housing document and then we really have a baseline that's medium and high. That was a good point. So we changed that to match the housing document and therefore the level of retail need is now steady across the three scenarios. Now the projected need for commercial retail space is just under 11 acres.

Mr. Buckley stated that number 5 has two categories of land need that we break out in a specific table that is called specialized land uses. 1000 Friends has a question regarding the number of jobs that would be performed under this category and what they entail. They wanted to know if this justifies the finding of the needed acres. The specialized uses include hospitals, clinics, assisted living facilities and types like non-public schools. It would include trade schools and things like that. 1000 Friends pointed out that even the growth number that amount of land need that we arrived at implied a pretty low employment density for that acreage. We looked at that and reviewed it, and thought they had a bit of a point and so we are proposing a revised job density, that increases the number of jobs per acre that will happen on the specialized use land. The effect of that will be a slight reduction in the finding of the gross acres needed in that category. The previous finding was that 19.5 acres will be needed the new projection will be 16.8 acres.

Mr. Buckley stated that number 6 has to do with the difference in two tables in the document. The numbers are fine it's the tables that will need to be clarified and in the next document these will be clarified.

Commissioner Carpenter stated that his definition of industrial lands is different from their definition of industrial lands. We don't really have industrial land here in Seaside. It seems like there was a giant step there it went from 1.7 acres to over 17 acres, Commissioner Carpenter stated that he couldn't get there, in his mind, how this could be. Mr. Buckley stated that those numbers are talking about two different things. The 1.7 acres is the remaining vacant inventory and the 17 acres is the need. Commissioner Carpenter stated that he doesn't see how you can come up with that number for our community. Mr. Buckley stated that it has to do with the various breakdown and the various industries within the community. In Seaside the construction industry will have a big part of that, manufacturing is minor. There is some transportation type employment and some office work. Commissioner Carpenter stated that he would understand it if this was Warrenton or the Astoria area because they have lots of industrial lands up there. Here our industry is tourism. Chair Romine stated that the term industrial land is not the same as commercial land and we really do not have the space for industrial land. Mr. Cupples stated that the outlet mall is on industrial land. For industries we really don't have enough flat land to build anything industrial, hotels are considered commercial. Don Hanson stated that with this report they have demonstrated a need based on growth mathematically for the land, but really they have got to look to the north and the region to address this issue. North there is land that is very suitable for industrial use. Jerry Johnson stated that they have done this in other communities in Oregon, as part of the policy piece. As a follow up to this work, you can say that our distribution function can be served by a neighboring community. Because you just don't have the suitable land and you are recognizing it. Mr. Buckley stated that one thing that can be done is they can look at industrial land as employment land which can bring in different types of uses such as office uses. It sounds like we should take out the purely industrial land and industrial employment. Probably not include any land that might be able go into commercial land. That might better reconcile the difference between the small amount of industrial land that you have in the forecast. There still will be a forecasted need for industrial land. Don Hanson stated that is what he sees in more employment focused flex space land.

Commissioner Carpenter asked now that we have finished this document where do we go from here. Don Hanson stated that he has a to do list: first of all the grammatical errors and typos, the memo that was discussed will drive the changes that will be made to the documents, make amendments to the goal 9 and goal 10 documents based on the memo from Johnson Economics, and then get ready to go to City Council in January.

Commissioner Dideum stated that she understands that Weyerhaeuser has paid for this study. Mr. Cupples stated that yes, Weyerhaeuser was the company that hired the consultants. Commissioner Dideum stated so they paid for it? Mr. Cupples stated Yes they paid for it. Commissioner Dideum stated that they will be the ones that profit from this. Certainly they would profit from the expansion of the UGB. Mr. Cupples stated that they have that potential Yes, but that has nothing to do with the outcome of the study. It doesn't say that we are going to grow this way or that way. Is it going to included some of their land? Yes. Will it include other peoples land? Yes, probably. Commissioner Dideum stated that she understands that but still has a problem with an organization that is paying for the study, also stands to profit from the study. From what she understands, the UGB puts obligations on the city, water, sewer and whatever else goes along with it. As tax payers we will have to pay. Mr. Cupples stated that the developers will have to pay. The newer developments are less expensive to maintain than the older ones. Right now we have infrastructure that is falling apart. Now at least people are paying system development fees because when he first got here there weren't any. That's why the city does capital improvement plans to help support that. Whenever you develop additional lands there's going to be a cost whether it's an expansion of the UGB or not. There's going to be added police service and everything else. At least now when you build a development, the development pays for the infrastructure that gets put in. Granted you have to put water in but that's why you have a capitol improvement plan that says we need to grow our system to keep up with the demand. Population growth is actually built into all those capital improvement plans.

Chair Romine stated that we are required to do this just like the TSP, so we need this study done. Mr. Cupples stated that we need to have adequate land for future growth and in this case we (the City) are not paying for it. Chair Romine stated that instead of giving Weyerhaeuser a black eye, he would like to say Thank You. Don Hanson stated that they are doing this study under the supervision of the City staff. Chair Romine stated that all of the statewide goals are highly regulated and there is not a fudge factor regardless of who is paying for the study. There are outlines and this is how you conduct the study. Mr. Cupples stated that if you take it back to the TSP example, ODOT paid for the TSP and were they going to benefit because they got the highway they wanted? Well they didn't get the highway they wanted but they did pay for the study. Commissioner Hoth stated that now we need to decide whether to forward this to the City Council. This is not a document that locks us into specificity; it's a general document that will allow us to talk about it later down the road. What we are trying to do is make a document that will

be acceptable to the DLCD, and other agencies. Don Hanson stated that this is correct and that the state has reviewed a draft of this document. And all locational conversion about where the city grows is a completely different step.

Commissioner Carpenter stated that the memo received from Patrick Wingard stated that they encourage the city not to adopt it's HNA and buildable lands inventory for housing until it can concurrently adopt the UGB amendment and other efficiency measures within the city as a complete package. Commissioner Carpenter asked how Mr. Hanson would respond to that. Mr. Hanson stated that he had a conversation with Mr. Wingard about this and was finally able to review this and he's not opposed to the city moving ahead with this the way we have it. He said that this was a very conservative perspective in the November 8th memo and that concern came from another member of the DLCD staff and he feels comfortable that we can move ahead. They cited an ORS that related to the DLCD versus McMinnville but that was a requirement that related to cities with a population of over 25,000. The other thing that the DLCD mentioned was a conditional use permit for manufactured housing and that is something in the future that the city may want to look into. But that is something to look into in the future and doesn't come into play right now.

At the end of the discussion Chair Romine closed the public hearing. Commissioner Hoth made a motion to approve the document with the changes included in the memo dated December 2nd 2013 and forward this to the City Council. Commissioner Horning seconded and the motion was passed with a 5 to 1 vote, with Commissioner Dideum voting no.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Carpenter asked if there was going to be a December 17th Planning Commission work session? Mr. Cupples stated yes, that there was a document submitted to City Council. The City Council wanted the Planning Commission to take a look at it. It is regarding the Keepsake Drive area and pertains to restricting vacation rental dwellings in that area. When the City Council and Planning Commission looked at the new policy on vacation rentals, they identified areas where they may not be appropriate. The subdivision which is called the Ocean Cove Estates was excluded because they have deed restrictions that restricts that type of activity. The homeowners didn't want the Planning Commission approving VRD's in that area because they have CC&R's that prohibit that sort of activity. If the Planning Commission approves them then the homeowners have to go after those people through the CC&R's . Well that same situation applies to Keepsake Drive so the question is whether or not that concept should be expanded for that subdivision just as it was for Ocean Coves Estates.

ADJOURNMENT: Adjourned at 8:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

Memo

To: Planning Commissioners
From: Planning Director, Kevin S. Cupples
Date: January 7, 2014
Re: Consideration of Petition

Background:

The City Council received a petition from a number of home owners in the Ocean Cove Estates and Rose Creek Subdivision. They are requesting to have Vacation Rental Dwellings and Bed & Breakfasts restricted within their subdivisions.

Currently, the Commission has adopted a policy that does not support conditional use applications for Vacation Rental Dwellings (VRDs) within the Ocean Cove Estates Subdivision. This policy was supported by the Commission in part because homeowners in the area indicated:

1. They have existing Covenants, Conditions & Restrictions (CC&Rs) applicable to their subdivision that prohibit commercial use and the Commission's authorization of a conditional use gives the appearance the City is authorizing a use that would violate their CC&Rs.
2. The neighborhood is used for long term residential occupancy and the authorization of VRDs would destabilize the fabric of the neighborhoods. This is in conflict with the Comprehensive Plans assertion the city has attempted to separate the housing used by permanent residents and that used by visitors by regulating vacation rentals in medium and high density residential zones.

The Commission's policy only recognized the Ocean Cove Estates Subdivision and it did not recognize that the Rose Creek Subdivision (properties abutting Keepsake Drive) were in a very similar situation.

Request:

The submitted petition is requesting Seaside to consider an ordinance solution that would go beyond the current policy by prohibiting VRDs within both subdivisions and also prohibit Bed & Breakfasts in this area of the City.

Options:

There are a variety of options the Planning Commission may wish to suggest the City Council pursue:

1. Take no action. This could result in the City's continued support of requests that are not supported by a large number of residents within these neighborhoods.
2. Expand the current policy to include the Rose Creek Subdivision. This will not prohibit VRD requests in either subdivision; however, staff will be advising any applicant their proposed use will not be supported by staff or the Planning Commission based on the provisions in the Comprehensive Plan and the limitation in Article 6 that govern conditional use permits.
3. Consider adoption of a Comprehensive Plan and Ordinance Amendment that would in some way more clearly limit VRDs in certain areas of Seaside. This option could be expanded to include Bed & Breakfasts. This option could provide a more clear line between permanent and visitor utilized housing; however, current owners could have a valid Measure 49 claim that would tend to undermine any limiting factor established by ordinance. Staff is unclear how this would apply in subdivisions that already prohibit the use under CC&Rs. Any change would require a Measure 56 notice and that would add to the cost of reviewing the request.

These options should be considered in light of the petition and any public comments offered during the Commission's regular meeting at 7:00p.m. on January 7, 2014, in the City Hall Council Chambers.

Memo

To: Planning Commission
From: Planning Director, Kevin S. Cupples
Date: March 16, 2010
Re: VRD Consideration Summary

The following is a recap of the current restrictions, possible policy considerations &/or conditions of approval, and potential draft text amendment language for Planning Commission review and discussion:

PART 1, Current Ordinance Restrictions:

- A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of Inspection for valid code reasons.
- C. **Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. **Local responsible party.** A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. **Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review.

Failure to meet this standard will require a public hearing and review by the Planning Commission under the provisions of Subsection 5.

- All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in compliance with Oregon State requirements or the following: Health, Safety, Building and Fire Codes, and Traveler's Accommodation Statutes, and with the Seaside Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a permit in accordance with this Section.
- A City Business License is required and all transient room tax provisions apply to VRDs. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application.

PART 2, Possible Policy Considerations When Reviewing New VRDs Conditional Use Applications and Conditions of Approval:

- **Maximum number of occupants:** Generally, not more than TWELVE (12) persons over the age of three years regardless of the number of rooms; however, under exceptional circumstances (e.g. pre-existing large homes with oversized parking areas) the Commission may approve a higher number if compatibility can be well justified. Large occupancy VRD's currently licensed for more than 12 may be re-licensed if they have a favorable track record of compatibility (e.g. the Reunion House).
- **Applicability of Restrictions:** Properties licensed for VRDs use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwelling when members of the owner's family are present.

- **Parking spaces:** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. These sites must be identified on a parking map posted in the VRD and on-street parking by the occupants is not allowed at this location. Vehicles parked at vacation rentals may not project over the sidewalk and block pedestrian traffic. *(Please note, one of the property managers strongly objects to the text highlighted in gray and does not understand why a neighbor could park in front of a VRD property while the occupants of the property are prohibited from such acts.)*

- **Local Contact:** Name & phone number of the local contact person or manager is included in the notice of decision that's mailed to each of the surrounding property owners. The contact person must be available 24 hours a day to address compliance issues while the property is rented and the daytime (or working hours) versus after hours contact numbers must be provided for inclusion in the notice.

Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are encouraged to notify the city any time they stop representing a VRD.

- **Tsunami Preparedness:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. Also a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- **Time Period for Approval, Required Re-inspection:** Each VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year.

- **Allowable VRDs Areas:** VRDs will not be allowed to encroach into established residential areas that have historically been dominated by local residential occupancy or work force housing. Based on language in the Comprehensive Plan and Article 6 in the Zoning Ordinance, VRDs will not be considered compatible in residential areas East of Neawanna Street, East of N & S Holladay, East of S Roosevelt (Hwy 101) from Holladay South, or within the Ocean Cove Estates Subdivision.

- **Complaints:** The City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed

by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance.

- **Complaint Procedures:** The VRD complaint procedure will be outlined in the notice to adjacent property owners and the City's new web site along with a link to a general complaint form. This should be used to report alleged violations that are not being addressed by the local contact or property manager.
- **Enforcement Actions:** The Commission is encouraging staff to follow-up with the issuance of citation to owners that violate VRD provisions, especially when they are found to be renting without a valid permit or business license. The Commission supports the position that advertising a VRD without a current license is *prima facie* evidence of a violation.
- **Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

PART 3 Potential Ordinance Amendment:

If the Commissioners are interested in setting new parameters for what they review, the text in Part 3 will need to be further scrutinized. Staff would be interested in finding out if there is any consensus as which VRDs should be or shouldn't be reviewed by the Commission. Any clear direction could be used as a basis for developing a proposed ordinance amendment for the Commission's official consideration during a public hearing. Any amendment will require a substantial mailed notice and could be subject to challenge under state law via measure 49.

Section 6.137 VACATION RENTAL DWELLING (VRD)

- E. **Planning Commission Review:** Within the medium density residential (R-2) zone and high density residential (R-3) zones; VRD applications for a property not previously licensed within the last year must be reviewed by the Planning Commission under the provisions of Subsection 5.

Staff Notes: The PC has discussed reviewing VRDs in neighborhoods with low spatial distribution, VRDs in neighborhoods with low and high special distribution, VRDs that receive some critical level of comments, review on their own motion, or all VRDs.

Concern: The initial interest in the above review was based on Dick Ridout's frustration that VRDs were being reviewed and the public rarely showed up to comment. Concern: Without evidence of non compliance or documented history of failure to take corrective action when actual vs perceived violations occur, on what grounds would the PC justify review?