

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**October 4, 2016**  
**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:** September 6, 2016
6. **PUBLIC HEARING:**

**A.) 16-048VRD & 16-049V** is a request by **Alan & Jennifer Goldsmith** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The owner is also requesting a variance to the 50% side yard landscaping requirement and recognition of the parking within a pre-existing easement with the neighboring property owner to the east. The property is located at **120 13<sup>th</sup> Avenue (6-10-16DA TL 3300)** and it is zoned **Medium Density Residential (R-2)**.

The review will be conducted in accordance with Article 6, 7, and 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Conditional Use and Variance. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

# MINUTES SEASIDE PLANNING COMMISSION

## September 6, 2016

**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: Chris Hoth, Bill Carpenter, Tom Horning, Dick Ridout and Ray Romine, Staff Present:, Kevin Cupples, Planning Director  
Absent: Bob Perkel, Debbie Kenyon, Steve Wright

**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. There was no response.

### APPROVAL OF MINUTES: August 2, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Horning 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.) 16-042VRD-** Is a conditional use request by **Chris and Andrea Shepard** for a **four (4) bedroom Vacation Rental Dwelling (VRD) at 2164 Beach (6-10-28BA TL 1200)**. With a maximum occupancy of not more than **ten (10) people**. The property is zoned **High Density Residential (R3)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated that at the time the staff report was written, staff had not been out to inspect the property. There is a supplement to the staff report that would replace three of the conditions in the staff report. Staff has found that with older homes, it is hard to comply with stair requirements and hand rails. The stairs usually lack headroom. Handrails will need to be moved to the other side of the stairs. It looks like they have replaced one egress window with a fixed window and it would need to be fixed prior to renting. There are a couple of other windows that will need to have a bench or stool in front of them for exiting purpose. Staff is still concerned with the backup room behind the parking spaces. It is pretty easy to get one car in and park it, but two cars into an 18 x 18 pad and still be able to use an 8 to 10 foot backup area is still pretty hard. It looks good on paper, but in reality, it doesn't work that well. Reducing the parking from 4 spaces to three spaces only reduces the maximum occupancy from 10 to 9 people.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Chris Shepard, 3601 SW River Parkway, Portland. One of the items that he had questions about was the variance to the back yard. The garage that is existing and then an 18 x 18 parking pad and then the rest of the area is landscaped. He was wondering if the garage can be considered a building and eliminate the need for a variance. Another item he would like to add a variance for the egress window upstairs. It states that the windows cannot be more than 44 inches from the floor, his are 46 inches from the floor and they have placed little benches in front of these windows. They will have their contractor sit down

and talk with Bob Mitchell the Building Official to figure out what can be done with the stairs. The items on the punch list are easily achievable. There are only two other vacation rentals around the house.

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 this was a duplex, because it says the local contact will be his wife who will be living on the property. Commissioner Hoth stated that he is willing to go with the punch list, we can consider the back yard as the rear yard. The contact is supposed to be local. The wife will not be living there when the home is rented. We need a local contact someone who is in Clatsop County. Mr. Shepard stated that his uncle lives at Whalers Point and then his other uncle Jeff Leinassar lives in Surf Pines and he will ask them. Chair Romine stated that we do need a local contact and he doesn't see Jeff running over to the house with a plunger. Commissioner Horning wanted to make sure that any pertinent discussion with staff before the meeting about yards be noted during the meeting. Commissioner Hoth stated that Mr. Cupples defined the rear yard. The rear yard is the area from the rear property line. In this case the rear yard has the garage in it and then the yard is actually between the house and the garage. So technically the rear yard is the garage & parking pad. Mr. Cupples stated that in the conditions of approval, the commissioners could recognizing the area between the house and the garage as satisfying the rear yard landscaping standard. Same with the manager. If you are concerned about the managerial part, you can make sure that it is addressed in the condition of approval that talks about the local manager. The applicant will have to provide that within the next few days so that we can get the notice of decision done. Commissioner Hoth stated that he would rather have some things in place before he makes a decision. He thinks the three parking spaces and an occupancy of nine is where he is going. Chair Romine stated that some of the issues that have been brought up are building code issues and not planning issues and those will need to be addressed through the Building Official. Mr. Shepard stated that he is happy to amend the parking to the three parking spots and not four, and the other issue is finding a local property manager. Mr. Shepard has been speaking to Mark Tolan of Seaside Vacation Homes and he will be happy to list him as the property manager. He can work with Bob and Kevin with the building code issues. Mr. Shepard stated that this process is starting to take a toll with having to come out here all the time to meet with contractors and inspectors. Commissioner Ridout asked Mr. Shepard if he would like a decision tonight instead of a continuance. Mr. Shepard stated if possible, he feels confident that the property qualifies for a vacation rental. Mr. Cupples stated that if the planning commission is willing to recognize the yard area and the parking as is, then there shouldn't be a problem with it, because we do have a copy of the easement. Mr. Shepard can also name Mark Tolan as the property manager tonight. Then he has filled in all the holes other than the variance part and based on Mr. Cupples discussion with Commissioner Hoth earlier, maybe something can be satisfied under the findings. Commissioner Hoth also stated that Mr. Shepard stated something about having two or three parking spaces and how they were going to go with that. Chair Romine asked how are they going to use the parking and what is the difficulty? Mr. Shepard stated that the garage is 20 x 20 and there is a divider that is a load bearing wall that separated the two parking spaces and there is a shelf that sticks out a little bit which leaves the opening only 8 feet instead of 9 feet. If they cut the shelving then they have the 9 feet needed. Mr. Cupples stated that if they don't fix the parking then their occupancy will be 6 instead of the 9. Chair Romine stated that when the garage was built it was built where it was permitted to go. Mr. Cupples stated he's sure it was, just like the tri-plex in the meeting a while ago. Commissioner Hoth stated that having a local contact is an important issue. If Mr. Shepard wants a decision tonight and others feel like he does then it is important and if the commission says no then he would have to re-apply and pay again. If the commission says yes to continue this and take care of all the issues, then Mr. Shepard will still have to come back before the commission. Commissioner Ridout stated that the commission is not making them hire a local manager it can be a relative. It just needs to be someone local. Chair Romine stated that Mr. Shepard has filled in all the blanks. Mr. Shepard stated that he has the contract here with him that states Mark Tolan will be the property manager. Commissioner Hoth stated that if the commission makes a motion tonight is it 2 parking spaces and an occupancy of 6 or 3 parking spaces and a maximum occupancy of 9? Mr. Cupples stated that is what the current condition reads.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use for a VRD with a maximum occupancy of six, with

two parking spaces until such a time that modifications are made to the garage that would yield three parking spaces and a maximum occupancy of nine. They will consider the space between the rear of the house and the garage as satisfying the rear yard landscaping requirements and no need for a variance. Also the permanent local contact will be provided and at this point that has been identified as Mark Tolan along with the other conditions listed in the staff report. Mr. Cupples confirmed that would be based on the revised findings that are in supplement. Vice Chair Carpenter seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 7:32 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission  
From: Planning Director, Kevin Cupples  
Date: October 4, 2016  
Applicant/  
Owner: Alan & Jennifer Goldsmith  
5400 SW Hamilton Street  
Portland, OR 97221  
Location: 120 13<sup>th</sup> Avenue, T6-R10-S 16DA TL#3300  
Subject: Conditional Use 16-048VRD; Vacation Rental Dwelling Permit &  
Variance 16-049V; 50% Side Yard Landscaping & Parking in Easement

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REQUEST:

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **120 13<sup>th</sup> Avenue**. In conjunction with this request, the owners are also requesting a variance to the 50% side yard landscaping requirement and recognition of the parking within a pre-existing easement with the neighboring property owner to the east.

The subject property is zoned **Medium Density Residential (R-2)** and the **applicants are** requesting a maximum occupancy of not more than six (6) people over the age of three (no more than 10 people, regardless of age), within the existing **two** bedroom dwelling.

The review will be conducted in accordance with Articles 6, 7 & 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a conditional use & variance. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

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. The Commission may include conditions which they consider necessary to protect the best interests of the surrounding area of the city as a whole. 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.

**DECISION CRITERIA # 1:** Pursuant to Section 6.137, Vacation Rental Dwellings (VRDs) within the R-2 and R-3 zones shall be reviewed by the Planning Commission whenever the surrounding VRD density is 20% or greater. A permit shall be issued as an accessory use provided the applicant can demonstrate by written application that all of the following standards are met:

- 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 based on the following additional criteria:

1. The use of the property as a VRD will be compatible with the surrounding land uses.
2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.

#### FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary:

**16-048VRD & 16-049V** is a request by **Alan & Jennifer Goldsmith** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The owner is also requesting a variance to the 50% side yard landscaping requirement and recognition of the parking within a pre-existing easement with the neighboring property owner to the east. The property is located at **120 13<sup>th</sup> Avenue (6-10-16DA TL 3300)** and it is zoned **Medium Density Residential (R-2)**

The applicant's submitted justification is adopted by reference and summarized below:

- a. The applicant's plot plan indicates there are at least **two** off-street parking spaces provided **along the east property line within the side yard & partially on the neighbor's property by means of an easement.**
  - b. The existing **two** bedroom residence will have a limited occupancy of **ten (10) people** regardless of age.
  - c. **Beach House Vacation Rental, Erin Barker, 800 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 440-1168.**
  - d. The owner/applicants, **Alan & Jennifer Goldsmith** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **43%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
3. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.

4. The property **has** undergone a preliminary compliance inspection. All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.

5. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40 watt bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*

6. The City considered limiting VRDs in the past, but the Planning Commission and City Council ultimately required Planning Commission review in higher density VRD neighborhoods.

7. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provisions in Section 6.031 which in part states: "...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 of the city as a whole."

In recognition of the Planning Commission's efforts and in keeping with the purpose statement for conditional uses, these conditions are incorporated into any decision to approve a VRD in an effort to promote compatibility of the proposed VRD with surrounding uses.

8. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. A recent action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

9. Partying and making noise can be an issue with full time & part time residents, as well as transient occupants. Noise ordinances apply to all residential zone occupants and when it occurs, neighbors are within their right to contact the police. In the case of Vacation Rentals, staff encourages them to call the local contact first to try and resolve issues; however, the Police can always be contacted to take action when people are disturbing the peace.

10. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part time occupancy, long term rental, or short term rental. It is true that VRDs exhibit short stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified responsible party, restrictions that exceed those applied to single family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non VRDs.

11. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

12. The standards in the Ordinance require parking for dwellings to be located on the same lot with the dwelling. The applicants are proposing to utilize the existing gravel parking area located within the required side yard on the east side of the dwelling. More than 50% of the yard is currently graveled and has historically been used for parking for the dwelling and a portion of the parking area extends onto the neighboring property to the east (130 13<sup>th</sup> Avenue). This is recognized as a permitted activity in the existing easement.

13. The applicant's proposed parking area is currently graveled. In accordance with Section 4.100; whenever a use changes, the parking spaces must conform to the off-street parking requirements in the ordinance. By definition in the ordinance, off-street parking spaces must be paved

14. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department did receive one written comment about the applicant's request. A letter from Reynold Roeder, owner of 1317 N Prom, expressed concerns about the occupancy limit for the proposed VRD. He is concerned that six people in a 550 square foot, dwelling will not be "comfortably" contained within the structure and they will "spill out" into the back yard and potentially be disruptive. He's asked to consider a reduced occupancy of 4 or less.

15. Additional limitations on the occupancy could be supported by the small size of the dwelling and the property or the Commission could consider incorporating additional restrictive language concerning occupancy such as:

*If the standard occupancy limit of 6 for a two bedroom VRD proves to be insufficient to protect the neighboring property owner's from excessive noise and activity outside the dwelling, it will be further restricted by staff to no more than four people over the age of three.*

#### **CONCLUSION TO CRITERIA #1:**

The request is contingent upon the applicant obtaining a variance related to utilizing more than 50% of the east side yard for parking and having a portion of the required off street parking straddle the property line. With the exception of the needed variance, the Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(16-048VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has already undergone a preliminary compliance inspection but a final inspection has not been completed. Transient rental will not be permitted until the corrections have been completed and approved.

- 2. Parking spaces:** Two (2) off-street parking spaces (9' X 18' per space) are required on-site. 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 **off-street** for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.

The map must clearly indicate **"ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON-SITE OFF STREET.**

- The off-street parking area is currently gravel and does not conform to the surfacing requirements for off-street parking. The owner must have the access & off-street parking area paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within 1 year from the date of this decision. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.**

- 3. Maximum number of occupants:** Four (4) persons over the age of three (no more than 10 regardless of age). 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. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.

- 4. Applicability of Restrictions:** Properties licensed for VRD 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 dwellings when members of the owner's family are present.

- 5. Open Yard Areas:** Front, **west** side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of these required front & side yard areas that **are** is-not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.

- 6. Local Contact:** **Beach House Vacation Rental, Erin Barker, 800 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 440-1168.**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. 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 required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

- 7. Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.

- 8. Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the

provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*

9. **Ordinance Compliance & Solid Waste Pick-up:** 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.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
11. **Permit Non-transferability:** 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 new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. 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.
13. **Conflicts & Potential Denial for Non Compliance:** 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 modification or denial of the permit.
14. **Complaints:** Applicants are hereby advised 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. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
15. **Time Period for Approval, Required Re-inspection:** This 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 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, 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.
- 17. 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.

**REVIEW CRITERIA #2: Variance 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.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

16. The applicant is requesting a variance the 50% side yard landscaping requirement for vacation rental dwellings (Section 6.137, 2. C) and an allowance that will recognize a portion of their parking to be maintained across their property line. The applicant's submitted justification is adopted by reference and summarized below:

- The existing parking area is co-owned by the property owners of 120 & 130 13<sup>th</sup> Avenue.
- Both owners have agreed to a recorded easement that formally recognizes using a portion of the neighbor's side yard for parking.
- Parking within the side yard and access to the existing garage has not changed in over 15 years..

17. The current owners purchased the property with the current yard & parking configuration in October of 2012. ,

18. The lot size is half the current minimum standard in the zone and the property is only 25' in width.

19. Based on past permit activity in the street file, the current parking configuration existing in 1994. .

20. Abandoning a portion of the access into the existing garage by adding landscaping beyond the first two parking spaces would allow the applicant to meet the VRD development criteria in Section 6.137, 2.C. Aside from meeting a literal interpretation of the development standards, it would do very

little for the compatibility of the use. It would also make access to the garage problematic and it is considered an exceptional circumstance.

21. With the easement, full size parking spaces can be provided for the dwelling with or without consideration of use as a VRD.

**CONCLUSION TO CRITERIA #2:**

The pre-established parking layout and use of the east side yard is being modified in order to permit a higher occupancy vacation rental. A reduction in the area currently used for parking space within the side yard is unreasonable based on the exceptional circumstances applicable to the historic use of the property. Approval of the variance is appropriate subject to the modifications to conditions 2 & 5 previously stated under Conclusion #1.

**FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-048VRD & 16-049V** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **four (4)** persons over the age of three (no more than 10 regardless of age) at **120 13<sup>th</sup> Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a list of reminders to applicant.

- This approval will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*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 Submittal
- Reynold Roeder Letter, 1317 N Prom



**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 Alan & Jennifer Goldsmith	ADDRESS 5400 SW Hamilton Street	ZIP CODE Portland, OR 97221
STREET ADDRESS OR LOCATION OF PROPERTY 120 13th Avenue Seaside, OR 7138		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R2		6	10	16	3300

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

VRD usage.

Parking variance application.

(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 Alan & Jennifer Goldsmith	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 5400 SW Hamilton Street Portland, OR 97221	ADDRESS
PHONE / FAX / EMAIL 503.292.4980 tim@perfpro.com	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>Alan &amp; Jennifer Goldsmith</i>	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 type="checkbox"/> SUBDIVISION     | <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 type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S)	16-049 ✓
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

**ARTICLE 7      VARIANCES      FEE: \$ 430.00 Planning Director Decision**  
**\$670 for Planning Commission Decision**

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 of 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?

---

The parking area/driveway for 120 13th Avenue Seaside is co-owned by both property owners of 120 and 130 13th Avenue Seaside. Both owners of 120 and 130 have agreed (see easement document) to allow off street parking in this parking area/driveway for 120 13th Avenue.

---

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?

Off street parking is required per city ordinance for VRD properties. Without this variance there is limited parking availability.

---

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

We have filed an easement document with the county and have coordinated the owners of both properties.

---

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.

For the past 15+ years the driveway/parking area has been utilized as off street parking. By applying for VRD, filling out this variance document, coordinating both owners and filing an easement with the county, we are hoping to do our due diligence to be in compliance with city rules and regulations. No special privilege for this situation.

---

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.



**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 <b>Alan &amp; Jennifer Goldsmith</b>	ADDRESS <b>5400 SW HAMILTON ST. PORTLAND, OR 97221</b>	ZIP CODE <b>97221</b>
STREET ADDRESS OR LOCATION OF PROPERTY <b>120 13<sup>TH</sup> AVENUE SEASIDE OR. 97138</b>		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
<b>R2</b>		<b>6</b>	<b>10</b>	<b>16</b>	<b>3300</b>

**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

**V.R.D.**

(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 <b>ALAN &amp; JENNIFER GOLDSMITH</b>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <b>5400 SW HAMILTON ST. PORTLAND, OR 97221</b>	ADDRESS
PHONE / FAX / EMAIL <b>503 2924980 LCPOX@YAHOO.COM</b>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE

PRINT IN ALL CAPS - DO NOT WRITE BELOW THIS LINE

**CHECK TYPE OF PERMIT REQUESTED:**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <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 type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) <b>16-048 VRD, 16-049 V</b>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

AUG 11 2016

CITY OF SEASIDE  
VACATION RENTAL DWELLING (VRD) APPLICATION

PAID

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director, in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information and submit it for review along with their business license application.

In addressing the following questions, additional information and supporting evidence can be referenced and attached to the submittal.

SUBMITTAL INFORMATION

1. Applicant's Name: Alan & Jennifer Goldsmith
2. Mailing Address: 5400 SW Hamlet St. Portland 97221
3. Telephone #: Home <sup>503</sup> 292-4980 Work \_\_\_\_\_, Fax \_\_\_\_\_
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 120 13<sup>th</sup> Ave Seaside 97138
6. Tax Map Ref.: Township 6, Range 10, Section 16, Tax lot # 3300
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 2 The VRD ordinance states: 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.
8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: 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.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

CC  
200  
700  
430  
550.

9726

ORIGINAL

up more than 50% of the property's yard areas? NO. The VRD ordinance states: *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.*

10. Who will be acting as the local responsible party for the VRD owner? Name: BEACH HOUSE VACATION RENTALS Phone # 5037389068. Address: 800 N. ROOSEVELT DRIVE, SUITE 20, SEASIDE, OR 97138. The VRD ordinance states: *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).*

11. What is the zone designation of subject property? MEDIUM DENSITY. The VRD ordinance states: *Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.*

12. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and off street parking spaces (existing & proposed). In addition to the site plan, a floor plan(s) must be included which clearly indicates the intended use of all interior areas (e.g. bedrooms, kitchen, living room, storage etc.).

13. The following is a list of standard conditions that apply to VRDs:

- 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.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform 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 desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. 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.

- 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 the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

Has the owner or the duly authorized applicant read all the standard conditions and answered all of the questions honestly based on their understanding of the VRD request? yes.

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: [Signature] Date: 8-11-16

**For Office Use Only**

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$75.00, 6-10 occupants \$100.00, 11+ occupants 150.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 11) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

**For Community Development Use**

Date application was received at Community Development: \_\_\_\_\_

File Reference # \_\_\_\_\_ Date determined to be complete: \_\_\_\_\_

If applicable, date for Planning Commission Hearing: \_\_\_\_\_



Recording instrument #: 201601681  
 Recorded By: Clatsop County Clerk  
 # of Pages: 2 Fee: 52.00  
 Transaction date: 3/4/2016 15:07:01  
 Deputy: sholcom

**Agreement For Easement**

**THIS AGREEMENT**, Made and entered into this 31<sup>st</sup> day of January, 2016, by and between David and Ranata Niederloh , hereinafter called the first party, and Alan T. and Jennifer A. Goldsmith, hereinafter called the second party;

**WITNESSETH:**

**WHEREAS:** The first party is the record owner of the following described real estate in Clatsop County, State of Oregon, to-wit:  
 The east 1/2 of Lot 10, Block 3, Plat of Surf Beach located in the NE 1/4 of the SE 1/4 of Section 16, Township 6 North, Range 10 West, Willamette Meridian, City of Seaside, Clatsop County, Oregon. Tax Map 6-10-16DA, Tax Lot 3301

Sites Address 130 – 13<sup>th</sup> , Seaside, Oregon 97138

And has the unrestricted right to grant the easement hereinafter described relative to the real estate;

The second party is the record owner of the following described real estate in Clatsop County, State of Oregon, to-wit:  
 The west 1/2 of Lot 10, Block 3, Plat of Surf Beach located in the NE 1/4 of the SE 1/4 of Section 16, Township 6 North, Range 10 West, Willamette Meridian, City of Seaside, Clatsop County, Oregon. Tax Map 6-10-16DA, Tax Lot 3300

Sites Address 120 – 13<sup>th</sup> , Seaside, Oregon 97138

**NOW, THEREFORE**, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party an easement to allow for ingress, egress, utilities and parking but retains the right of access for the maintenance of the west wall of the existing structure, across that part of said east 1/2 of Lot 10 described as follows:

The westerly 5 feet of the east 1/2 of said Lot 10, Block 3, Plat of Surf Beach located in the NE 1/4 of the SE 1/4 of Section 16, Township 6 North, Range 10 West, Willamette Meridian, City of Seaside, Clatsop County, Oregon.

Between  
 David and Ranata Niederloh

And

Alan T. and Jennifer A. Goldsmith

After recording return to:  
 Alan T. and Jennifer A. Goldsmith  
 5400 SW Hamilton  
 Portland, Oregon 97221

STATE OF OREGON, }  
 County of Clatsop }  
 I certify that the within instrument  
 was received for record on the .....day  
 of ....., 2016,  
 at .....o'clock .....M., and recorded  
 in book/reel/volume No.....on  
 page ..... Or as fee/file/instrument/  
 Microfilm/reception No.....  
 Record of .....  
 of said county.  
 Witness my hand and seal of  
 County affixed.  
 .....  
 Name Title  
 By....., Deputy

The second party shall have all rights of ingress and egress along with parking from the described real estate (including the right, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions and allowed to make improvements) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from the second party's use of the rights herein granted.

The easement described above shall continue for eternity, always subject, however, to the specific conditions, restrictions and considerations:

All improvements shall be kept in good condition and maintained.

During the existence of this easement, maintenance of the easement and costs of repair of the easement damaged by natural disasters or other events for which all holders of an interest in the easement are blameless shall be the responsibility of the second party.

During the existence of this easement, those holders of an interest in the easement that are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and insure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that his agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal (if any) affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on this, the day and year first hereinabove written.

David and Ranata Niederloh .....

X *David Niederloh*  
X *Ranata Niederloh*  
First Party

STATE OF OREGON, }  
County of *Multnomah* } SS.

This instrument was acknowledged before me on *2/16/16*, 2016, by *David & Ranata Niederloh*

of \_\_\_\_\_  
*Koleen Koziel*  
Notary Public for Oregon  
My commission expires *7/10/18*

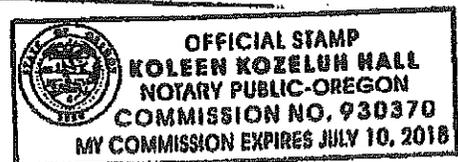
..... Alan T. and Jennifer A. Goldsmith .....

X *Alan T. Goldsmith*  
X *Jennifer A. Goldsmith*  
Second Party

STATE OF OREGON, }  
County of *Clatsop Multnomah* } SS.

This instrument was acknowledged before me on *2/16/16*, 2016, by *Alan & Jennifer Goldsmith*

of \_\_\_\_\_  
*Koleen Koziel*  
Notary Public for Oregon  
My commission expires *7/10/18*



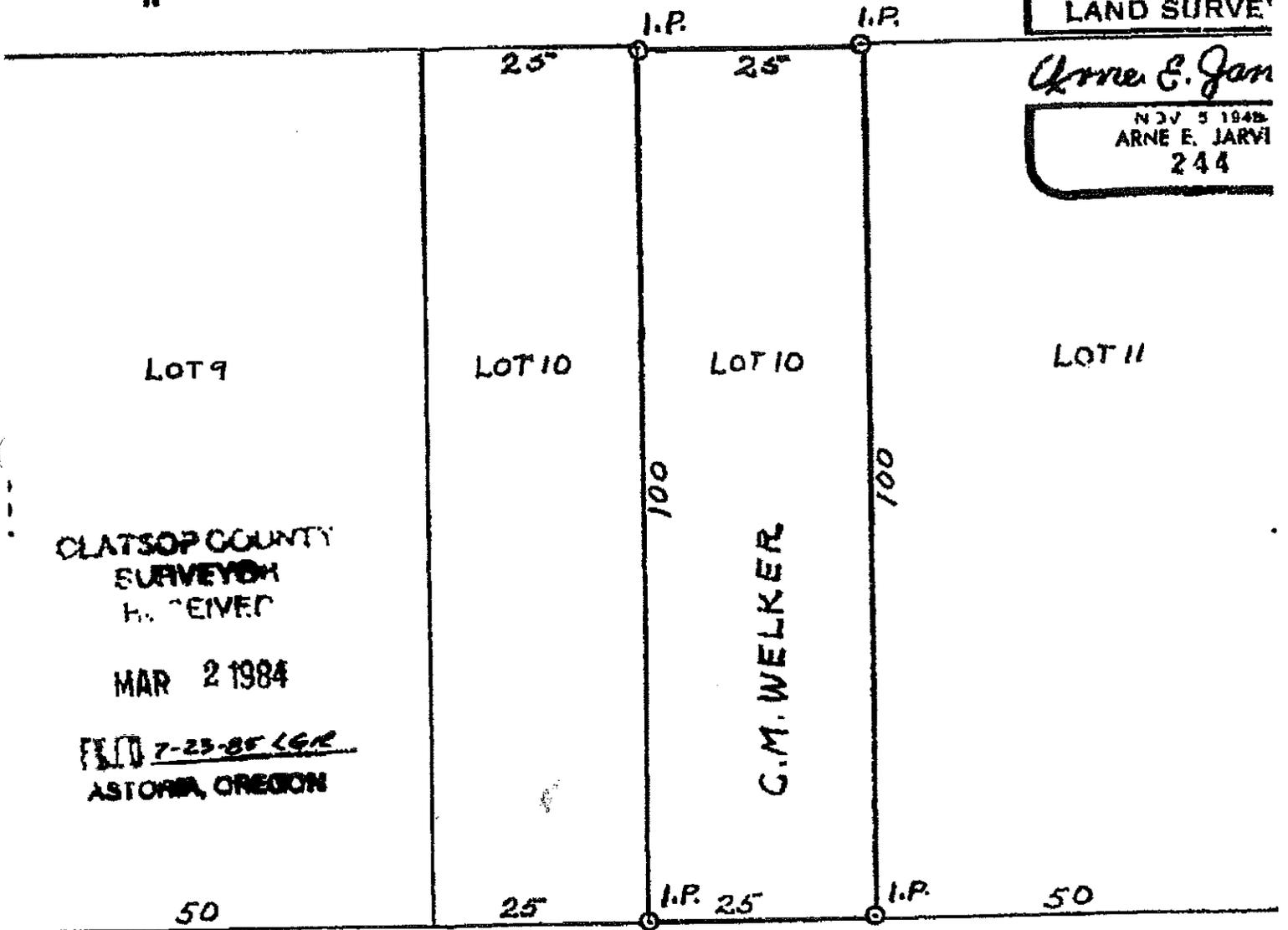


SURVEY No 336  
FOR  
CHARLES M. and EDNA A. WELKER  
E 1/2 LOT 10 BLOCK 3 SURF BEACH SEASIDE, OR  
Scale 1" = 20' 2/23/63

REGISTERED  
OREGON  
LAND SURVEY

*Arne E. Jarvi*

NOV 5 1948  
ARNE E. JARVI  
244



CLATSOP COUNTY  
SURVEYOR  
H. REIVER

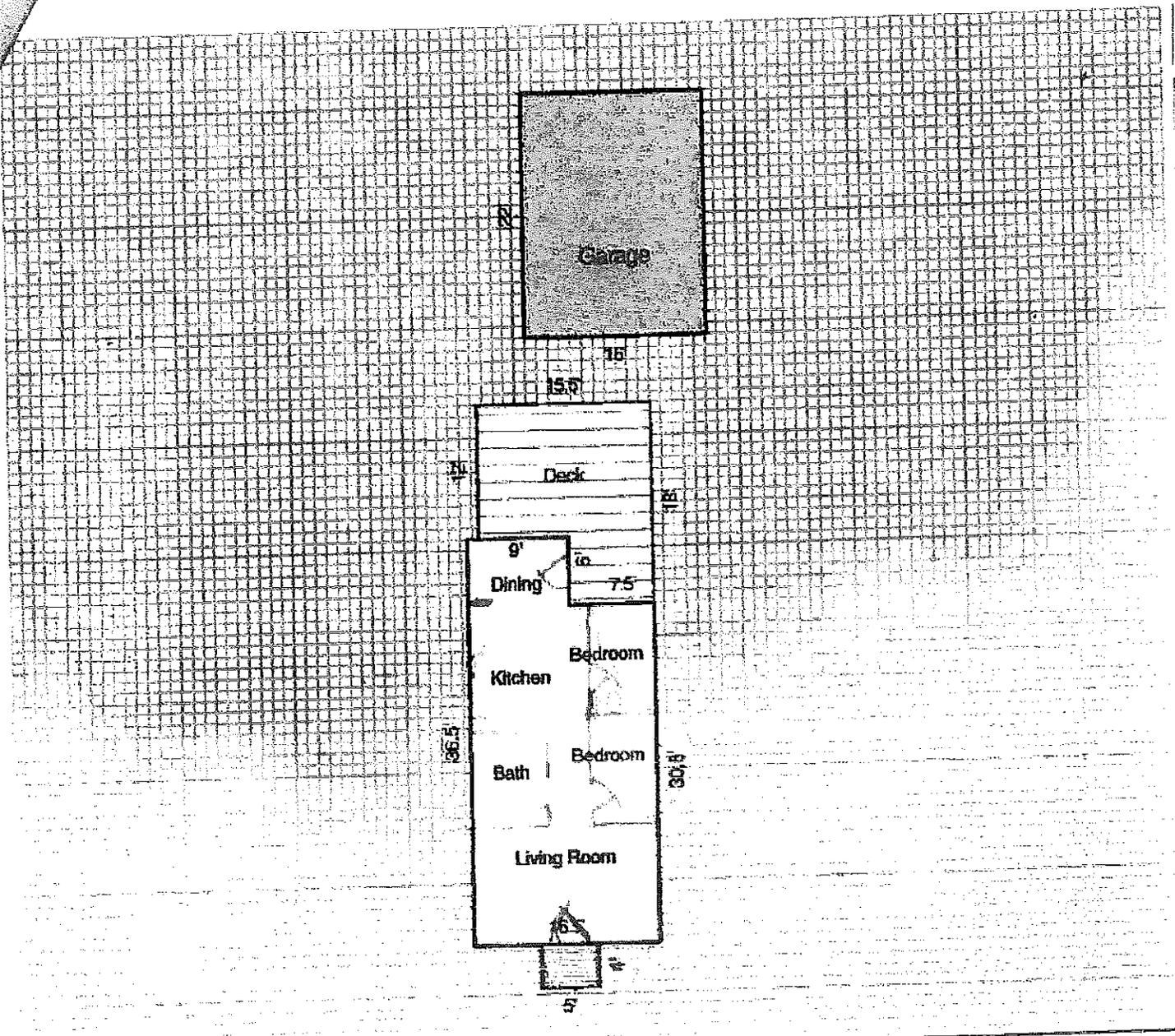
MAR 2 1984

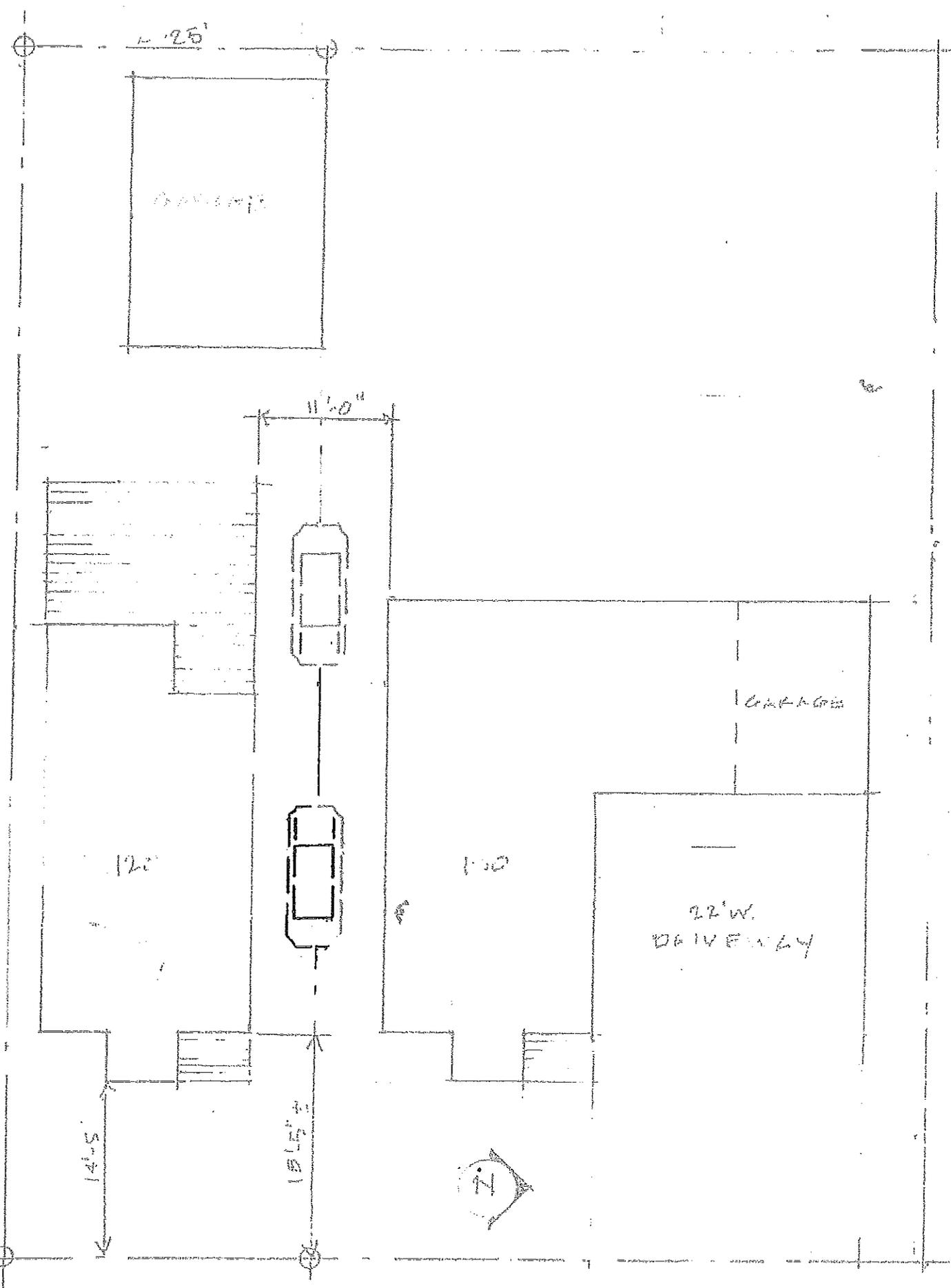
FIELD 7-23-85 LGK  
ASTORIA, OREGON

13<sup>th</sup> ST. 3

FLOORPLAN SKETCH

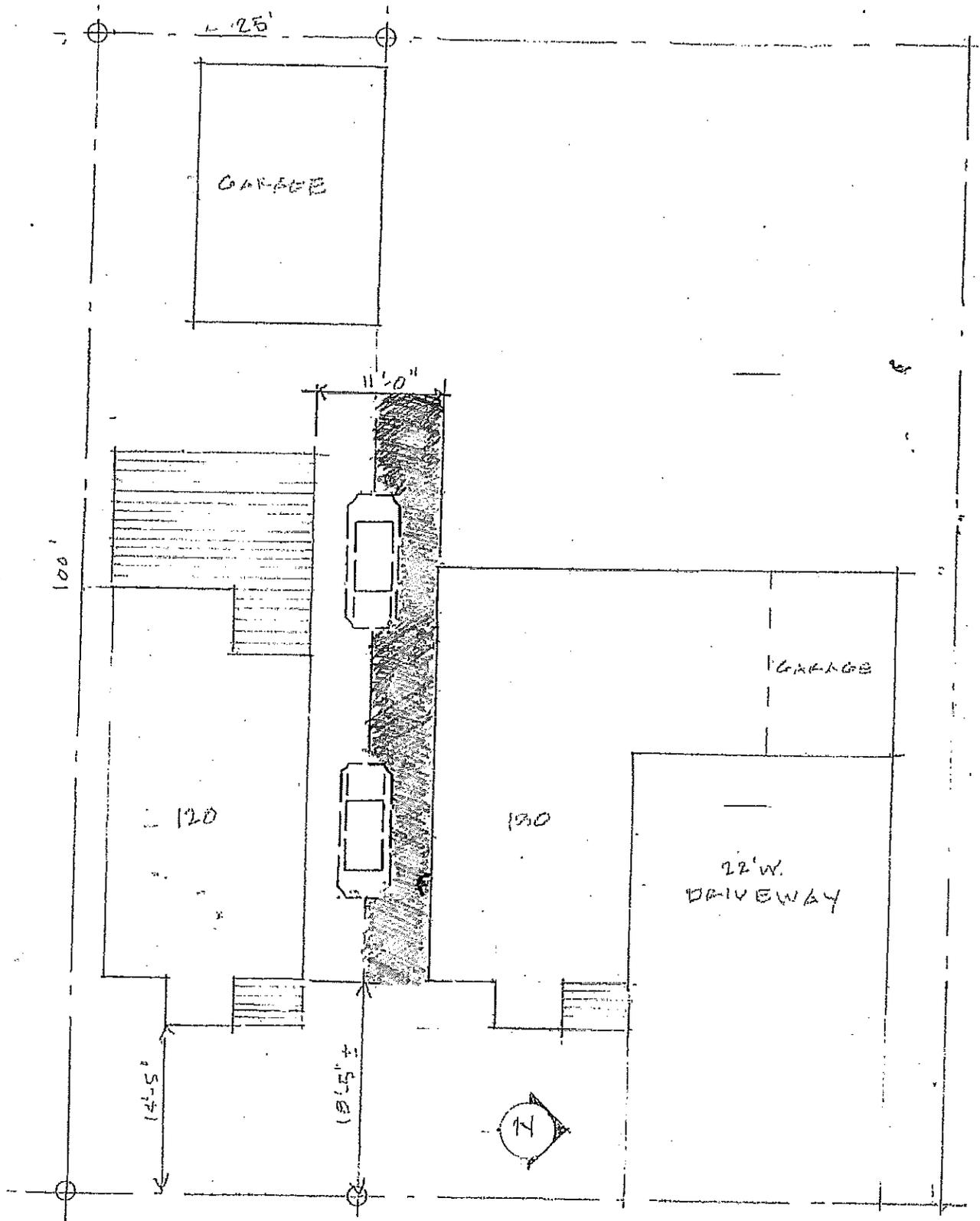
John & Jennifer Goldsmith  
Address: 120 13th Ave  
State: OR  
File No.: 11832870  
Case No.:  
Zip: 97138-6304  
Wells Fargo Bank National Association





120 13<sup>TH</sup> ST SE STE 101

1" = 10'-0"



120 13<sup>TH</sup> AVE SITE PLAN

1" = 10'0"