

Withdrawn

**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** October 25, 2016  
**Applicant:** Vince Berg, 88257 McCormick Garden Rd, Gearhart, OR 97138  
**Owner:** Laurie Benjamin & Brent & Rebecca Boles, 500 SE Pine Street, Hillsboro, OR 97123  
**Location:** 1725 N Roosevelt; T6 R10 S15BC TL: 2600 & 4604  
**Subject:** Highway Overlay Zone 16-061HOZ, Develop of a New Restaurant in the Existing Building Former Used by CRM

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**REQUEST:**

The owner plans to establish a new restaurant and brew pub in the former CRM building, located at 1725 N Roosevelt. A majority of the building (approximately 2163 sq. ft.) will be dedicated to the new use and the rest of the building will be utilized by In-Land Electric. The applicant plans to use the existing access to 17<sup>th</sup> Avenue, buildings, and paved parking area. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S15BC TL: 2600 & 4604. The new restaurant is an outright permitted use in the General Commercial (C-3) zone.

The review will be conducted in accordance with Section 3.400, Appendix G of the Transportation System Plan, and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for development in the Highway Overlay Zone

**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. These may also include conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**REVIEW CRITERIA # 1:** Pursuant to Section 3.400 of Appendix G of Seaside's TSP, all development that will create a significant number of additional trips (more than 5 peak hour or 30 average daily trips) must address the following review standards and criteria:

**Section 3.407 Highway Overlay Zone Standards**

- 1. Building Size:** The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.
- 2. Landscaping:** A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10' width multiplied by the length of the highway

frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.

**3. Exterior Lighting:** All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of site visibility from neighboring properties, street travel lanes, or the surrounding environment. All exterior lighting must be dark sky compliant and shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties, riparian area, or the state highway subject to the following exception: Line of site visibility and direct lighting of neighboring property can be permitted subject to a formal agreement with the neighboring property owner when the lighting will benefit joint parking, access, or safety.

**4. Yards Abutting the Highway Frontage:** In an effort to promote more pedestrian oriented development, regardless of yard requirements of the underlying zone, buildings must be located close to the property line adjacent to highway such that the property line setback for the building entrance will not exceed 10'.

**5. Off Street Parking:** In addition to the requirements in Section 4.100, parking areas must address the specific design standards in Section 3.410.

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

1. Mailed Notice Request Summary:

16-061HOZ is a Highway Overlay Zone request by Vince Berg to establish a new restaurant and brew pub in the former CRM building, located at 1725 N Roosevelt. A majority of the building (approximately 2163 sq. ft.) will be dedicated to the new use and the rest of the building will be utilized by In-Land Electric. The applicant plans to utilize the existing access to 17th Avenue and the existing paved parking area. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S15BC TL: 2600 & 4604.

The applicant's submitted justification and site plan are adopted by reference. The applicant's request summary includes the following:

- The proposal will establish a new restaurant use within the existing CRM building in addition to its use as an electrical contractor's office on the east side of Highway 101 (1725 N Roosevelt).
- The use is permitted outright in the zone.
- The proposed use will create more than 30 additional trips per day requiring review under the Highway Overlay Zone.
- It will not exceed the threshold of 600 trips per day or 100 during peak hour requiring a Traffic Impact Analysis (TIA).
- The total building area is approximately 8,100 square feet.
- There is a 10' wide landscaped area between the graveled edge of the highway and the pedestrian walkway fronting the property.
- All site lighting is existing and could be modified to meet the exterior lighting requirements. The building is existing and there is no proposed change to the exterior configuration.

- The parking configuration will utilize the existing paved area as indicated on the site plan.
  - The use does not directly access the highway and the abutting street to the south, 17<sup>th</sup> Avenue, will continue to be used for access.
  - The proposal will make use of the existing parking lot and structure. Although the parking lay out may be reconfigured, the development will not be relocated on the existing site.
  - Inland Electric will have 5 employees on site and the restaurant plans to utilize 1700 square feet of floor area with 6 employees. Total parking demand will be 22 spaces. The lot will provide 23 spaces including one ADA parking space. Inland will not operate after 5 p.m. during the peak use period for the restaurant.
  - A loading area is already provided behind the building.
2. A Traffic Impact Analysis (TIA) is not required for the proposed use
  3. Staff reviewed the trip generation table for a restaurant with a floor area of 2100 square feet and it appeared the use would generate approximately 189 trips per day. Using the applicant's square footage of 1700 square feet, it would drop to 153 trips per day.
  4. This property has been used for a variety of uses in the past. One of those uses was an auto parts store. The estimated trips per day would have ranged from 105 (based on 1,700 square feet) to 130 (based on 2,100 square feet). The proposed use will represent an increase of between 48 to 59 trips per day for the same amount of floor area. Maximum peak hour trips were estimated to be no more than 16. None of the trip totals crossed the TIA threshold of generating more than 600 daily trips or 100 hourly trips.
  5. The site plan indicates there is sufficient area to provide the required landscaping buffer along the western edge of the parking lot. The applicant has made reference to a landscaped area between the highway and the public sidewalk; however, this is a drainage swale along the highway and it is not landscaped.
  6. All new outdoor lighting must conform to the City's outdoor lighting ordinance and the lights must be dark sky compliant. The Commission can require the existing lights be retrofitted to meet the standard as a condition of approval to meet the standards in Section 3.407 of the highway overlay zone.
  7. In an effort to promote more pedestrian oriented development, the ordinance calls for building entrances to be located adjacent to the highway within 10' of the front property line. This site is already developed and the buildings and parking are not being relocated on the site.
  8. There is no direct pedestrian access to the front door of the facility. Based on the applicant's site plan, a developed pedestrian access route could be provided to the front door from the existing pedestrian walkway.
  9. The applicant has provided a total of 23 parking spaces. Based on staff's estimates, just over 2,100 square feet of floor area will be used for the restaurant and that would require 25 off street parking spaces based on the applicant's parking breakdown.
  10. No bike parking is indicated on the submitted site plan. Both short term and long term bike parking is required for retail sales; however, restaurants are not identified as a use type that

requires the installation of bike parking in conjunction with the increased traffic anticipated with the proposed use.

11. The proposed facility will be family friendly and it will allow minors in the restaurant. The high school is located in close proximity of the proposed use and serving alcohol will require approval by the Oregon Liquor Control Commission (OLCC) and the applications are reviewed by City Council. The Planning Commission does not review or make recommendations concerning these types of license applications.

**CONCLUSION TO CRITERIA #1:**

The proposed hotel will satisfy the applicable development standards in the Highway Overlay Zone provided the following conditions are attached to the approval.

**Condition 1:** The applicant must provide a landscaping plan for the property frontage that includes design information concepts for the proposed swale. The plan must be reviewed and approved by the Planning Commission to ensure an adequate landscape buffer will be provided.

**Condition 2:** A direct pedestrian connection between the pedestrian walkway along the fronting portion of the property and the entrance to the building must be developed. The plan for the walkway must be reviewed and approved by the Planning Commission.

**Condition 3:** All exterior lighting must be retrofitted or redesigned in order to conform to the City's outdoor lighting ordinance. The revised lighting plan must be reviewed and approved by the Planning Commission.

**REVIEW CRITERIA #2: Section 3.408 Highway Overlay Zone Criteria**

1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101.
2. If the proposal involves a development with frontage along US 101, the required permits from ODOT will need to be obtained prior to construction. If a permit already exists, proof of permit shall be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.
3. The location, design, and size of the development are such that the development can be well integrated with the surrounding transportation facilities or anticipated future developments, and will adequately address the impact of development on US 101.
4. The location, design, and size of the development are such that traffic generated by the development can be accommodated safely and is less than the mobility standard on existing or planned streets, including US 101.
5. The location, design, and size of the development are such that the proposed uses will be adequately served by existing or planned facilities or services.
6. The location, design, and size of the development are such that the proposed uses will provide functional and efficient access and circulation for anticipated pedestrians, bicycles, and vehicles.

## **FINDINGS & JUSTIFICATION STATEMENTS:**

12. The proposed development will represent a minor number of additional trips and it will make use of an existing street connection to the highway.
13. No new access onto the highway is being proposed
14. Parking for the proposed use may exceed the required number of spaces provided for the use.
15. The vehicle access appears to be functional and efficient; however, no bike parking facilities are indicated on the site plan.

## **CONCLUSION TO CRITERIA #2:**

The proposed restaurant will satisfy the applicable criteria in the Highway Overlay Zone provided the following conditions are attached to the approval.

**Condition 4:** At a minimum, short term bike parking facilities for two bikes must be incorporated into the site plan. The plan must be reviewed and approved by the Planning Commission to ensure the facilities will be functional and efficient.

**Condition 5:** A detailed floor plan that documents the restaurant's seating area square footage must be submitted for review and approval by the Planning Director. The approval would be based on documentation the usable floor area would not establish a need for parking that would exceed the number of spaces provided on site.

## **FINAL STAFF RECOMMENDATION**

Conditionally approve the establishment of the new restaurant within the existing building at 1725 N Roosevelt. 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 it is not a condition of approval, the following is a reminder to the applicant.

- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance, Sign Code, Building Code, 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 Submitted Information & Proposed Site Development Plan

# ***Proposed Restaurant and Brew Pub***

For  
Vince Berg  
88257 McCormick Garden Road  
Gearhart OR, 97138

September 29, 2016

## **Legal Description:**

Tax Lots 801 & 4604 *2600*  
Located in Section 15BC, T6N, R10W, W.M.,  
City of Seaside, Clatsop County, Oregon  
1725 North Roosevelt Drive

## **Planner/Engineer/Surveyor:**

CKI  
PO Box 2699  
Gearhart, Oregon 97138  
Phone: (503) 738-4320  
Fax: (503) 738-7854

## **Index:**

- |           |  |
|-----------|--|
| Section A | City of Seaside Land Use Application   |
| Section B | Project Narrative addressing consistency with the City of Seaside Development Code |
| Section C | Reduced Preliminary Plans, Tax Map and Property Deed                               |

## PROJECT INFORMATION

Legal Description: Tax Lots 801 & 4604  
Located in Section 15BC, T6N, R10W, W.M.,  
Site Address: <sup>1725</sup>1625 North Roosevelt (Highway 101) Seaside, OR 97138

Zoning: C-3 Commercial General

Owner: Laurie Benjamin & Brent and Rebecca Boles  
500 SE Pine Street, Hillsboro, OR 97123

Applicant: Vince Berg  
88257 McCormick Garden Road Gearhart OR, 97138

## PROPOSAL

The proposal is for a restaurant and brew pub for the majority of the building. The remaining part of the building is being utilized by Inland Electric.

The site was previously used by CRM and the existing building and paved areas are proposed to remain and be utilized. The building already has utility services and access to 16<sup>th</sup> Avenue to the South.

The following narrative addresses the application sections of the City of Seaside development code including the underlying zone, the Highway 101 Overlay zone and the City's parking standards.

**Section A**  
City of Seaside Land Use Application



**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 Vince Berg	ADDRESS 88257 McCormick Garden Road Gearhart OR, 97138	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY 1725 N. Roosevelt Drive (Highway 101)		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
C3	Highway 101 Overlay	6N	10W	15BC	2600,4604

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

Proposed restaurant and brew pub located within the highway 101 overlay zone.

(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 Laurie Benjamin & Brent and Rebecca Boles	PRINT NAME OF APPLICANT/REPRESENTATIVE CKI
ADDRESS 500 SE Pine Street, Hillsboro, OR 97123	ADDRESS PO Box 2699 Gearhart, OR 97138
PHONE / FAX / EMAIL	PHONE / FAX / EMAIL 503 738-4320
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF APPLICANT/REPRESENTATIVE

**FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE**

**CHECK TYPE OF PERMIT REQUESTED:**

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input 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)	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

**Section B**  
Project Narrative

## CONSISTENCY WITH CITY OF SEASIDE DEVELOPMENT CODE

### Section 3.080 C-3 COMMERCIAL, GENERAL

**Section 3.081 Purpose.** *To provide for more intensive commercial uses which do not require prime areas, such as in the central business district or resort areas. The area is characterized by wholesale and heavier commercial uses which normally occur in the fringe area of the central business district.*

**Section 3.082 Outright Uses Permitted.** *In a C-3 Zone, the following uses and their accessory uses are permitted outright.*

1. Retail stores and shops handling food, drugs, clothes, gifts, antiques, new and used furniture and appliances.
2. Wholesale suppliers and warehouses.
3. Building supplies, contractor's offices and yards, and farm supplies.
4. Automotive uses such as repair shops and service stations, and new and used car dealers.
5. Processing such as a dairy, bottling plant, or fish.
6. Restaurants, including drive-through operations.
7. Service type store or business such as a barber or beauty shop, clothes cleaning, shoe repair, small appliance and engine repair, and telegraph offices.
8. Offices such as banks, savings and loans, insurance and professional offices.
9. Public facilities such as post office, telephone exchange, substation, fire or police station.
10. Hotel or motel.
11. The rental of non-motorized bikes, trikes, and boats.
12. Residential Facilities.
13. Theater
14. Maintenance, repair or minor modification to existing roads, sidewalks, bike paths and public utilities and services; New sidewalks and bike paths. Where new right-of way will be required that exceeds 25 percent of the existing right-of-way for the project area, the request shall be reviewed as a conditional use. These activities do not authorize the condemnation of property without due process.

**Response:** The proposal is for a restaurant and brew pub which is an outright use under no. 6.

**Section 3.083 Conditional Uses Permitted.** *In a C-3 Zone, the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.*

1. Drive-in restaurants.
2. Contractor's Yards
3. Mobile home and trailer sales lots and associated repair facilities.
4. Churches, religious structures and schools.
5. Residential uses in conjunction with a permitted use and when located within the same structure.
6. Time-share units, Condominiums and Apartments.
7. Recreational vehicle parks and campgrounds.
8. The rental of motorized bikes, and boats.
9. Indoor and outdoor amusement activities.
10. Kennels when in conjunction with a veterinary hospital.
11. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
12. Mini-storage

13. *Similar Use subject to Section 6.250*
14. *Assisted Living Facilities*

**Response:** No conditional uses are proposed.

Section 3.084 Prohibited Uses and Structures. *In a C-3 Zone the following uses and structures are prohibited.*

1. *Single family and two family residential uses.*

**Response:** No single family or two family residential uses are proposed.

Section 3.085 Standards. *In a C-3 Zone, the following standards shall apply:*

1. *Lot Size: No minimum requirement.*
2. *Density: No requirements.*
3. *Front Yard: None.*
4. *Side Yard: None, except when abutting an "R" Zone and then the side yard shall be at least 5 feet.*
5. *Rear Yard: None, except when abutting an "R" Zone and then the rear yard shall be at least 15 feet.*
6. *Height Restriction: Maximum height of a structure shall be 45 feet.*
7. *Lot Coverage: No requirements.*
8. *Off-Street Parking: As specified in Section 4.100.*
9. *All uses shall comply with other applicable supplementary provisions in Article 4.*
10. *Although setbacks are not required when properties do not adjoin "R" Zones, utility easements must be provided.*

**Response:** The existing building complies with this section. Parking is addressed under section 4.100 below.

### **SECTION 3.400 HIGHWAY 101 OVERLAY ZONE**

#### **ACCESS REVIEW**

*The Planning Commission will do a site review of all proposed developments within 200' of Roosevelt Drive (Highway 101) whenever they will cause a significant number of vehicle trips. For the purpose of this review, a significant number of trips is 30 trips per day or 5 trips per hour. This review is intended to determine compliance with the City of Seaside Transportation System Plan and consider impacts of the development on the traffic carrying capacity and safety of Hwy 101.*

**Response:** The proposed project will create more than 30 trips per day.

*The City of Seaside and the State Highway Division shall cooperate during the review of the proposed development to ensure the standard of the Overlay Zone are upheld. Certain actions will require the additional submittal of a Traffic Impact Analysis (TIA) in accordance with Section 3.406.1, A & B. These include:*

- (i) Proposed developments generating vehicle trips that equal or exceed 600 daily trips or 100 hourly trips; or*
- (ii) Proposed zone changes or comprehensive plan changes; or*
- (iii) An onsite review by the Oregon Department of Transportation Region Manager, or authorized designee, indicates that operational or safety problems exist or are anticipated at the development property.*

**Response:** The proposed project will not exceed these thresholds.

1. At this time, has the Planning Director indicated that a TIA must be submitted. \_\_\_\_\_. If yes, a TIA must be included with the applicant's submittal. The scope, methodology, and process for the TIA shall be reviewed with ODOT prior to implementation. Developers are hereby advised to coordinate directly with ODOT's Development Review Coordinator.

**Response:** The proposed project does not meet the thresholds to require a TIA.

2. Plan Submittal Requirements:

a. A minimum of ten hard copies and one electronic copy of the proposed development plan must be submitted showing: streets, driveways, sidewalks, pedestrian ways, drainage facilities, off-street parking and loading areas; location and approximate dimensions of structures, utilization of structures, including activities and the number of living units; major landscaping areas; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space. All elements listed in this subsection shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.

b. Vicinity maps and information on the use and points of access utilized by any abutting property within 200 feet of the development site.

c. A boundary survey by a registered engineer or licensed surveyor.

d. If the final development plan will be executed in phases, a schedule thereof will be required.

**Response:** The proposed site plan contains these items. No phases are proposed.

*Review Standards and Criteria: The planning Commission will review the submittal during a public hearing and determine whether the proposal conforms to the attached standards and criteria set forth in the U.S. 101 overlay zone.*

**Response:** The applicant understands this section.

Section 3.407 Standards. In the Highway Overlay Zone, the following standards shall apply:

1. *Building Size: The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.*

**Response:** Based on survey measurements the existing building is approximately 8,100 square feet in accordance with this section.

2. *Landscaping: A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10' width multiplied by the length of the highway frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.*

**Response:** There is a 10' wide landscaping area between the edge of gravel of the highway and the public sidewalk.

3. *Exterior Lighting: All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of site visibility from neighboring properties, street travel lanes, or the surrounding environment. All exterior lighting must be dark sky compliant and shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties, riparian area, or the state*

*highway subject to the following exception: Line of site visibility and direct lighting of neighboring property can be permitted subject to a formal agreement with the neighboring property owner when the lighting will benefit joint parking, access, or safety.*

**Response:** The site lighting is existing. This lighting could be modified in accordance with this section.

*4. Yards Abutting the Highway Frontage: In an effort to promote more pedestrian oriented development, regardless of yard requirements of the underlying zone, buildings must be located close to the property line adjacent to highway such that the property line setback for the building entrance will not exceed 10'.*

**Response:** The building is existing.

*5. Off Street Parking: In addition to the requirements in Section 4.100, parking areas must address the specific design standards in Section 3.410.*

**Response:** The parking criteria is addressed below.

*Section 3.408 Criteria.* *Development proposals shall be evaluated according to the following criteria:*

*1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101.*

**Response:** The proposal is consistent with the overlay zone.

*2. If the proposal involves a development with frontage along US 101, the required permits from ODOT will need to be obtained prior to construction. If a permit already exists, proof of permit shall be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.*

**Response:** The development borders accesses 17<sup>th</sup> Avenue and does not directly access the highway.

*3. The location, design, and size of the development are such that the development can be well integrated with the surrounding transportation facilities or anticipated future developments, and will adequately address the impact of development on US 101.*

**Response:** The existing building and parking areas are in conformance with this section.

*4. The location, design, and size of the development are such that traffic generated by the development can be accommodated safely and is less than the mobility standard on existing or planned streets, including US 101.*

**Response:** The traffic generated by this development can be accommodated safely with the access running onto 17<sup>th</sup> Avenue and then onto the Highway.

*5. The location, design, and size of the development are such that the proposed uses will be adequately served by existing or planned facilities or services.*

**Response:** The existing building is already served by existing facilities.

6. *The location, design, and size of the development are such that the proposed uses will provide functional and efficient access and circulation for anticipated pedestrians, bicycles, and vehicles.*

**Response:** The existing parking area is proposed to be modified to be in accordance with this section.

Section 3.409 US 101 Capacity Preservation Standards

*Land use applications subject to the provisions of Section 3.400 shall consider the following:*

1. *Transportation demand management (TDM) measures shall be strongly encouraged as a way to minimize peak hour vehicle trips. The City will compile and adopt a list of TDM measures they wish to promote in an effort to help preserve the capacity of US 101. This list will be reviewed and evaluated by the City on an annual basis.*

**Response:** The proposed restaurant shares parking with Inland Electric which only operates during the day. This will reduce peak hour trips as the restaurant will typically be busier in the evenings when no traffic will be generated by Inland Electric.

Section 3.410 Automobile Parking Standards

1. *Off-street parking, driveways, and other vehicle areas shall not be placed between buildings and the highway; except the following vehicle areas are allowed where the approval body finds that they will not adversely affect pedestrian safety and convenience:*

a. *Schools, assisted living facilities, and other institutional uses may have one driveway not exceeding 20 feet in width plus parallel parking, including ADA accessible spaces, located between the street and the primary building entrance, provided that the building's primary entrance is connected to an adjacent street by a pedestrian walkway and the driveway/parking area is crossed by a clearly defined pedestrian walkway. The intent of this exception is allow driveways for particular uses that exhibit street-like features;*

**Response:** The off-street parking lot is existing and cannot be relocated due to the existing location of the building.

b. *Attached single family housing developments (townhomes) with street-facing garages may have one driveway access located between the street and the primary building entrance for every two dwelling units, provided they meet the following criteria:*

- 1) *Where two abutting townhomes have street-facing garages, they shall share one driveway access that does not exceed 16 feet in width where it crosses the street right-of-way;*
- 2) *All primary building entrances shall be connected to a driveway (and sidewalk) via a pedestrian walkway that is not less than six (6) feet wide;*
- 3) *The maximum number of consecutively attached townhomes with garages facing the same street is four (4) (two driveways); and*
- 4) *Street-facing garages shall be setback a minimum of 20 feet from the street; where a building is placed less than 20 feet from the street, the 20-foot garage setback may be accomplished by recessing the garage behind the front building elevation.*

**Response:** The proposal is not for attached single family housing.

c. *Commercial buildings and uses (e.g., neighborhood commercial or mixed-use) shall be encouraged to locate all of their off-street parking located behind or to the side of such buildings and uses and screened from abutting properties. Off-street parking shall not be located between any building and US 101.*

**Response:** The off-street parking lot is existing and cannot be relocated due to the existing location of the building. The parking could be screened if the City felt that this was appropriate.

Section 3.420 Design Standards Vehicular Access and Circulation

1. *Permit Requirement – Access to US 101 requires an access permit from the Oregon Department of Transportation. The access permit or a condition that requires obtaining the permit must be attached as a condition of approval to a land use decision.*

**Response:** The proposed development accesses 17<sup>th</sup> Avenue and not the highway.

2. *Closure or consolidation – The City (and/or ODOT if the parcel fronts US 101) may require the closing or consolidation of existing curb cuts or other vehicle access points, installation of traffic control devices and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the transportation system.*

**Response:** The applicant understands this section.

3. *Site circulation – new developments shall be required to provide a circulation system that accommodates expected traffic on site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in section 4.040.*

**Response:** The proposed site has adequate circulation.

4. *Joint and cross access – requirement – The number of driveway and private street intersections with US 101 shall be minimized by the use of shared driveways for adjoining lots where deemed feasible by the City. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations:*

- a. *Shared parking areas*
- b. *Adjacent developments*
- c. *Multi-tenant developments and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:*
  - i. *A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable ODOT access management classification system and standards*
  - ii. *A design speed of 10 miles per hour and a maximum width of 20 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles*
  - iii. *Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;*

**Response:** The site does not access the Highway directly but accesses 17<sup>th</sup> Avenue.

5. *Joint and cross access – reduction in required parking allowed – when a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced by 25 percent.*

**Response:** The project does not have a shared driveway.

6. *Joint and cross access – easement and use and maintenance agreement – property owners shall:*

- a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive*
- b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;*
- c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.*

**Response:** The property does not have a shared driveway.

7. *Access connections and driveway design – all driveway connections to local street right-of-way (access) and driveways shall conform to all of the following design standards:*

- a. Driveway width – driveways on local streets shall meet the following standards:*
  - i. One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet, and a maximum width of 12 feet, and shall have appropriate signage designating the driveway as a one-way connection.*
  - ii. For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.*

**Response:** The proposed modified driveway width is 24' in accordance with this section.

*b. Driveway approaches – local street driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation (an exception may be provided for single family dwellings). Construction of driveway accesses along acceleration or deceleration lanes or tapers shall be avoided due to the potential for vehicular conflicts. Driveways shall be located to allow for safe maneuvering in and around loading areas. Driveway approaches to US 101 are subject to ODOT approval and must be consistent with state requirements.*

**Response:** The proposed driveway is in accordance with this section.

*c. Driveway construction – local street driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 6' feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections. Driveway Construction on US 101 is subject to requirements for access found in OAR Division 51.*

**Response:** The driveway is existing. No concrete approach is proposed.

8. *Relocate access along local streets – upon property development or redevelopment, driveways and approaches on US 101 shall be analyzed to determine if the approach could be relocated onto a side street as far from the intersection with US 101 as possible, allowing closure of the approach on US 101.*

**Response:** The site access a local street.

9. *Variance to Vehicular Access and Circulation Standards. Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:*

- A. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;*
- B. There are no other alternative access points on the street in question or from another street;*
- C. The access separation requirements cannot be met;*
- D. The request is the minimum variance required to provide adequate access;*
- E. The approved access or access approved with conditions will result in a reasonably safe access;*
- F. The visual clearance requirements of Chapter 3.1 will be met; and*
- G. Variances for street access deviations shall be subject to review and approval by the roadway authority*

**Response:** No variance is proposed.

Section 4.100 OFF-STREET PARKING REQUIREMENTS

*At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this Section and Section 4.120, unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this Section. Where square feet are specified, the area measured shall be the customer accessible area, covered or uncovered, but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.*

Section 4.101 Residential.

<u>Uses</u>	<u>Parking Spaces Required</u>
1. One or two family dwelling	Two spaces per dwelling unit
2. Apartment dwellings, condominium or time share project.	Two spaces per dwelling unit
3. Rooming or boarding house or fraternity plus one additional space per two employees.	One space per guest room or suite,
4. Hotel, motel or tourist court plus one space for manager or owner.	One space per room, suite or unit,
5. Manufactured Dwelling Park	Two spaces per manufactured dwelling.

6. Convalescent, nursing and other health homes and institutions, homes for aged, patients, children's homes and welfare or correctional institutions.

One space per three beds for plus one additional space per two employees

7. Assisted living facilities

One space per three units or greater as may required by the reviewing body to meet the needs of the specific proposal.

Section 4.102 Public and Semi-Public Buildings and Uses.

Uses:

Parking Spaces Required

1. Auditorium or meeting room (other than a school or church)

One space for each 60 s.f. of floor area in the auditorium, or where seating is fixed to the floor, one space for each four seats, or eight feet of bench length.

2. Church

One space per 80 sq. ft. of floor area in the main assembly area, or where seating is fixed to the floor, one space per four seats, or eight feet of bench length.

3. Club, Lodge or association

Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.

4. Hospital.

One and one half spaces per bed.

5. Library.

One space per 400 sq. ft. of reading room, plus one space per two employees.

6. Kindergarten, pre-school, nursery, or

One space per employee equivalent private or parochial school

7. Elementary, Junior High or equivalent private or parochial schools.

One space per employee or one one space per four seats or eight feet of bench in auditorium or assembly room, whichever is greater

8. Senior High School or equivalent private or parochial school.

One space per employee or one one space per four seats, or eight feet of bench length in auditorium or assembly, whichever is greater.

9. College, university, institution of higher education or equivalent private or parochial school.

One space per three seats in classroom

10. Passenger terminal.

One space for each 500 sq.ft. of floor area.

11. Post Office.  
patron service floor area, plus one  
space per employee.

One space for each 50 sq.ft. of

Section 4.103 Commercial

Uses:

Parking Spaces Required

1. Retail store, except provided in sub section  
'2' below.

One space for each 200 s.f. of floor  
area plus one space per employee

2. Service or repair shop or retail store handling  
bulky merchandise such as automobiles area,  
or furniture.

One space for each 600 s.f. of floor  
plus one space per employee

3. Bank or office, except medical or dental.  
area, plus one space per employee.

One space for each 400 s.f. of floor

4. Medical or dental clinic

One space per 300 sq.ft. of floor  
area, plus one space per employee.

5. Eating or drinking establishment.

One space per 150 s.f. of floor area,  
plus one space per employee.

6. Mortuary.

One space per 4 chapel seats or  
eight feet of bench length.

Section 4.104 Commercial Recreation

Uses:

Parking Spaces Required

1. Amusement Park.

One space for each 1,000 s.f. of  
patron serving area.

2. Billiard or pool hall.

One space per table, plus one space  
per employee.

3. Bowling alley.

Five spaces for each alley, plus one  
space for each employee.

4. Dance hall, skating rink or gymnasium.

One space per 50 s.f. of patron area,  
plus one space per employee.

5. Go-kart track.

One space per kart, plus one space  
per employee.

6. Golf driving range.

One space per 10 linear feet of  
driving line.

7. Indoor arena or theater.

One space per four seats or eight  
feet of bench length.

8. Miniature golf course.

One space per two holes plus one  
space per employee.

- |                              |  |
|------------------------------|--|
| 9. Race track or stadium.    | One space per four seats or eight feet of bench length.              |
| 10. Shooting gallery/ parade | One space per 500 sq.ft. of floor area, plus one space per employee. |
| 11. Swimming pool.           | One space per 50 sq.ft of pool, plus one space per employee.         |

Section. 4.105: Industrial

<u>Uses:</u>	<u>Parking Spaces Required</u>
1. Manufacturing Use	One space per employee.
2. Storage or wholesale.	One space per employee plus one space per 700 s.f. of patron serving area

**Response:** The proposed property has two uses, Inland Electric and the proposed restaurant. Inland operates as a manufacturing use and states they will have 5 onsite employees with a need for 5 spaces. The restaurant plans on operating 1,700 square feet of floor area requiring 11 spaces. In addition they will have 6 employees for a total of 17 spaces and a grand total for all uses at 22 spaces. The proposed site layout provides 22 standard spaces and an additional ADA spot. In addition, Inland does not operate in the evenings which will provide additional spaces for the restaurant.

Section 4.110 OFF-STREET LOADING REQUIREMENTS

*At the time a structure is erected or enlarged, or the use of a structure or parcel of land changes within any zone in the City, off-street loading spaces shall be provided in accordance with the requirements of this Section and Section 4.120, unless greater requirements are otherwise established.*

**Response:** The proposed site will provide off street loading in accordance with 4.120.

Section 4.111 Merchandise, Materials or Supplies, and Solid Waste Disposal. Buildings or structures to be built or substantially altered which receive and distribute material including solid waste or merchandise by truck, shall provide and maintain off-street loading berths in accordance with standards adopted by the Planning Commission. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs or the particular use. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

**Response:** Off street loading is provided behind the building.

Section 4.112 Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers, shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one-time.

**Response:** No school or public meeting place is proposed.

Section 4.120 OFF-STREET PARKING AND LOADING. GENERAL PROVISIONS.

*The following general provisions shall govern the application of off-street parking and loading requirements:*

Section 4.121 Building and Uses not Listed. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed.*

**Response:** The applicant understands this section.

Section 4.122 Several Uses Occupying a Single Structure. *In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking and loading shall be the sum of the requirements of the several uses computed separately.*

**Response:** The parking provided is in accordance with this section.

Section 4.123 Owners of Two or More Uses. *Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.*

**Response:** The applicant understands this section.

Section 4.124 Off-Street Parking. *Off-street parking for dwellings shall be located on the same lot with the dwelling. Required off-street parking spaces for other uses shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.*

**Response:** The proposed parking is adjacent to the building.

Section 4.125 Required Parking Spaces. *Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of delivery vehicles used in conducting the business or use.*

**Response:** The applicant understands this section.

Section 4.126 Required Parking and Loading Spaces. *Required parking and loading spaces shall not be located in a required front yard or street side yard except for one or two- family dwellings.*

**Response:** There are no setbacks in this zone.

Section 4.127 Meeting Off-Street Parking and Loading Requirements. *A plan drawn to scale and dimensioned, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a building permit.*

**Response:** The parking is shown on the preliminary plans.

Section 4.128 Design Requirements for Parking Spaces. *Design requirements for parking spaces and loading areas shall be as follows:*

1. *Any area used for standing and maneuvering of vehicles shall have adequate surface drainage so as to avoid water standing or flowing onto adjacent properties.*

**Response:** The drainage facilities are existing and no standing water is present.

*2. Except for parking to serve one or two-family residential uses, parking and loading areas adjacent to or within residential zones, or adjacent to residential uses, shall be designed to minimize disturbances of residents by the erection between the uses of a sight-obscuring fence of not less than five nor more than six feet in height except where vision clearance is required.*

**Response:** The site is not adjacent to residential zones or uses.

*3. Parking spaces along the outer boundaries of a lot shall be contained by a curb at least four inches high and set back a minimum of 4.5 feet from the property line.*

**Response:** The outer boundaries of the existing parking lot has a border of 6" high curb. All proposed parking spaces are 4.5' from the property line.

*4. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.*

**Response:** There are no residential zones or dwellings adjacent to the site.

*5. Parking spaces and aisles for turning and maneuvering of vehicles shall be in accordance with standards adopted by the Planning Commission.*

**Response:** The spaces and aisles are in accordance with those standards.

*6. Groups of five or more parking spaces shall be served by a driveway so no backing movements or other maneuvering within a street other than an alley will be required.*

**Response:** The parking lot is served by a driveway.

*7. On parking lots having five or more parking spaces, such spaces shall be clearly marked in a permanent manner.*

**Response:** The proposed parking spots will be marked in accordance with this section.

*8. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum which will allow the property to accommodate and service traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Section 4.129 Parking Lots of Ten or More Spaces. For parking lots of 10 spaces or more, no more than 30-percent can be designed for compact cars without Planning Commission review. If more than 30-percent of the spaces are compact, the parking design is subject to Planning Commission review. In no case shall compact spaces exceed 60-percent of the total spaces required.*

**Response:** The proposed parking is in accordance with this section.

## CONCLUSION

The proposed development is consistent with the City of Seaside Zoning Code. There are adequate public facilities, services, and transportation networks available to support

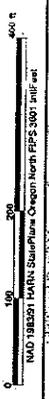
the use. The proposed use is an allowed use in the C-3 zone. We are therefore requesting approval of application as submitted.

## **Section C**

Reduced Preliminary Plans  
Tax Map and Property Deed

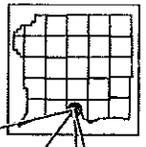


**T6N R10W SEC 15BC WM  
CLATSOP COUNTY**  
Scale 1:1200



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Mathematical Details Maps on Separate Sheets

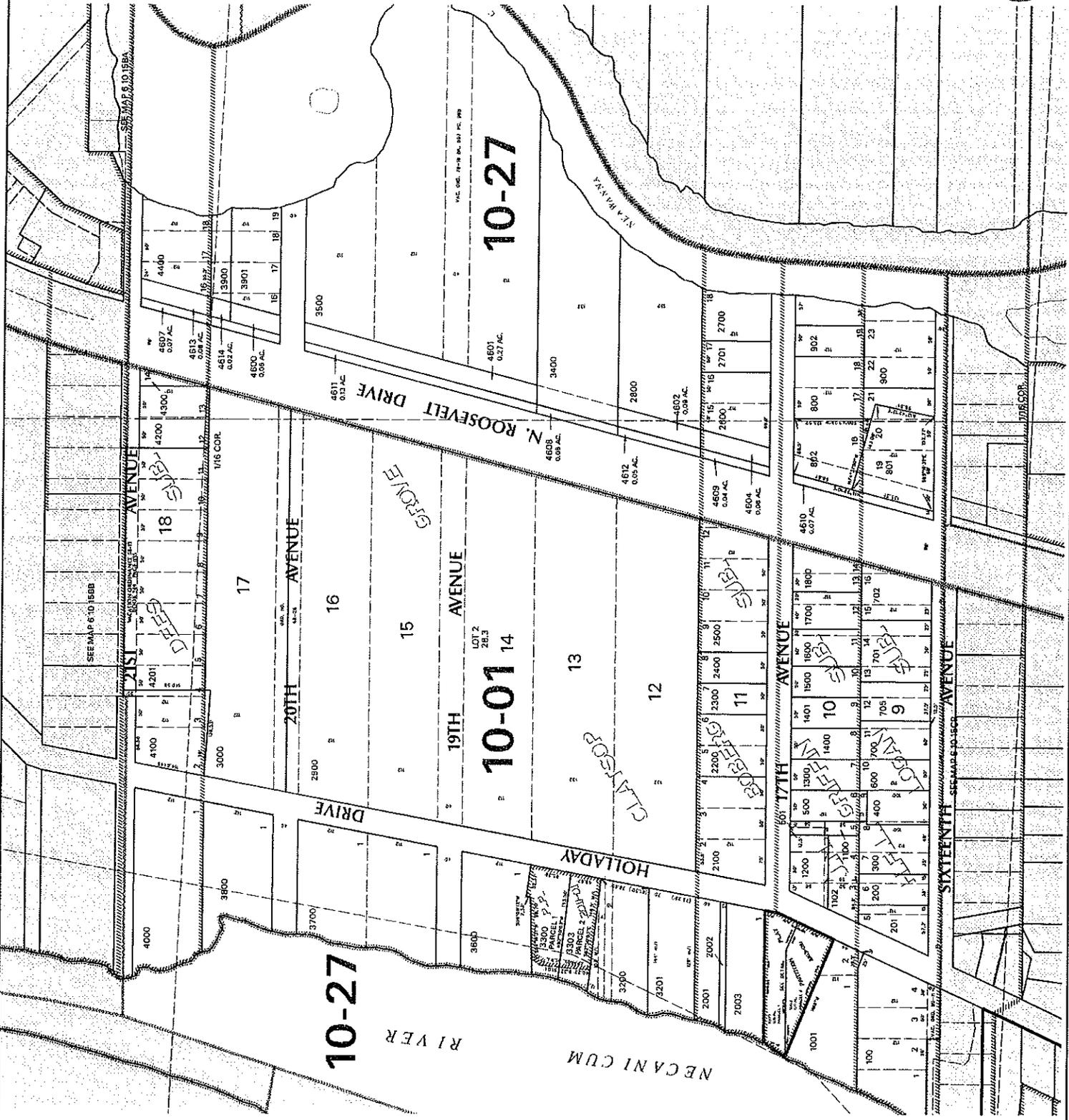


August 11, 2016

6.10.15BC



This map was prepared for informational purposes only. Clatsop County, Oregon, does not warrant the accuracy or completeness of the information shown on this map. It is not intended for any other purpose.



SEE MAP 6.10.15BC

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Recording instrument # 201506117  
 Recorded By: Clatsop County Clerk  
 # of Pages: 2 Fee: 52.00  
 Transaction date: 7/28/2015 15:13:44  
 Deputy: nstethem

**RECORDING REQUESTED BY:**

Ticor Title Company  
 422 N. Roosevelt Drive/PO Box 30  
 Seaside, OR 97138

**GRANTOR:**

Bank of the Pacific  
 1101 S Boone Street  
 Aberdeen, WA 98520

**GRANTEE:**

Laurie Lynn Benjamin, as to an undivided 60% interest  
 and Brent Boles and Rebecca Boles, as tenants by the entirety, as to an undivided 40% interest  
 5300 SE Pine St.  
 Hillsboro, OR 97123

**SEND TAX STATEMENTS TO:**

Laurie Lynn Benjamin  
 Brent Boles  
 Rebecca Boles  
 5300 SE Pine Street  
 Hillsboro, OR 97123

**AFTER RECORDING RETURN TO:**

Laurie Lynn Benjamin  
 Brent Boles  
 Rebecca Boles  
 5300 SE Pine Street  
 Hillsboro, OR 97123

Account No.: 10246  
 Map No.: 61015BC02600

Account No.: 10247  
 Map No.: 61015BC02700

Account No.: 10248  
 Map No.: 61015BC02701

Account No.: 10271  
 Map No.: 61015BC04604

Escrow No: 360415017055-TTAST09

Total Consideration \$ 475,000.00

1725 N Roosevelt Drive  
 Seaside, OR 97138

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED – STATUTORY FORM**  
 (INDIVIDUAL or CORPORATION)

Bank of the Pacific, Grantor, conveys to Laurie Lynn Benjamin, as to an undivided 60% interest and Brent Boles and Rebecca Boles, as tenants by the entirety, as to an undivided 40% interest, Grantee, the following described real property, situated in the County of Clatsop, State of Oregon,

**PARCEL NO. 1:**

Lots 15, 16, and 17, Boberg's Subdivision of Block 11, CLATSOP GROVE, in the City of Seaside, County of Clatsop, State of Oregon.

**PARCEL NO. 2:**

Beginning at a point where the North line of Lot 15, Boberg's Subdivision of Block 11, Clatsop Grove, intersects the Easterly right of way line of the Spokane, Portland, and Seattle Railway Co.;

thence due West approximately 30 feet to the centerline of said right of way;

thence in a Southerly direction along the said centerline to the point of intersection with the North line of 17th Avenue;

thence Easterly along the North line of said 17th Avenue to the Easterly line of the above-mentioned railroad right of way;

thence Northerly along the said Easterly right of way line to the point of beginning, in the City of Seaside, County of Clatsop, State of Oregon.

360415017055-TTAST09  
 Deed (Bargain and Sale – Statutory Form)

Recorded by Ticor Title Ins. Co. 360415017055

PARCEL NO. 3:

Lot 18, Boberg's Subdivision of Block 11, CLATSOP GROVE, in the City of Seaside, County of Clatsop, State of Oregon.

The true consideration for this conveyance is \$475,000.00. (See ORS 93.030).

SUBJECT TO: Covenants, Conditions, Restrictions, Reservations, set back lines, Power of Special Districts, and easements of Record, if any.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 1-24-15

Bank of the Pacific

BY: Dian D. Barker-Sayce  
Dian D. Barker-Sayce, Senior Vice President

State of OREGON

COUNTY of Clatsop

This instrument was acknowledged before me on July 24, 2015

by Dian D. Barker-Sayce  
as Sr. Vice President of Bank of the Pacific

[Signature]  
Notary Public - State of Oregon  
My commission expires: Jan 31, 2017



## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Admin. Assistant, Debbie Kenyon  
**Date:** October 24, 2016  
**Owner/ Applicant:** Susan Elgin  
13813 SE 11<sup>th</sup> St.  
Vancouver, WA 98684  
**Location:** 223 13<sup>th</sup> Avenue, Seaside OR, T6-R10-S16DA TL#9200  
**Subject:** Conditional Use 16-062VRD; Vacation Rental Dwelling Permit

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### REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **223 13<sup>th</sup> Ave.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling.

The review will be conducted in accordance with Article 6 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Conditional Use. 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 apply 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:

**16-062VRD** is a conditional use request by **Susan Elgin** 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 property is located at **223 13<sup>th</sup> Avenue (6 10 16DA TL 9200)** 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 **two** off-street parking spaces that are available on the site.
- b. The existing **two** bedroom dwelling will have a limited occupancy of **six people** over the age of three (not more than 10 regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
- d. **Beach House Vacation , 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.**
- e. The applicants, **Susan Elgin** has 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 **35%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2) & High Density Residential (R-3)**.

3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department did not receive any written comments about the applicant's request at the time the staff report was prepared.

4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.

5. 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.

6. 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.*

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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 within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

**13. 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 one space inside the garage & the existing parking area in front of the garage.**

**14. Sidewalks are not installed at this time on 13<sup>th</sup> Avenue. That provides an undeveloped portion of public right of way between the existing curb line & the applicant's property. The existing curb line is recognized as the developed street line; however, the Zoning Ordinance would define the undeveloped portion of the right of way as part of the street.**

**15. For the purpose of this review, the Commission can recognize the space in front of the garage as being "off street" until such time street improvements (such as sidewalks) extend beyond the existing curb line.**

**16. There is insufficient space for the applicant to provide an additional off street parking space outside of the public right of way without falling below the 50% front yard landscaping requirement applicable to VRDs.**

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

The request is contingent upon the Commission temporarily recognizing the parking space in front of the garage as an "off street" parking space based on limited improvement of the street up to the existing curb line 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 **(16-062VRD)** 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.**

**For the purpose of this review, the Commission has recognized the space in front of the garage as being off street since the existing curb line defines the limit of current street improvements. Future expansion of the street improvements (such as providing sidewalks or widening the street) that extend beyond the existing curb line will require suspension of the rental until such time two parking spaces can be provided on site without violating the 50% landscaping standard applicable to VRD residential yards.**

- 3. Maximum number of occupants: Six (6) 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, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.

- 6. Local Contact: Beach House Vacation Rentals, 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 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.*
- 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.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-062VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10, regardless of age) at **223 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.

- The conditional use 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



**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 <i>Susan Elgin</i>	ADDRESS <i>13813 SE 11th St. Vancouver, WA 98683</i>	ZIP CODE <i>98683</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>223 13th Ave Seaside, OR 97138</i>		

ZONE <i>R2</i>	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

*Application is for Vacational Rental*

(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 <i>Susan Elgin</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE		
ADDRESS <i>13813 SE 11th St. Vancouver WA 98683</i>	ADDRESS		
PHONE / FAX / EMAIL <i>360 513-1868 selgin@accountant.com</i>	PHONE / FAX / EMAIL		
SIGNATURE OF PROPERTY OWNER <i>Susan Elgin</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"/>                       |

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) <i>110-0162 VRI</i>	
HEARING DATE	P.C. ACTION

<b>OFFICE USE:</b>	
FEE	RECEIPT
DATE FILED	BY

SEP 27 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.

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

SUBMITTAL INFORMATION

1. Applicant's Name: Susan Elgin
2. Mailing Address: 13813 SE 11th St Vancouver WA 98684
3. Telephone #: Home 360 533-1868, Work 360 882-3119 Fax 360 882-3125
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: 223 13th Ave Seaside, OR
6. Tax Map Ref.: Township \_\_\_\_\_, Range \_\_\_\_\_, Section \_\_\_\_\_, Tax lot # \_\_\_\_\_
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? \_\_\_\_\_ 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; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. 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 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: Erin Barker Phone # (503) 440-1168  
Beach House Vacation Rentals

ORIGINAL

VRD Application 5-12-16

2000  
 7500  
 \$3000  
 + CC 2500  
 ✓ 5226 52500

1  
9730

**Address:** 800 N. Roosevelt Dr. 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?** R-2. 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: 9/19/16

**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: \_\_\_\_\_

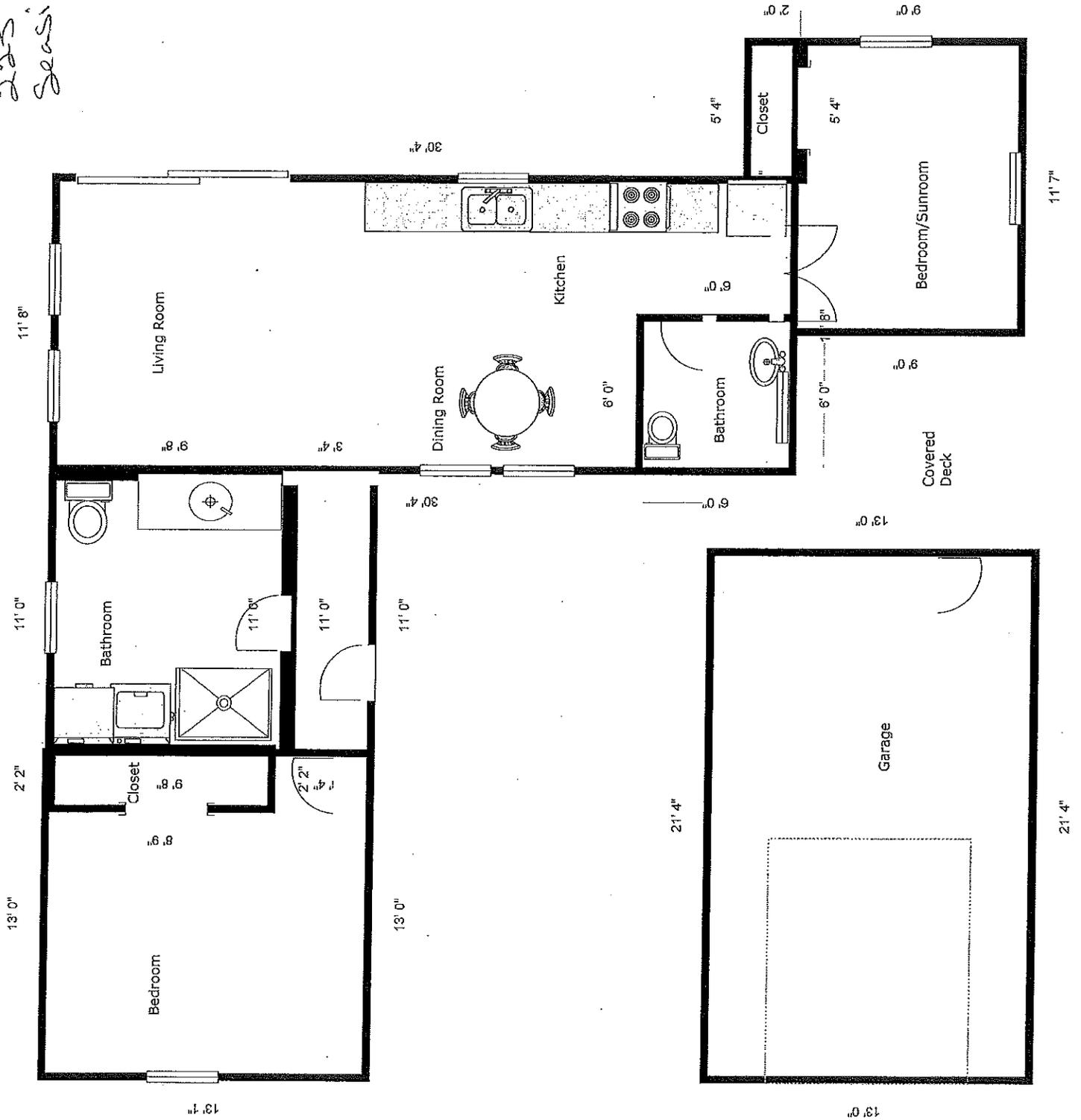
**For Community Development Use**

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

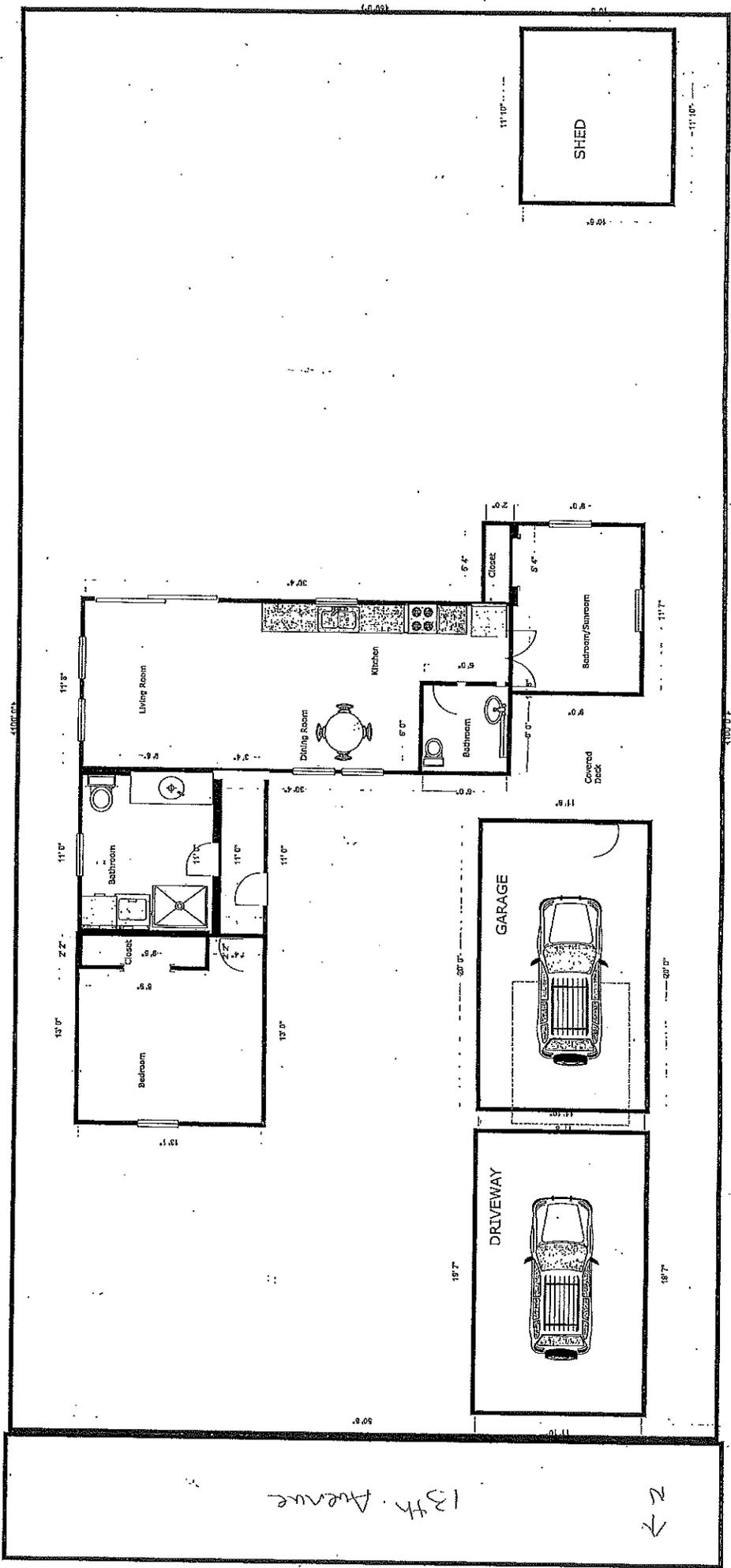
File Reference # \_\_\_\_\_ Date determined to be complete: \_\_\_\_\_

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

223 13th Ave  
Seaside, OR 97138



223 13th Ave Seaside, OR 97138  
Street.



*Resurfaced Parking Areas.*

8'2"

13th Avenue



DR of 13th Avenue