

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
November 4, 2014
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** October 7, 2014
6. **PUBLIC HEARING:**
 - A.) **14-055VRD** is a request by **Terri Flynn** 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 **440 12th Avenue** and it is zoned High Density Residential (R-3).
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:** Election of Vice Chair
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
October 7, 2014

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

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Carpenter stated that he does not feel that he has a conflict of interest concerning the 14-049RU item on the agenda, it should be noted in the record that he attended the Improvement Commission on 10/1/14 where this project was discussed. The topic was also discussed at several City Council Meetings over the past year, and at one of the Council meetings a presentation was made by an engineering firm that may have been Bioengineering Associates. This project has also been discussed in the Daily Astorian and Seaside Signal newspapers.

APPROVAL OF MINUTES: August 19, 2014 and September 2, 2014;

Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel 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.) 14-048VRD is a request by **Bill Rody** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten (10)** people regardless of age. The property is located at **2420 Ocean Vista** and it is zoned Medium Density Residential (R-2).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Bill Rody, 34075 West Campbell Loop, Seaside. This has been a vacation rental and managed by Seaside Vacation Rentals. Mr. Rody and his wife are new owners of the home and will continue to use Seaside Vacation Rentals as the management company.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Brooke English, 1530 Lea Way, Seaside. Brooke stated this property used to have an occupancy of 12 and will now have an occupancy of 10. There have been no complaints from the neighbors.

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 Perkel asked how Grant Culver fit into this request? Bill Roady stated Mr. Culvert is the prior owner. Mr. Roady stated his understanding is that there is a 60 day grace period to get the vacation rental transferred to the new owners without a gap in rental.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Ridout made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Carpenter seconded and the motion was carried unanimously. Commissioner Hoth stated that it is very nice to have the owner and the rental company present.

B.) 14-049RU A review use request by the City of Seaside to permit structural bank stabilization north of the City's wastewater treatment plant at **1821 N Franklin** (6-10-16AD-TL4900 & 4903). The proposal will include the use of rip rap along the bank of the Necanicum River in the vicinity of 20th Avenue. The upland portion of the property is designated Open Space Parks (OPR) and the estuarine area is designated Conservation Aquatic (A-2).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Neal Wallace, Public Works Director, 1387 Avenue U, Seaside.

Chair Romine stated he went for a walk around the area where this will be placed and he did not go too close to the edge because it looked like it was dangerous. Mr. Wallace stated that is a dangerous spot with the undercut banks and in some places there is a 12 to 15 foot drop. The city did some emergency repair in that area in January. This piece of work is not under the emergency authorization. The engineering company Bioengineering is working with a few other firms to do the permitting through the Army Core of Engineers and the Division of State Lands. The applications are in and we are hoping to get the permits by the end of this year. The Mayor, the City Manager, and Mr. Wallace took a trip to Salem a few months ago to present the project to the Regional Solutions team and request funding. The technical team called in and Regional Solutions seemed pleased and impressed with the presentation and the lengths that the city has gone through to not just armor the bank but to create some habitat along the estuary. The city does not have a final agreement yet, but it appears they will help fund our \$800,000.00 project and Betsy Johnson has actually found an additional \$100,000.00. This project has been well documented and well-travelled and hopefully will have the planning commission's approval.

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 Hoth indicated in the report it states that an all organic material option has been ruled out. This one is a mixture of organics and rock. What will happen to the organic part of this? Mr. Wallace stated in some cases when you are using large wood, the wood will deteriorate after time, but what has happened with these types of structures is sand and silt will accumulate and most of the material that is being planted will grow. In a few years you probably will not even see the rock part of it. It will also create habitat for juvenile fish with the shade and create protection. The engineer has given a design life of the structure between 50 and 100 years.

Commissioner Hoth also stated it goes out for a little bit and then stops, will this cause erosion with the swirling of the water in the estuary? Mr. Wallace stated they have looked at the eastern end of that, which is where a lot of the trouble started, when the main channel of the Necanicum slid a little to the east and then made a little shepherd's hook and that is where the erosion started. It cannot go anymore east than it already has. There is some armament on the east bank and you would be sending the river

right back up the channel that it came down. They feel that they have gone far enough so erosion shouldn't happen.

Commissioner Hoth asked who all the folks are that the city is dealing with? And have they seen all the plans? Mr. Wallace stated that they don't have approval yet but the team they have working on it are very good. Bioengineering are designing it and then Terra-Science is another firm out of Portland that does a lot of work with the Corp of Engineers and they have more local ties with them. DEQ and DSL looked at this and said that it looks good.

Commissioner Hoth asked what was going to happen on the west end of the project. Mr. Wallace stated the emergency piece that was done, was built in sections, one part out a bit the next part in a little bit next part out a little bit the next part in a little bit. That is really to take the wave energy out of the water coming by. When you build a straight smooth vertical wall, it may protect the bank very well but then what you end up doing is just bouncing that wave energy somewhere else instead of dissipating the energy. The last thing we want to do is put up a nice smooth wall that will send wave energy over to Little Beach. We will be adding to the emergency repair by adding vegetation. In 1949 there was a revetment that was built by the Corp of Engineers when we had a similar problem. During the 80's, when the new plant was built, they enlarged the footprint of the plant so part of that revetment is under the infrastructure. A good portion of that spit of land out there does have that revetment that the Corp did years ago.

Commissioner Wright asked if this method has been used in other places. Mr. Wallace stated it has and so far it seems to be holding up. They did a project very similar to this on the Mad River in Northern California where they had a 20 foot exposed undercut sand bank and they built this type of revetment with the same woody material. After a few years, all the stuff that they put in grew nicely. They would put in a layer of rock, a layer of soil, then a layer of branches, and then another layer of rock. The branches just stuck out and over time they grew and now it looks very nice.

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

ORDINANCE ADMINISTRATION:

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

Commissioner Steve Wright is new on the commission and introduced himself. He is recently retired after 35 years in the grain business. He was the C.F.O. and bought a home here in Seaside two years ago on Franklin and it backs up to the Necanicum, so anything to do with the river is of interest. He and his wife decided that this is where they wanted to retire. He has never thought of doing anything with the local government but has known Mayor Larson for about 20 years and when the Mayor approached him, he thought he would try it out. He rides motorcycles and is a volunteer at the Lewis and Clark Park as a trail monitor. He is also in training to be a Trolley Conductors in Astoria. The thought the Planning Commission was a good fit because they have a set schedule.

ADJOURNMENT: Adjourned at 7:30 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: November 4, 2014
Applicant: Terri L Flynn
43951 Highlander Dr.
Temecula, CA 92592
Owner: Michael & Jennifer Greiling
Fairview, OR 97024
Subject: Location: 440 12th Avenue, T6-R10-S 16DA TL#10201
Conditional Use 14-055VRD; Vacation Rental Dwelling
Permit

REQUEST:

The applicant is requesting a conditional use that will allow **continued** authorization of a Vacation Rental Dwelling (VRD) at **440 12th Avenue**. The subject property is zoned **High Density Residential (R-3)** 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 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. The applicant is requesting a conditional use that will allow **continued** authorization of a Vacation Rental Dwelling (VRD) at **440 12th Avenue**. The subject property is zoned **High Density Residential (R-3)** 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 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. **Two cars can be parked tandem in the driveway.**
- b. The existing **two** bedroom residence 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. **Lisa Kareen, 120 N Roosevelt Drive, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 298-0958.**
 - e. The applicant, Terri Flynn 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 **38%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3) or Medium Density Residential (R-2)**.
 3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received written comments about the applicant's request.
 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 **and passed without any noted corrections**. Since no corrections were noted during the inspection, no additional inspections will be required prior to any transient rental of the property.
 6. 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 provision 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."
 7. 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 fixture that exceeds the equivalent lumens of a 40 watt bulb.

CONCLUSION TO CRITERIA #1:

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) passed the compliance inspection conducted by the Community Development Department. This inspection verified compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to maintain compliance with certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(14-**

055 VRD) 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.

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 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.
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: Lisa Kareen, 120 N Roosevelt Drive, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 298-0958.**

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.

- 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 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. 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 **14-055VRD** 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 **440 12th 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 final plans are submitted 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>Terrri L. Flynn</i>	ADDRESS <i>43951 Highlander Dr. Temecula Ca.</i>	ZIP CODE <i>92592</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>440 12th Ave Seaside Or. 97138</i>		

ZONE <i>R1</i> <i>R3</i>	OVERLAY ZONES	TOWNSHIP <i>6</i>	RANGE <i>10</i>	SECTION <i>16 DA</i>	TAX LOT <i>10201</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Vacation Rental Property

(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>Michael & Jennifer Greiling</i>	ADDRESS <i>Fairview Ore. 97024-1804</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>Terrri L. Flynn Temecula</i>	ADDRESS <i>43951 Highlander Dr. Temecula Ca.</i>
PHONE / FAX / EMAIL		PHONE / FAX / EMAIL <i>760-908-9170 Fax 951-587-8707</i>	
SIGNATURE OF PROPERTY OWNER		SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>Terrri L. Flynn</i>	

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



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	ADDRESS	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT

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

(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 MICHAEL GREILING	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS P.O. Box 1862 FAIRMEN, OR 97024	ADDRESS
PHONE / FAX / EMAIL 503 667 4097 MIKJEN@FRONTIER.COM	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>Michael Greiling</i>	SIGNATURE OF DULY AUTHORIZED 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"/> SUBMISSION | <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

**CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION**

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: Terri Flynn
2. Mailing Address: 43951 Highlander Dr. Temecula Ca. 92592
3. Telephone #: Home 760-908-9170, Work Same, Fax 951-587-8707
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: 440 12th Ave Seaside Or. 97138
6. Tax Map Ref.: Township 6, Range 10, Section 16, Tax lot # 10201
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

ORIGINAL

VRD Application updated 5-5-11

1

CITY OF SEASIDE

OCT 07 2014

PAID

204
20
100
430
5500

9649

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:

Lisa Karpen Phone # 503-2980958 Address:
120 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? R1. 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:

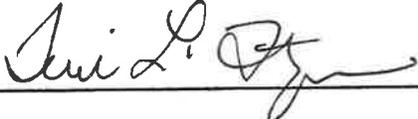
- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial 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:  Date: Oct. 6 2014

-----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: \_\_\_\_\_

Tax LOT 15 & w 1/2 of 16, BLOCK 4, GRACES GROVE

75'

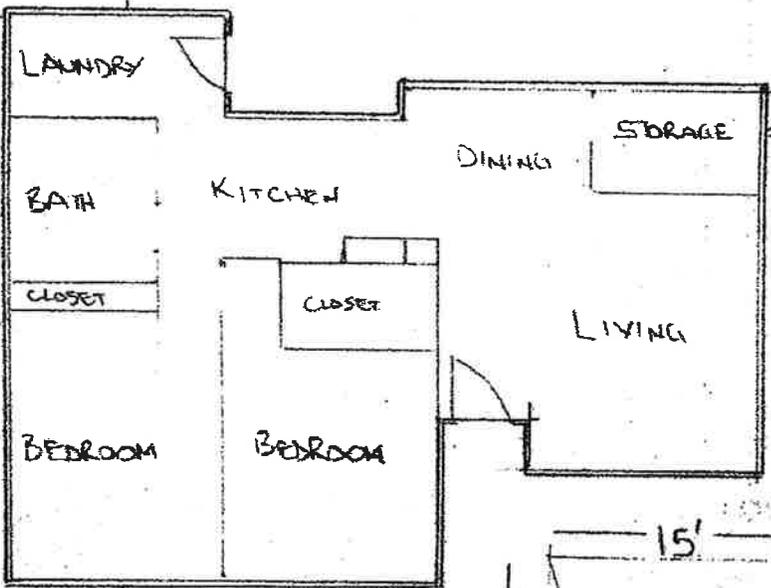


LOT 15

WEST 1/2 OF LOT 16

21'

5'



28'

100'

15'

PARKING

AREA

- LOT SIZE - 7500 <sup>9</sup>/<sub>FT</sub>
- HOUSE SIZE - 1081 <sup>9</sup>/<sub>FT</sub>
- PARKING - 600 <sup>9</sup>/<sub>FT</sub>

47'

40'

DRIVE WAY

440 12<sup>th</sup> AVE.



Sale Agreement # 14091514

**BUYER'S COUNTER OFFER No. 3**

1 This is a counter offer to Seller's Counter Offer.  
 2 Buyer: Terri Flynn  
 3 Seller: Michael Grailing, Jennifer Grailing  
 4 The real property described as: 440 12th Ave, Seaside, OR 97138

5 **AGREEMENT TO PURCHASE:**  
 6 Buyer agrees to purchase the real and personal property upon the terms and conditions set forth in the Sale Agreement and subsequent counter  
 7 offers where applicable except as modified as follows:  
 8 Sale Price to be \$213,000.  
 9 Real Estate commission to be reduced by \$3000 at closing.  
 10 Sellers to provide Buyer with all rental information, including future rentals and deposits.  
 11 All other terms and conditions to remain the same.

12 For additional provisions, see Addendum  
 13 All remaining terms and conditions of the Sale Agreement (and other counter offer(s), where applicable), not otherwise modified, are  
 14 approved and accepted by Buyer. This is of the essence. This Buyer's Counter Offer shall automatically expire on October 3, 2014  
 15 at 5  a.m.  p.m. ("the Counter Offer Deadline"), if not accepted within that time. If Seller accepts Buyer's Counter Offer after the  
 16 Counter Offer Deadline, it shall not be binding upon Buyer unless agreed to by Buyer in writing within        business days (two (2) if not filled in)  
 17 thereafter by so indicating at the Buyer's Acknowledgment Section below. This Buyer's Counter Offer may be accepted by Seller only in writing.  
 18 However, Buyer may withdraw this Buyer's Counter Offer any time prior to Seller's written acceptance.

19 Buyer Signature Terri Flynn Date 10/2/14 a.m. p.m.  
 20 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m.

21 **SELLER'S RESPONSE (select only one):**  
 22  Seller accepts Buyer's Counter Offer;  
 23  Seller does not accept Buyer's Counter Offer AND submits the attached Seller's Counter Offer  
 24  Seller rejects Buyer's Counter Offer.

25 Seller acknowledges receipt of signed copies of the Sale Agreement and all subsequent counter offers, including this Buyer's Counter Offer, which  
 26 Seller has read and fully understands. Seller instructs that all earnest money distributable to Seller pursuant to the Sale Agreement shall be  
 27 disbursed as follows after deduction of any title insurance and Escrow cancellation charges: (check one)  First to Listing Firm, to the extent of the  
 28 agreed commission just as if the transaction had been consummated, with residue to Seller; or  \_\_\_\_\_

29 Seller Signature Michael Grailing Date 10/2/14 a.m. p.m.  
 30 Seller Signature Jennifer Grailing Date \_\_\_\_\_ a.m. p.m.

31 **BUYER'S ACKNOWLEDGMENT:**  
 32 Buyer acknowledges that Buyer has not relied on any oral or written statements of Seller or of any Licensee(s) which are not expressly contained in  
 33 the Sale Agreement as amended. Buyer acknowledges receipt of copies of the Sale Agreement and all subsequent counter offers, including this  
 34 Buyer's Counter Offer, which Buyer has fully read and understands. If Seller's response to Buyer's Counter Offer is an acceptance of Buyer's  
 35 counter offer that has occurred after the Counter Offer Deadline identified in the Agreement to Purchase Section above, Buyer (select only one)  
 36  agrees  does not agree, to be bound thereby. (The failure to check either box shall constitute a rejection by Buyer of Seller's  
 37 acceptance of Buyer's counter offer after said deadline.)

38 Buyer Signature Terri Flynn Date \_\_\_\_\_ a.m. p.m.  
 39 Buyer Signature \_\_\_\_\_ Date \_\_\_\_\_ a.m. p.m.

40 **RECEIPT OF EARNEST MONEY**  
 41 (Use only if amount of earnest money is notified.)  
 42 Selling Firm acknowledges receipt of earnest money from Buyer NOT previously receipted for in the sum of \$ \_\_\_\_\_ evidenced by  cash,  
 43  check,  promissory note payable on or before \_\_\_\_\_, which Selling Firm agrees to handle as provided in the Sale Agreement.  
 44 Selling Licensee's signature \_\_\_\_\_

45 Selling Licensee Lisa Knecht Listing Licensee Bill Stewart