

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
December 1, 2015
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:** November 3, 2015
- 6. PUBLIC HEARING:**

A.) 15-043VRD is a request by **Kari Court** for a **five** (5) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten** (10) people regardless of age. The property is located at **2061 S Columbia** and it is zoned Medium Density Residential (R-2).

B.) 15-044CU: A conditional use request by Broken Spoke Properties that will allow the redevelopment of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. The subject property is located at 303 & 325 S Holladay and 760 Avenue C (a compilation of tax lots 14000, 14400, & 14500 of T6, R10, 21AD). In addition to the conditionally permitted uses, the redevelopment will also provide some additional rental retail space.

C.) 15-045VRD & 15-046V is a request by **Ron & Toni Sunseri** for a **four** (4) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine** (9) people over the age of three. The owners are also requesting a variance that will allow two of the required parking spaces to be 17.5' in length instead of the 18' requirement based on pre-existing development of the site. The property is located at **1341 Beach Drive** and it is zoned Medium Density Residential (R-2).

D.) 15-047VRD is a request by **Joe & Diane Birkenfeld** 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 **1221 S Prom** and it is zoned Medium Density Residential (R-2).

E.) Continuance: 15-032ACP- Amendments to the Comprehensive Plan associated with the selection of lands for inclusion within the City of Seaside Urban Growth Boundary based on an evaluation under Goal 14 and the land needs previously identified under Goal 9 & 10. The lands under consideration are located south and east of Seaside City Limits and will include just over 200 acres of land suitable for development.

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

MINUTES SEASIDE PLANNING COMMISSION

November 3, 2015

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

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: October 6, 2015;

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.) Continuance:

15-032ACP- Amendments to the Comprehensive Plan associated with the selection of lands for inclusion within the City of Seaside Urban Growth Boundary based on an evaluation under Goal 14 and the land needs previously identified under Goal 9 & 10. The lands under consideration are located south and east of Seaside City Limits and will include just over 200 acres of land suitable for development.

Kevin Cupples, City Planning Director, stated this agenda item is a continuance of the planning commission's meeting on October 3, 2015. Since the last meeting several of the planning commission members were able to take a look at the Mr. Pihl's property and the Lewis and Clark site and then also the southeast hills site from the top looking down. He is interested in the planning commissioners opinions and see if the commissioners are interested in putting those areas back in the UGB and readdressing that based on the suitability of those areas.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. John Dunzer 2964 Keepsake Dr. Seaside, Mr. Dunzer stated that at the 10-6-15 meeting he presented some information regarding the development behind the cove. In that meeting there was some discussion on where Seaside wanted to go, what type of people will be here. There is an organization in Oregon that studies that. It is called the Oregon Coastal Zone Management Association. They have predicted what type of people will be coming here. Are these retirees or owners? If we didn't start there, then we are floundering because we don't know what we're doing. He sees no evidence that there is where this planning has started. When you talk about affordable housing everybody thinks we need affordable

housing. There is a good solution because we are going to have a lot of vacant housing and vacant land because the schools are going to be moved. This land is located where you can have senior housing and affordable housing. Sure it's going to be in a tsunami zone but you can do vertical buildings. It's right in the middle of town where there are grocery stores and bus zones. It's not located out in the middle of a rural area. He doesn't see anything wrong with Wahanna, but affordable housing should not be located way out there. Why wasn't the cove area included in this expansion? There are 30 acres out there that are already in the UGB. It needs to be developed but it was so poorly developed when it was put in. The only thing is, is that there is really no way to access it without doing an environmental impact study. When you put the other 160 acres in there from this site it would be a beautiful development site. The golf course feasibility expansion, it makes sense to develop that. There should always be two ways in and two ways out of a development. The economic impact of this development is that we are going to have put a lot more money in from the taxes and putting the development here would bring in a lot more money than other developments. We need to be responsible and plan these things right and plan them for an economical city that makes some sort of sense. He still doesn't understand why this site was neglected in the first place. There are no geological problems that are any different from any other site that we're looking at. This area doesn't have any slides on it just shows the same issues with slopes that are in other areas. If these people don't get satisfied and you haven't looked under every corner of every blanket these people will take you to court. Then they will say that some 80 year old guy referenced another area and the city decided not to investigate it.

Mary Kemhus 86183 S Wahanna, Seaside. Ms. Kemhus stated that in earlier meetings part of the issue was access to the sites and on S. Wahanna we have serious access issues. Because all of the major land owners other than Weyerhaeuser are not keen on having the property behind them developed.

Kay Kemhus, 192 Huckleberry, Seaside. Ms. Kemhus stated that at the last month's meeting safety issues were brought up as being a primary consideration and that the city is putting the cart before the horse. She came to the conclusion that if the roads are flooded downtown then tourist and natives will have a difficult time getting out of downtown. Safety should be the first concern and the planning commission could connect a safety road with the Lewis and Clark Road and then head up to the Crown Camp. Crown Camp could be the construction base site for building a bypass road. First of all the utilities are connected up there. Secondly there are already existing buildings up there. Roads are there also. The bypass safety road should be at the top of the mountain with the Urban Growth spreading down from the top. The road could be brought up over the Crown hills connecting them to a non-flooding area perhaps on highway 101 or 26. The planning commission could kill two birds with one stone. Leaving plenty of room for Urban Growth up in the hills. Urban Growth would be guaranteed and the safety bypass would be maintained, unless it was the end of the world and a tsunami would not reach those higher elevations. Impact on the natives would be less and that would make everyone happy.

Maria Pincetich 86273 S Wahanna, Seaside. At the last meeting a discussion of Crown Camp was brought up. What came of that? Mr. Cupples stated that the problem with Crown Camp is that it is too far away from the city. Ms. Pincetich stated that it was discussed at length and as a possible viable option has she misunderstood that. Commissioner Hoth stated that we are trying to discuss everything and Mr. Cupples point is that Crown Camp is too far away. Planning philosophy is to have contained development within a strategic area and not have it spread all around with resource land in between. Ms. Pincetich stated although we have special circumstances such as low lying lands and the tsunami zone. Commissioner Hoth stated that everything is a consideration and we are looking at all the options. Ms. Pincetich asked the other commissioners their opinion and Commissioner Horning stated that it is too far out. Ms. Pincetich asked although this could solve some of the issues. Commissioner Horning stated that the issues are not that big compared to the distance out. Commissioner Wright stated that it would be a different city it's just too far out. Chair Romine stated that good planning prevents urban sprawl which the distance from the current City limits to Crown Camp would be. Ms. Pincetich asked what is the distance? Mr. Hanson stated that it is 2.5 miles from the cities limits on Lewis and Clark up to Crown Camp. Ms. Pincetich how many of the commissioners have visited that site. Mr. Cupples stated that four of them have because they had to drive through that to get to the mainline. Commissioner Horning said make that 5 members visiting the site because he used to live up there. Ms. Pincetich asked if there was going to be a discussion on the site visit to the Southeast hill site and the Lewis and Clark site and the North Hills site. Chair Romine stated that this is the public's time to discuss what the public would like to see happen then the public hearing will be closed and then the commission will have a discussion. Ms. Pincetich stated that two topics that have been of wide discussion and in both the Daily Astorian and the Oregonian is the Vacation Rentals and the affordable housing. She stated that in 2011 there was a cooperative effort with the local newspapers to find a

balance between vacation rentals and residences. There are a couple different topics that this raises. There are lots of ways to skin the proverbial cat. Reading the Daily A there seems to be more concern about having affordable homes. One of the larger employers in Astoria, which is the Coast Guard is having difficulty finding place for their staff to live. The newspapers talk about what Manzanita, Garibaldi and other coastal communities have done. It boils down to three basic things – one, containment and that is restricting areas under which you would have vacation rentals. Seaside has decided to do this to a certain extent. The other is to cap the number of vacation rentals and one way to do that is to cap off at 20%. Thirdly is to have regulations to lessen the negative impacts of vacation rentals. In regards to the question of vacation housing Goal 10 does not require any vacation housing but it does require affordable housing. According to the current plan the only affordable housing that we have is in an inundation zone so please reconsider again how are we going to have sufficient housing for people who cannot afford to buy a home here or who choose not to.

Chair Romine asked if there was any additional testimony. There was no answer. Public Testimony is now closed and discussion amongst the commissioners is now open.

Vice Chair Carpenter asked if Mr. Hanson had time to look at the area that Mr. Dunzer has mentioned. Mr. Hanson stated that he hasn't considered the cove area in great detail because of the access issues. When he first read Mr. Dunzer's memo he showed 650 units with one access point going through the neighborhood. The neighborhood is a lower density subdivision, having a higher density subdivision going through a lower density subdivision is not a good situation. Mr. Hanson is also concerned about the golf course area it isn't really valid. Gearhart has an 18 hole golf course 10 minute drive away. The Seaside Golf Course is a 9 hole course that is located in the flood way. Which is much more serious than the flood plain. He doesn't see that as a valid concept. The area in the cove was denied through the county. Mr. Dunzer shows another access through the wetlands on the south end of town, but he doesn't see that as viable. That area is cherished by a lot of people and is also used for flood storage and that's one of the reasons that 101 rarely floods anymore. He would not want to entertain a proposal that shows a road through that area. Mr. Hanson was hoping that everyone got to visit the Lewis and Clark hill site. The main concern he has with that is access onto Lewis and Clark road and visibility. There is some high speed traffic up there but it could work. There is a piece on top that is close to thirty acres that could be developed. The city would need a new water tank up there, extend the sewer. The public works director told Mr. Hanson that there were some issues with the down slope with the sewer system and would need to have some line upgrades. This is on the north side of Lewis and Clark Rd. The south side of Lewis and Clark is a very sensitive area, there is a waterfall in the woods there. There is also a Heron Rookery nearby and you need to give them a broad radius. The reason Crown Camp is an issue is because it's growing the city limits way up there and remote from the city. Crown Camp is a great area but it would be a separate town - it's just too far out. The compatibility between log trucks and neighborhoods just don't work. Commissioner Perkel asked about the old dump site. Mr. Hanson stated that is the Lewis and Clark site and it could be a good site. There is a nice level plateau there and it could work. It doesn't have the real severe topography. It does around its perimeter on the North, West and East, but the south where the road is looks good. He is curious on what was dumped there, it is a workable piece of land. The county owns a strip of land up there. If you look up on the north hills you need to also look at the property land to the north which is another land owner and then to the south which is owned by Weyerhaeuser. Mr. Pihl is thinking on ways to get roads to that area from the mobile home park down below as well as property from the north. You would have roads that climb up in that site that would have severe embankments on either side. Once you get up on top he did a map for Kevin that will show about 30 buildable acres. If we go up into that area you would need to build a separate water reservoir. The sewer line would come down to where the mobile home park is. It would be a careful grading analysis up there but he has done a lot of projects in the Portland area with grades steeper than that. You can't do a low density program up there because the state would frown upon that. You need to get enough density in there to make the acreage worth it. That way you could put a big dent in your 20 year land need. Once Mr. Pihl stated that we could get access to this property then Mr. Hanson started looking at things differently. The south hills, the issue is the people who live there and the compatibility. We are thinking of moving the Urban Growth Boundary out and put this in the comp plan but not doing the zoning or the annexation which would occur later. The concern is the character of the area. The traffic is also another concern. Topography is not the issue in that area. Growing in that direction is upsetting to some people and controversial. Chair Romine asked about access, Mr. Hanson went to the map and showed where the access is and stated that there would need to be a 50 foot right-of-way. We cannot do the northern route to Spruce because of the very significant drainage way in and it has a lot of water in there and is probably fish bearing, Mr. Cupples stated that is

why it is called Coho Creek. That is unfortunate because Spruce is a very wide road. He showed one water tank at the elevation of 400 ft. because you could gravity flow the water into the potential school site. On one hand there is conflict with the people who live there on the other hand it is technically sound.

Commissioner Horning asked if Mr. Hanson could envision a plan in 20 to 30 year development plan of the southeast hills so that traffic wouldn't tie into S Wahanna road. Particularly from the south end. Instead all the development would bypass those neighbors. In a decade or two they may want to be included in the UGB. Mr. Hanson stated that is a good idea and in the early stages shows that S. Wahanna would hook up to Beerman Creek Rd. Which he thought was valid because it provides another way in and another way out. It's a logical direction for the city to grow and Beerman Creek already has access to Highway 101 and would obviously need to be improved. You would have to cross two ravines and skirt just west of the existing cemetery. It would be another way out of the area and defer some of the traffic from going on Wahanna and then they would have two ways out. Mr. Hanson stated the people on the south end of Wahanna Road will find this distasteful but Wahanna Road is key parallel route to Hwy 101. Commissioner Horning stated it was pretty obvious just by looking at it but is it possible to expand the UGB out there yet leave the existing development that is there largely alone? Then build alternate routes around it. So that they still have their rural nature. Mr. Hanson stated so we would create an island around Wahanna that is low density? Commissioner Horning stated maybe just leave them out of it all together. Commissioner Horning also stated that the widening of Wahanna Road and then some of the larger lots being developed will result in a loss of the rural agricultural aspect of the neighborhood in due course. He knows they have the option to develop when they are ready. Mr. Hanson stated that there are other options to consider but there are challenges. Chair Romine stated that the challenge of going around Wahanna is essentially we are almost back to the highway in order to stay out of the wet lands and mill pond areas which is right there. Mr. Hanson stated that Wahanna runs along people's property and not through it, it straddles people's property. Chair Romine asked Mr. Cupples what would a potential developer, whomever that be, decides to do something, if we chose that the south hills is going to be part of the expansion. What challenges would that developer have then in maintaining and improving Wahanna to an acceptable width, given that it is not currently an acceptable width and not entirely public property. Mr. Cupples stated he thinks that they would be put in a position of trying to acquire additional land to do it. Chair Romine stated which brings us back to an earlier point of access. Commissioner Hoth stated that the county did that, and the land owners were not happy about it, but if you look at it now you wouldn't even know it was done. Mr. Cupples stated that there could be a position where a private developer would run it to that and say "I'm stuck I can't do that?" Does the city or county have condemnation rights, sure they do. Do they use it readily, no they don't, the city doesn't like to do condemnation because it a very unpopular action, but can it happen, yes it can happen. Mr. Cupples stated that one of the reasons that the TSP looked at a narrow road cross section for Wahanna was because they didn't want to create additional impacts. That is why in the TSP it has two travel lanes and then a pedestrian/ bike pathway and that way you can almost narrow it down to a 30 foot right of way. Is that something that will probably be pressed for if someone were to develop and there wasn't enough right of way, sure they would. Commissioner Hoth stated that he would like to see another way and one of those is to have Mr. Hanson recalculate the acreage requirement using the 14 year plan instead of a 20 year plan to reduce the required amount of land needed. Then in the south he would like to see a corridor down Wahanna still maintained because he doesn't see any other place for the R1 or park or industrial or institutional land where those could be placed. We should be able to locate the R2 and R3 to another location. Commissioner Hoth would also like to see something written up regarding John Dunzer's request for the cove area - that way we have something that says we did address some of his concerns. Mr. Cupples wanted to make sure he was understanding him correctly and that was that with the three areas that Mr. Hanson brought in at the beginning the cove area would be a fourth area. Commissioner Hoth stated that he just wanted Mr. Hanson to look at the site.

Commissioner Hoth wanted to make sure that the lower density stayed where it was and keep as much of the higher density higher up on the hill and out of the inundation zone. Commissioner Perkel stated that the people that live on South Wahanna, can they say they don't want any sort of development. Commissioner Hoth stated that anyone can argue their point of view and that is one of the reason he proposed the changes for the lower densities to be along Wahanna. Mr. Hanson stated he wanted to make sure he understood Commissioner Hoth request and that was to keep the lower densities closer to Wahanna Road because the lower density puts less people in peril. It also reinforces the concept of compatibility with the people who live there. Now that changes when we get to the south end of the south hills district where the institutional land is. It's flat, it's larger and rectangular and we are not so concerned if a tsunami washes up on those uses. Compared to the residential lands. That is the

concept. We will keep the density low. We will show some of the land east of Wahanna and go up the hills and evaluated that to go to another location whether it be North Hills, Lewis and Clark Hills or a combination of those two. If we look at the 20 year plan and need 200 acres then we will probably need 140 acres in the 14 year plan. Chair Romine stated that then the end result would be that there may be some reduction overall in the southeast hills site and less impact on the neighborhood. We then could move the higher density into the central or north hills sites. Mr. Cupples stated that a 30% reduction overall and then figure out what we have after that. Mr. Hanson stated that he could put a diagrammatic map without the diagrammatic roads because we really want to look at the land areas for now. Chair Romine asked the audience with a show of hands if they thought we were going in the right direction. People stated it was much better looking than at first. Mr. Hanson asked if he could bring the new information to the next work session. Mr. Cupples stated that the work session will be on the 17th of November.

Commissioner Horning stated that he still has some pretty strong concern regarding the North East Hills, Mr. Pihl's property regarding the land slide area. The alternative is can the UGB be expanded onto a large tax lot but not all of the tax lot. Mr. Cupples stated yes. Commission Horning asked if Ocean Vista could take the traffic of another 50 homes versus 400 homes and that way take some of the heat off of Mr. Pihl's property. Mr. Cupples stated that there is land already in the UGB that is vacant, which is in the vacant land survey. There is land already there now - we have to look at that land development and add additional land to that development and that is what fell on deaf ears at the county previously. We should still look at that because Mr. Dunzer did a lot of work on his report. Commissioner Horning stated that at the last meeting he thought we chose the high growth rate. Mr. Cupples stated that we actually chose the lowest baseline.

Mr. Hanson just wanted to confirm that there will be a planning commission work session on the 17th of November and he will bring in the updated information.

At the end of the Commissioners discussion, Vice Chair Carpenter made a motion to continue this to the next scheduled planning commission meeting on December 1st, 2015 at 7pm at City Hall. Commissioner Ridout seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:25 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: December 1, 2015
**Applicant/
Owners:** Kari Court
2110 SW Warwick Ave
Portland, OR 97225
Subject: Conditional Use 15-043VRD; Vacation Rental Dwelling @
2061 S Columbia, T6-R10-S 21CD TL#3800

REQUEST:

The **applicant is** requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2061 S Columbia**. The subject property is zoned **Medium Density Residential (R-2)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **five** 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 the authorization of a Vacation Rental Dwelling (VRD) at 2061 S Columbia. The subject property is zoned Medium Density Residential (R-2) and the request is for a maximum occupancy of ten (10) people, regardless of age, within the existing five bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **four** off-street parking spaces that are available on the site. The stacked spaces along the north property line are not currently paved.
- b. The existing **five** bedroom residence will have a limited occupancy of **ten 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 Rentals, Erin Barker, 800 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and they can be reached at (503) 440-1168.**
- e. The applicant, **Kari Court has** read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood. Currently **31%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **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 must undergo 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 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 450 lumens, the equivalent of a 40 watt bulb.
8. Whenever a use changes and additional parking spaces are required, those spaces must be surfaced in accordance with the off-street parking section of the Seaside Zoning Ordinance.

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) 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 (**15-043 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.

Please be advised the VRD has not undergone a preliminary compliance inspection and cannot be rented for transient occupancy until it has passed a final inspection.

- 2. Parking spaces: Four (4) 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.

The two stacked spaces adjacent to the north property line must be paved (asphalt, concrete or other comparable surface authorized by the Planning Director) within one year of the date of the approval.

- 3. Maximum number of occupants: Ten (10) persons** 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 **they 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**.
- 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 that clearly indicates “**You Are Here**”. 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 **15-043VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons, regardless of age, at **2061 S Columbia**. 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 a VRD license is obtained 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>Kari Court</i>	ADDRESS	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY <i>2001 S. Columbia St Seaside OR 97138</i>		

ZONE <i>R2</i>	OVERLAY ZONES	TOWNSHIP <i>6</i>	RANGE <i>10</i>	SECTION <i>21 CD</i>	TAX LOT <i>12/17</i>
-------------------	---------------	----------------------	--------------------	-------------------------	-------------------------

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

3800

Vacation 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>Kari Court</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>2110 SW WARWICK AVE POX, OR 97125</i>	ADDRESS
PHONE / FAX / EMAIL <i>503-761-5975</i>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>[Signature]</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"/> 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 checked="" 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) <i>15-043 VRD</i>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

cc
20
100
430
550

**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: Kari Court
2. Mailing Address: 2110 SW Warwick Ave Portland OR 97225
3. Telephone #: Home 503-70-5975 Work _____, Fax _____
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 2661 S. Columbia St Seaside, OR
6. Tax Map Ref.: Township 6, Range 10 Section 21, Tax lot # 12177
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 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? 5 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 10. 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

VRD Application updated 5-5-11

cc
$$\begin{array}{r} 20 \\ 100 \\ 430 \\ \hline 550 \end{array}$$

9688

CITY OF SEASIDE
OCT 06 2015
PAID

ORIGINAL

up more than 50% of the property's yard areas? _____. 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 @ Beach base Vacation rentals Phone # 738-9068. Address: 800 N. Roosevelt Dr. Seaside, OR. 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: _____

Date: 9/20/15

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: \_\_\_\_\_

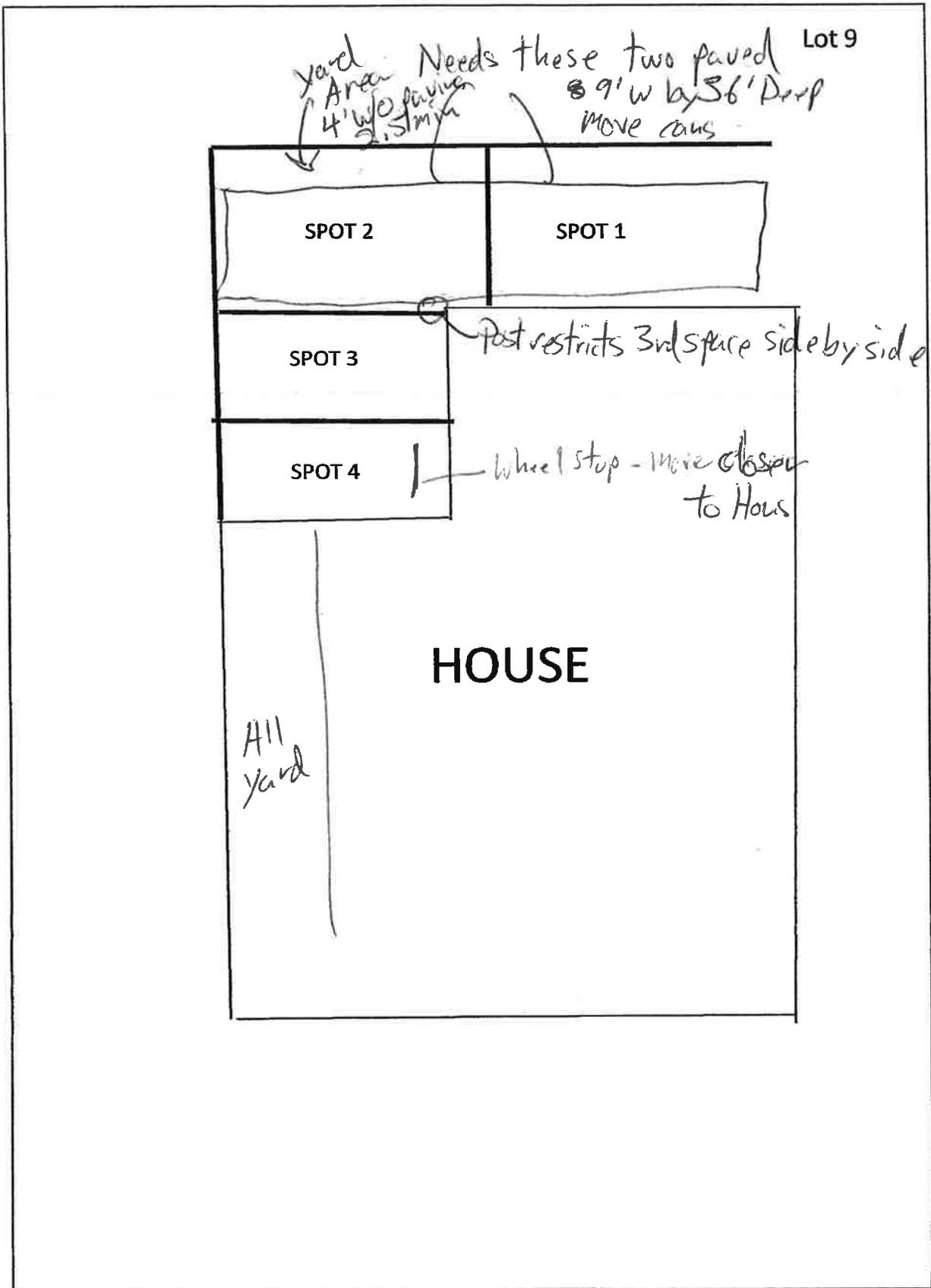
If applicable, date for Planning Commission Hearing: \_\_\_\_\_

Lot Size 100 X 50

50'

100'

S. Columbia

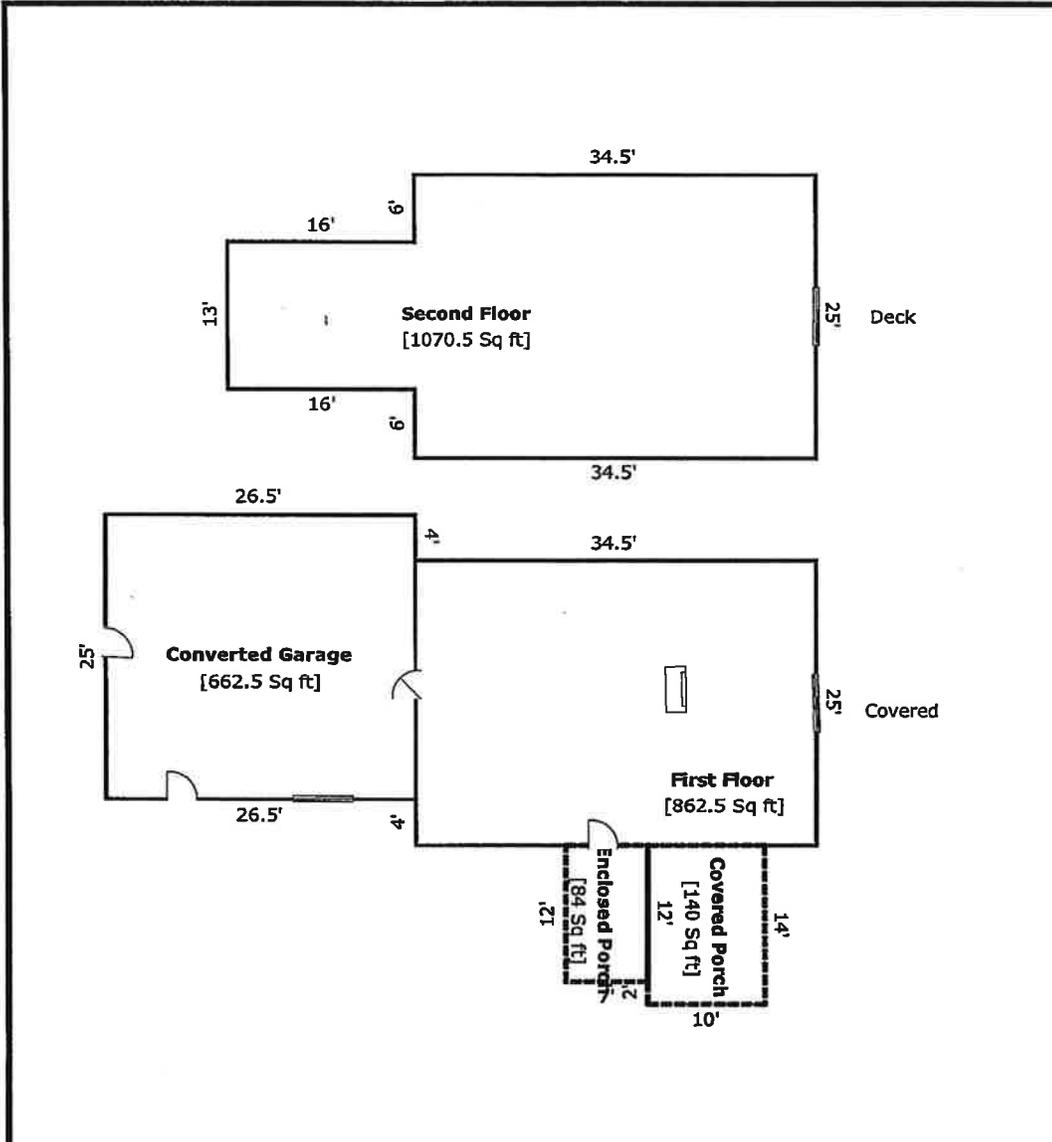


T. Street

Handwritten scribble or signature on the right side of the page.

## Building Sketch

|                  |                       |                  |          |                |
|------------------|-----------------------|------------------|----------|----------------|
| Borrower/Client  | Court, Trask and Kari |                  |          |                |
| Property Address | 2061 S Columbia St    |                  |          |                |
| City             | Seaside               | County - Clatsop | State OR | Zip Code 97138 |
| Lender           | Umpqua Bank           |                  |          |                |



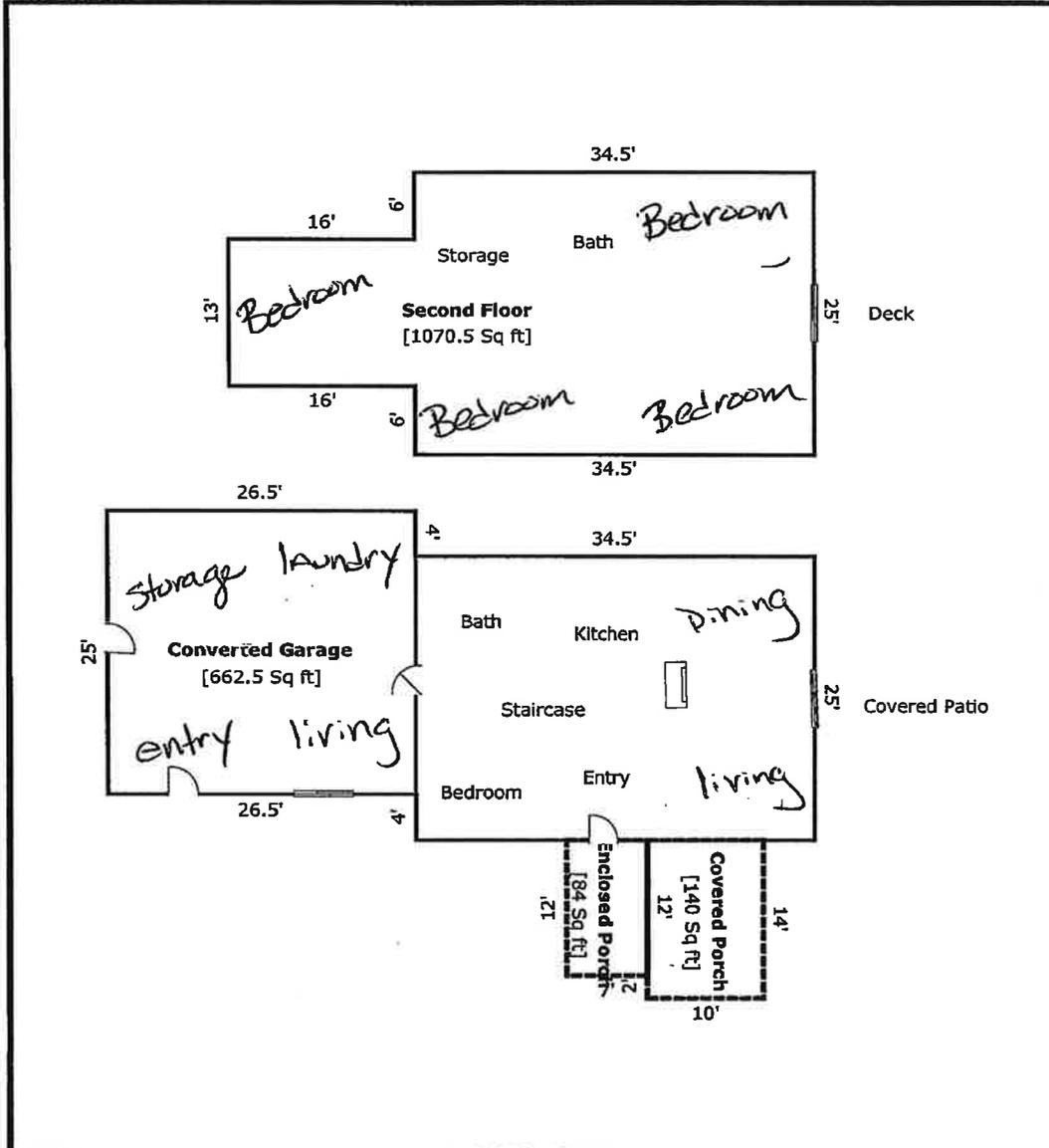
TOTAL Sketch by a la moda, inc.

### Area Calculations Summary

| Living Area                         | Area              | Calculation Details                              |
|-------------------------------------|-------------------|--------------------------------------------------|
| First Floor                         | 862.5 Sq ft       | $25 \times 34.5 = 862.5$                         |
| Second Floor                        | 1070.5 Sq ft      | $25 \times 34.5 = 862.5$<br>$13 \times 16 = 208$ |
| <b>Total Living Area (Rounded):</b> | <b>1933 Sq ft</b> |                                                  |
| Non-living Area                     | Area              | Calculation Details                              |
| Covered Porch                       | 140 Sq ft         | $10 \times 14 = 140$                             |
| Enclosed Porch                      | 84 Sq ft          | $12 \times 7 = 84$                               |
| Converted Garage                    | 662.5 Sq ft       | $25 \times 26.5 = 662.5$                         |

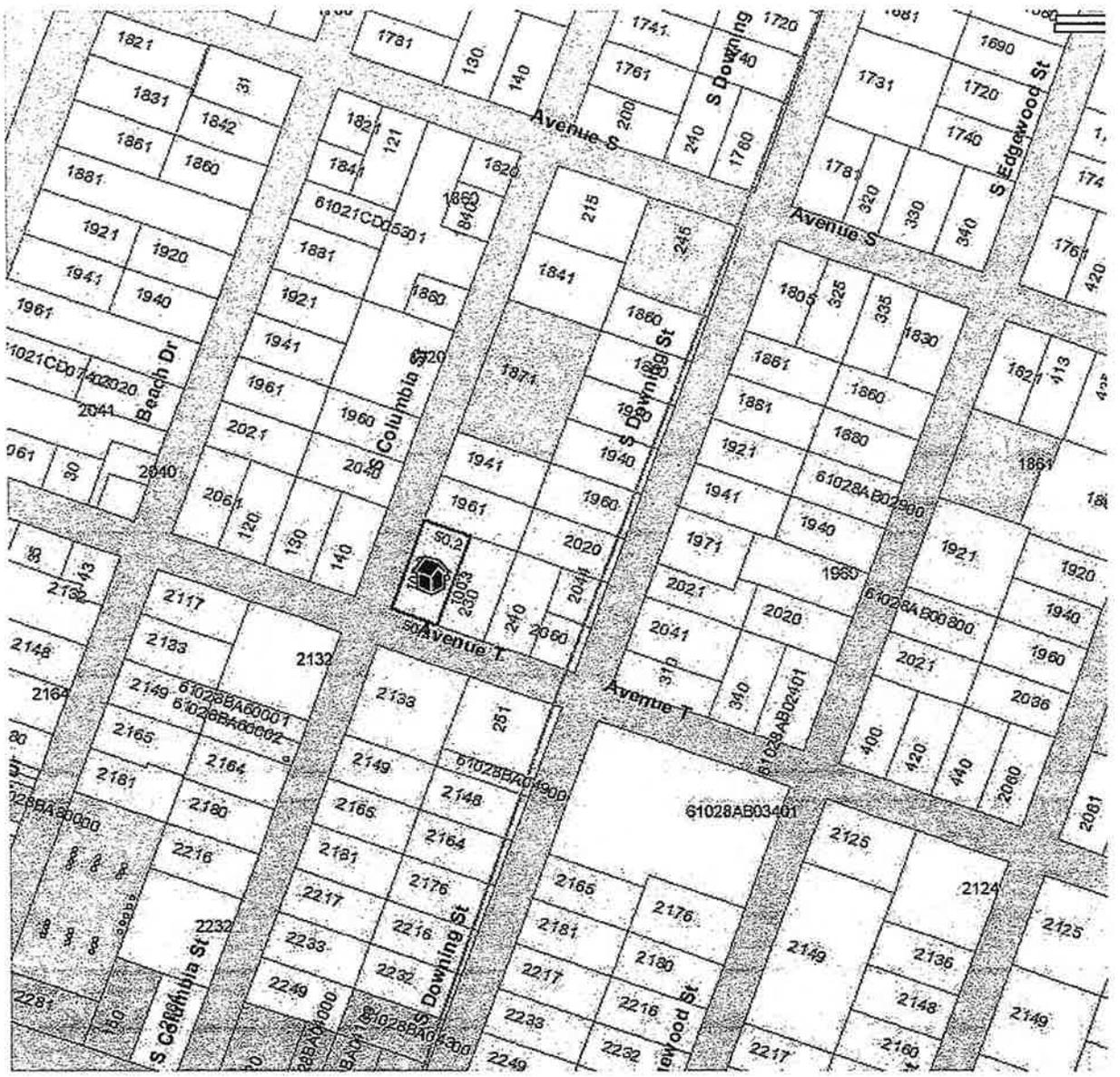
### Building Sketch

|                  |                       |          |         |       |    |
|------------------|-----------------------|----------|---------|-------|----|
| Borrower/Client  | Court, Trask and Kari |          |         |       |    |
| Property Address | 2061 S Columbia St    |          |         |       |    |
| City             | Seaside               | County   | Clatsop | State | OR |
| Lender           | Umpqua Bank           | Zip Code | 97138   |       |    |



TOTAL Sketch by a la mode, Inc. Area Calculations Summary

| Living Area                         | Area              | Calculation Details                              |
|-------------------------------------|-------------------|--------------------------------------------------|
| First Floor                         | 862.5 Sq ft       | $25 \times 34.5 = 862.5$                         |
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| <b>Total Living Area (Rounded):</b> | <b>1933 Sq ft</b> |                                                  |
| <b>Non-Living Area</b>              |                   |                                                  |
| Covered Porch                       | 140 Sq ft         | $10 \times 14 = 140$                             |
| Enclosed Porch                      | 84 Sq ft          | $12 \times 7 = 84$                               |
| Converted Garage                    | 662.5 Sq ft       | $25 \times 26.5 = 662.5$                         |



## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission

**From:** Planning Director, Kevin Cupples

**Date:** December 1, 2015

**Applicant/  
Owner:** Broken Spoke Properties LLC, 407 S Holladay  
Seaside, OR 97138

**Location:** 303 & 325 S Holladay (a compilation of tax lots 1400, 14400, &  
14500, of T6, R10, 21AD).

**Subject:** Conditional Use 15-044CU, Motorized Vehicle Rental &  
Outdoor Amusement Facility.

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### **REQUEST:**

The applicant is requesting a conditional use permit that will allow the redevelopment of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. The subject property is located at 303 & 325 S Holladay and 760 Avenue C (a compilation of tax lots 14000, 14400, & 14500 of T6, R10, 21AD). In addition to the conditionally permitted uses, the redevelopment will also provide some additional rental retail space.

The review will be conducted in accordance with Article 6 & 10 of the Seaside Zoning Ordinance. These establish the review criterion and procedures applicable to the request. The specific review criterion for commercial amusement establishments is in Section 6.100 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. These statements may be adopted by the Planning Commission to support their conclusions along with 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.

**DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:**

1. **Increasing the required lot size or yard dimension.**
2. **Limiting the height of buildings.**
3. **Controlling the location and number of vehicle access points.**
4. **Increasing the street width.**
5. **Increasing the number of required off-street parking spaces.**
6. **Limiting the number, size, location and lighting of signs.**
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification, site plan, and elevation drawings are adopted by reference. The applicant's plan calls for the following:
  - The use is Wheel Fun Rentals – Rental & minor maintenance of bikes, surrey bikes, mopeds, & electric cars. The building will also be used for the off season storage of paddle boats, water trikes, and kayaks.
  - There will be three retail spaces available for lease. Each space will be approximately 1000 sq. ft.
  - Train Ride- We will be selling rides on a 2.5 gauge tran running on 7.5" tracks. This is the same train that ran between the Twisted Fish Steakhouse and Finn's Fish House restaurants (283 Broadway).
  - Train Storage- A section of the new building will be utilized for storing the train at night and during the off-season.
  - All of the proposed uses will conform to the allowed or conditionally allowed uses in the General Commercial C-3 zone.
  - Access to the parking lot will be from Avenue C.
  - A total of 17 off-street parking spaces will be provided. Accessible parking spaces are included and they exceed the required number of spaces required by the building code.
  - The site plan and the architectural elevation imagery indicate the space planned for the mini railroad is located at the SW corner of the property (intersection of Avenue C & Holladay).
  - Sidewalk & driveway access improvements will be made where necessary.
  - Landscaped areas are identified on the site plan.

2. Final development plans will need to address:
  - Engineered drainage facilities for the site.
  - The provision of short & long term bike parking.
  - Exterior lighting plans will need to document compliance with outdoor lighting ordinance provisions.
  - Clear vision corners at both street intersections.
  - Trash and recycle facilities & proper screening if a combined facility is provided outside.
3. The development will encroach within the clear vision area required under the zoning ordinance. The clear vision corner is generally ascribed by using the property line as the legs of the clear vision triangle. In the past, the Public Works Director has indicated the term “street lot lines” (referred to in Article 4, Section 4.050,1.) should be considered the curb line in commercial zones and not the actual property line. This interpretation was justified by the minimal setbacks applicable in the zone and the potential to have much wider than standard sidewalks. If the alternative is not followed, it can result in greater impacts to commercial property without truly considering the visual clearance necessary at the street intersections.
4. In addition to buildings & fences, landscaping must also conform to the limitations applicable in clear vision areas.

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

The proposed motorize rental and outdoor amusement ride will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

**Condition 1:** The applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures that would be incorporated into the system in an effort to limit oil & sediment from entering the public storm water system or local groundwater.

**Condition 2:** The applicant must provide a detailed exterior lighting plan. The plan must document that all exterior lighting fixtures will be designed to limit glare in accordance with the City’s Outdoor Lighting Ordinance.

**Condition 3:** Handicapped parking, bike racks, garbage, and/or recycling facilities appropriately scaled for the proposed use must be incorporated into the proposed development plans.

**Condition 4:** The applicant’s building and landscaping plans must document compliance with the clear vision area requirements based on the existing and proposed curb lines at each of the street intersections.

**Condition 5:** Minor modifications to the applicant’s proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply

with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

**REVIEW CRITERIA #2: Pursuant to Section 6.100, Commercial Amusement Establishments may be authorized after consideration of the following factors:**

**Section 6.101** Adequacy of access from principal street, together with the probable effect on traffic volumes of abutting and nearby streets.

**Section 6.102** Adequacy of off-street parking.

**Section 6.103** Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site.

5. The proposed amusement ride has already been operated in Seaside's downtown core area without causing any unreasonable impacts to the surrounding uses and the applicant must adhere to all current provisions of the nuisance ordinance.

**CONCLUSION TO CRITERIA #2:**

The proposed miniature train ride will meet the special review factors applicable to the outdoor amusement rides.

**FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed development of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. 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 such as erosion control provisions 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<br><b>BROKEN SPOKE PROPERTIES LLC</b>               | ADDRESS<br><b>407 S HOLLADAY</b> | ZIP CODE<br><b>97138</b> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><b>303/325 S HOLLADAY E</b> |                                  |                          |

|                    |                           |                       |                       |         |                                                                              |
|--------------------|---------------------------|-----------------------|-----------------------|---------|------------------------------------------------------------------------------|
| ZONE<br><b>C-3</b> | OVERLAY ZONES<br><b>6</b> | TOWNSHIP<br><b>10</b> | RANGE<br><b>21 AD</b> | SECTION | TAX LOT<br><b>61021AD14000</b><br><b>61021AD14400</b><br><b>61021AD14500</b> |
|--------------------|---------------------------|-----------------------|-----------------------|---------|------------------------------------------------------------------------------|

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

**SEE ATTACHED**

(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<br><b>BROKEN SPOKE PROPERTIES LLC</b> | PRINT NAME OF APPLICANT/REPRESENTATIVE       |
| ADDRESS<br><b>407 S HOLLADAY DR</b>                                | ADDRESS                                      |
| PHONE / FAX / EMAIL<br><b>503-738-8447 / WHEELFUNSEASIDE@GMAIL</b> | PHONE / FAX / EMAIL                          |
| SIGNATURE OF PROPERTY OWNER<br>                                    | SIGNATURE OF APPLICANT/REPRESENTATIVE        |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

### CHECK TYPE OF PERMIT REQUESTED:

- |                                                     |                                                   |                                          |                                                |
|-----------------------------------------------------|---------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input checked="" 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)<br><b>15-043 CU</b> |             |
| HEARING DATE<br><b>Dec 1st 2015</b> | P.C. ACTION |

| OFFICE USE: |         |
|-------------|---------|
| FEE         | RECEIPT |
| DATE FILED  | BY      |

**CONDITIONAL USE PERMIT**

**Submitted by**

**Broken Spoke Properties LLC**

**407 S Holladay Dr**

**Seaside, OR 97138**

**16 October 2015**

**CONDITIONAL USE - ARTICLE 6**

**TYPE 2 - PLANNING COMMISSION DECISION**

**FEE: \$ 675.00**

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Commission may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Commission will make a determination concerning a conditional use based on the applicant's justification of the following statements:

1. What is the proposed use in the zone?

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2. How will the development conform to the general development standards in Ordinance and the specific standards in the zone?

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3. How will the development meet any of the applicable standards in Article 6?

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- 
- 
4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

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- 
- 
5. 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 other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

ATTACH EXTRA SHEETS IF NEEDED

**CONDITIONAL USE PERMIT**

**Submitted by**

**Broken Spoke Properties LLC**

**407 S Holladay Dr**

**Seaside, OR 97138**

**16 October 2015**

1. What is the proposed use in the zone?
  - a. Wheel Fun Rentals – Rental and minor maintenance of bikes, surrey bikes, mopeds and electric cars. The building will also be used for the off-season storage of paddle boats, water trikes and kayaks.
  - b. There will be three retail spaces available for lease. The spaces are approximately 1000 sf each.
  - c. Train Ride – We will be selling rides on a 2.5 gauge train running on 7 ½” tracks. This is the same train that ran between the Twisted Fish Steakhouse and Finn’s Fish House restaurants.
  - d. Train Storage – A section of the building will be utilized for storing the train at night and during off-season.
  
2. How will the development conform to the general development standards in Ordinance and the specific standards of the zone?
  - a. The property is zoned C-3 Commercial General. Outright Uses Permitted include:
    - i. The rental of non-motorized bikes, trikes and boats.
    - ii. Retail stores and shops handling food, drugs, clothes, gifts, antiques, new and used furniture and appliances.
  - b. The C-3 Commercial General Conditional Uses Permitted include:
    - i. The rental of motorized bikes and boats.
    - ii. Indoor and outdoor amusement activities
  
3. How will the development meet any of the applicable standards in Article 6?
  - a. Section 6.100 Commercial Amusement Establishment requires consideration for adequacy of access from principal street, together with the probable effect of traffic volumes of abutting and nearby streets. Adequacy of off-street parking. Adequacy of building and site design provisions to maintain a reasonable minimum of noise and glare from the building and site. I believe our plan properly addresses these concerns.
  - b. Section 6.250 Similar Use: The rental of electric cars is similar to the conditional use of motorized bikes. The impact of the activity is not greater than that created by motorized bike rentals. The proposed use is consistent with the Purpose statement of the zone.
  
4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area of the city as a whole.
  - a. None
  
5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of the building and other structures (existing & proposed), the existing and intended use of each building (Include floor plans), and other information needed to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

6. Attachments:

- a. Google Earth image of existing buildings
- b. Preliminary Site Plan
- c. Preliminary Site Plan with dimensions
- d. Preliminary Site Plan of existing buildings
- e. Architectural elevation drawing of new building.

Thank you for your consideration,

Patrick Duhachek

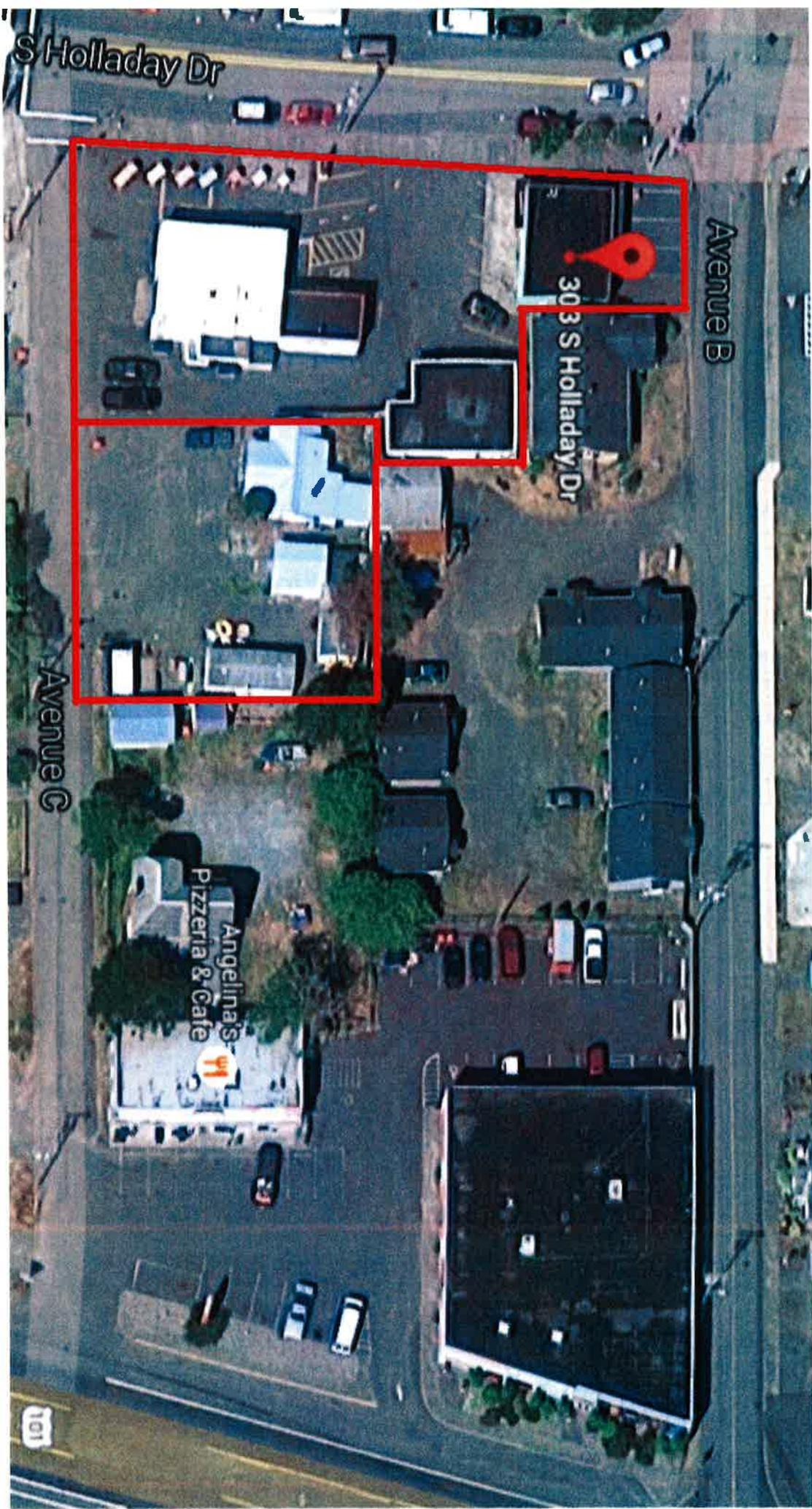
(503) 738-8447 work

(858)774-4678 cell

Broken Spoke Properties LLC

407 S Holladay Drive

Seaside, OR 97138



S Holladay Dr

Avenue B

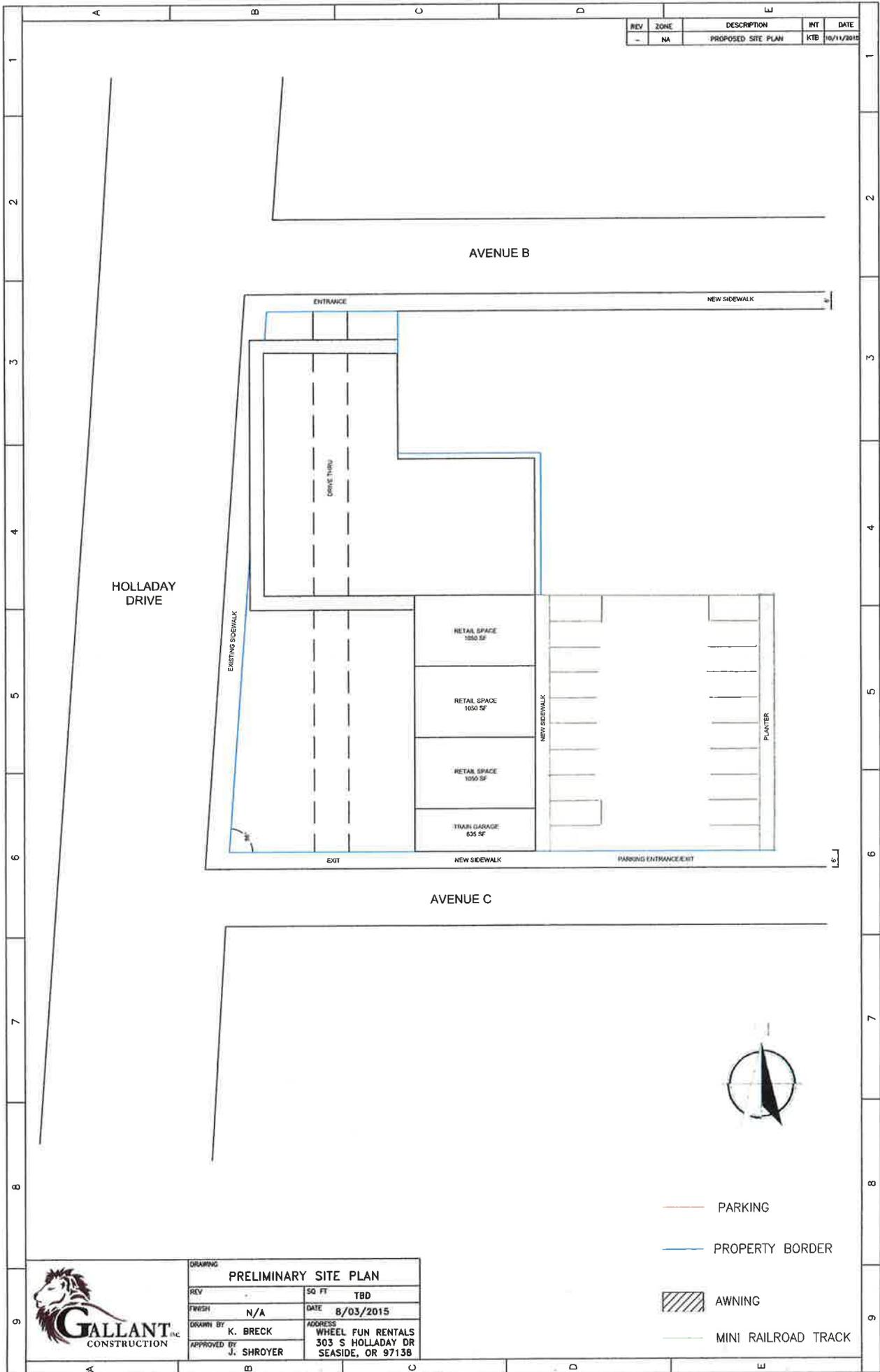
303 S Holladay Dr

Avenue C

Angelina's Pizzeria & Cafe

101

| REV | ZONE | DESCRIPTION        | INT | DATE       |
|-----|------|--------------------|-----|------------|
| -   | NA   | PROPOSED SITE PLAN | KTB | 10/11/2015 |



HOLLADAY DRIVE

AVENUE B

AVENUE C

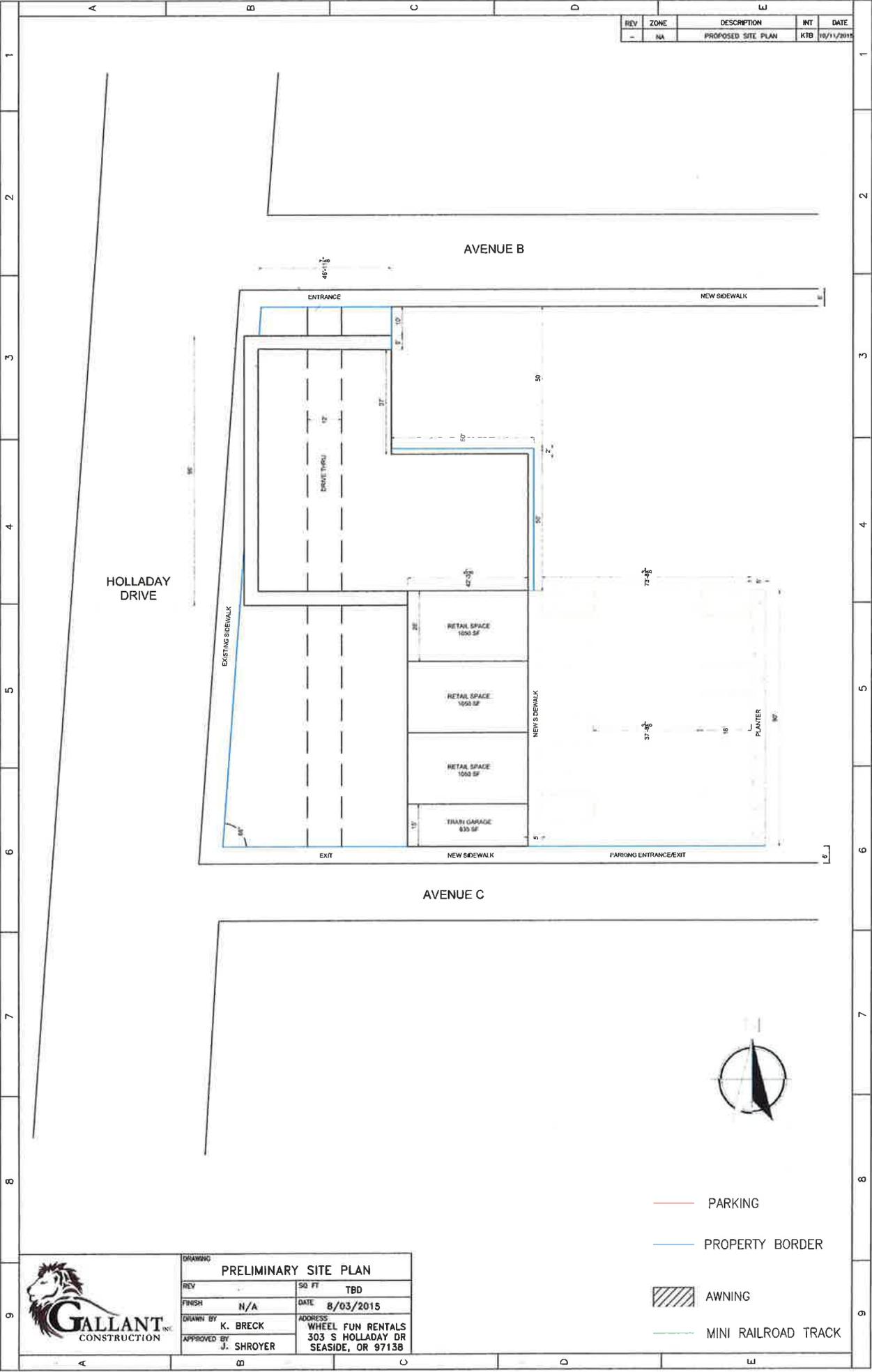


- PARKING
- PROPERTY BORDER
- AWNING
- MINI RAILROAD TRACK



| DRAWING     |            | PRELIMINARY SITE PLAN |                                                             |
|-------------|------------|-----------------------|-------------------------------------------------------------|
| REV         | -          | SQ. FT.               | TBD                                                         |
| FINISH      | N/A        | DATE                  | 8/03/2015                                                   |
| DRAWN BY    | K. BRECK   | ADDRESS               | WHEEL FUN RENTALS<br>303 S HOLLADAY DR<br>SEASIDE, OR 97138 |
| APPROVED BY | J. SHROYER |                       |                                                             |

| REV | ZONE | DESCRIPTION        | INT | DATE       |
|-----|------|--------------------|-----|------------|
| -   | NA   | PROPOSED SITE PLAN | KTB | 10/11/2015 |

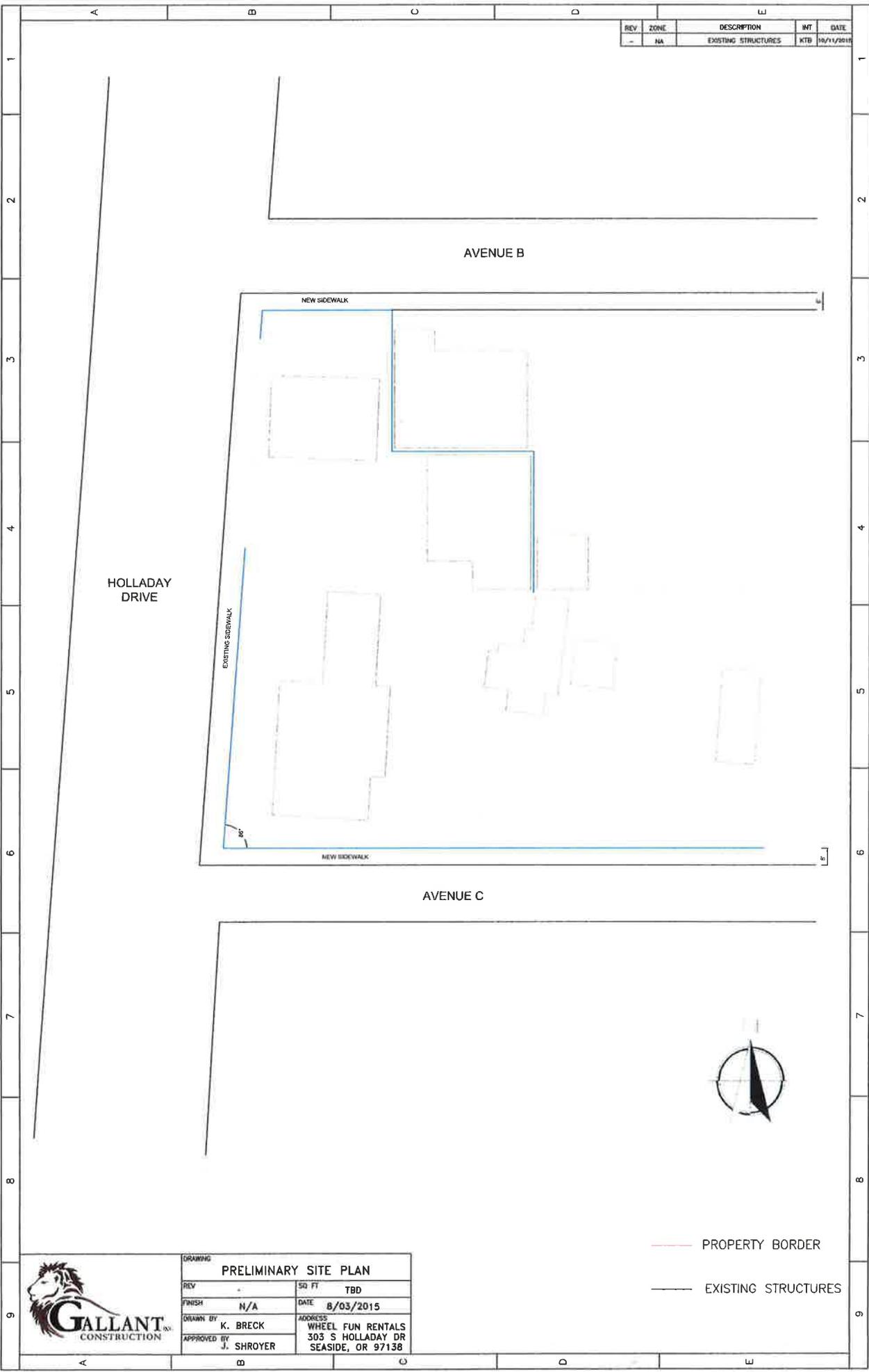


- PARKING
- PROPERTY BORDER
- AWNING
- MINI RAILROAD TRACK



| DRAWING     |            | PRELIMINARY SITE PLAN |                                                             |
|-------------|------------|-----------------------|-------------------------------------------------------------|
| REV         | -          | SD FT                 | TBD                                                         |
| FINISH      | N/A        | DATE                  | 8/03/2015                                                   |
| DRAWN BY    | K. BRECK   | ADDRESS               | WHEEL FUN RENTALS<br>303 S HOLLADAY DR<br>SEASIDE, OR 97138 |
| APPROVED BY | J. SHROYER |                       |                                                             |

| REV | ZONE | DESCRIPTION         | INT | DATE       |
|-----|------|---------------------|-----|------------|
| -   | NA   | EXISTING STRUCTURES | KTB | 10/11/2015 |



HOLLADAY DRIVE

AVENUE B

AVENUE C



- PROPERTY BORDER
- EXISTING STRUCTURES



|             |            |                       |                                                             |
|-------------|------------|-----------------------|-------------------------------------------------------------|
| DRAWING     |            | PRELIMINARY SITE PLAN |                                                             |
| REV         | -          | SR FT                 | TBD                                                         |
| FINISH      | N/A        | DATE                  | 8/03/2015                                                   |
| DRAWN BY    | K. BRECK   | ADDRESS               | WHEEL FUN RENTALS<br>303 S HOLLADAY DR<br>SEASIDE, OR 97138 |
| APPROVED BY | J. SHROYER |                       |                                                             |



**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** December 1, 2015  
**Applicant/:** Ron & Toni Sunseri  
**Owners** 4100 SE 26<sup>th</sup> Place  
Gresham, OR 97080  
**Subject:** Conditional Use 15-045VRD; Vacation Rental Dwelling @ 1341 Beach, T6-R10-S 21CD TL#9500 and variance 15-046V allowing two of the required parking spaces to be 17.5' in length.

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**REQUEST:**

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1341 Beach Dr.** In conjunction with this request, the applicant is requesting a variance that will allow two of the required parking spaces to be 17.5' in length instead of the 18' required under the ordinance due to pre-existing development of the site.

The subject property is zoned Medium Density Residential (R-2) and the applicant is requesting a maximum occupancy of **nine (9)** people over the age of three (no more than 10 regardless of age) within the existing **four** bedroom dwelling.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions which they consider necessary to protect the best interests of the surrounding area of the city as a whole. Although each of the findings or justification statements specifically applies to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

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

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

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of Inspection for valid code reasons.

- C. Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not

occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

**D. Local responsible party.** A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

**E. Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:

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

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1341 Beach Drive**. The subject property is zoned **Medium Density Residential (R2)** and the applicant is requesting a maximum occupancy of **nine (9) people** over the age of three (no more than 10 regardless of age) within the existing **four** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **three** off-street parking spaces that are available on the site. **One car in the garage and two cars in the driveway; however, a variance will be needed because two of the pre-existing parking spaces are 17.5' in length instead of the 18' required under the ordinance..**
  - b. The existing **four** bedroom residence will have a limited occupancy of **nine (9) people over the age of three (no 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. Local Contact: **Seaside Vacation Homes (1000 S Holladay, Seaside, OR 97138) will be the manager for the VRD (503-738-0982).**
  - e. The owner/applicants, **Ron & Toni Sunseri have** read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of **single family dwellings**. Currently **22%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report 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 not yet** undergone a preliminary compliance inspection, **but it was licensed in 1999 as a four bedroom VRD. Inspection of the property is required and any corrections noted during inspection must be completed prior to any transient rental of the property. Final occupancy can be further reduced by staff if there are any significant issues that cannot be resolved by the applicants.**

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 (450 lumens).

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

**With the exception of the two spaces that are six inch short of the required length,** the Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of standard and special conditions. If the variance is denied, some of these conditions will need to be modified in order to reflect a reduction in occupancy and method of parking.

- 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 **(15-045VRD, 15-046V)** 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: Three (3) off-street parking spaces (one 9' X 18' & two 9' X 17.5' spaces) 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: Nine (9) 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: Seaside Vacation Homes (1000 S Holladay, Seaside, OR 97138) will be the manager for the VRD and they can be reached at (503-738-0982).** 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**.
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. **Weekly solid waste pick-up is required during all months.**
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
13. **Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.

- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.
- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

**REVIEW CRITERIA #2: Variance Section 7.031, the property owner must demonstrate by written application that all of the following circumstances exist:**

- 1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.**
- 2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.**
- 3. That the special conditions and circumstances do not result from the actions of the applicant, and**
- 4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

8. The applicant is requesting a variance that will allow two of the required parking spaces to be 17.5' in length instead of the 18' requirement for a standard space. The applicant's submitted justification is adopted by reference and summarized below:

- This home has been successfully rented in the past without a history of complaints.
- There is room to park a long vehicle inside the garage.
- The prior approval for this site authorized the use of 4 spaces and a higher occupancy than the current request.
- This is an existing situation that was not modified by the new owners of the property.

9. In commercial applications, compact car spaces (8' X 16') are permitted. Although they are limited, in this case the applicant is providing one large space and two smaller spaces, but none of them will be as small as a compact space. Although VRDs are considered an accessory use of a dwelling, and not a commercial hotel, they do provide parking for transient lodging.

10. With the exception of extremely large vehicles (such as full size or extended cab pickup) a 9' X 17.5' space can accommodate a wide variety of mid-sized cars and SUVs. They would also accommodate larger vehicles such as:

**Chevy Tahoe**

Wheelbase (in / mm) 116 / 2946

Overall length (in / mm) 198.8 / 5050 or 16.57'

Overall width (in / mm) 78.8 / 2002 or 6.57'

**GM HUMMER – H2**

Wheelbase (in / mm) 122.8 / 3118

Overall length (in / mm) 189.8 / 4820 or 15.82'

Overall width (in / mm) excluding mirrors: 81.2 / 2063 or 6.77'

**2000 Cadillac Seville SLS**

Class: Large luxury car

Weight: 4,008 lbs.

Wheelbase: 112 in.

Length: 201 in. or 16.75'

Width: 75 in. or 6.25'

relatively large SUVs type vehicles.

**CONCLUSION TO CRITERIA #2:**

The pre-existing parking spaces have been adequate to accommodate vehicular parking at this site in the past and the two slightly smaller than standard spaces have not caused adverse impacts to the neighboring property owners.

**FINAL STAFF RECOMMENDATION**

Conditionally approve application **15-045VRD & 15-046V** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9)** persons over the age of three (no

more than 10 regardless of age) at **1341 Beach Dr.** 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 a VRD license is obtained 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 such as erosion control provisions 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<br><i>RON &amp; TONI SUNSERI</i>              | ADDRESS | ZIP CODE |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>1341 BEACH DR.</i> |         |          |

| ZONE | OVERLAY ZONES | TOWNSHIP | RANGE     | SECTION     | TAX LOT     |
|------|---------------|----------|-----------|-------------|-------------|
|      |               | <i>6</i> | <i>10</i> | <i>21CD</i> | <i>9500</i> |

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

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(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<br><i>RON &amp; TONI SUNSERI</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE<br><i>Seaside Vacation Homes</i> |
| ADDRESS<br><i>4100 SE 26TH PL. Gresham</i>                    | ADDRESS<br><i>1000 S Holladay Dr</i>                                    |
| PHONE / FAX / EMAIL<br><i>503 348 0606</i>                    | PHONE / FAX / EMAIL<br><i>503 488-0982</i>                              |
| SIGNATURE OF PROPERTY OWNER<br><i>[Signature]</i>             | SIGNATURE OF APPLICANT/REPRESENTATIVE<br><i>[Signature]</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 checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input checked="" type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

| PLANNING DEPARTMENT USE:                      |             |
|-----------------------------------------------|-------------|
| DATE ACCEPTED AS COMPLETE                     | BY          |
| CASE NUMBER (S)<br><i>15-045VRC - 15-046V</i> |             |
| HEARING DATE<br><i>12-1-15</i>                | P.C. ACTION |

| OFFICE USE: |         |
|-------------|---------|
| FEE         | RECEIPT |
| DATE FILED  | BY      |

Mark Saeg Plot / Plan on file w/ Building + Planning

**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:** Ron and Toni Sunseri
2. **Mailing Address:** po box 422 Seaside Or 97138
3. **Telephone #:** Home 503-348-0605    Work \_\_\_\_\_    Fax \_\_\_\_\_
4. **If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.**
5. **VRD Street Address:** 1341 Beach Dr Seaside OR 97138
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?** <sup>4</sup>    *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?** <sup>4</sup>    **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** 9 \_\_\_\_\_. *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**

COPY

VRD Application updated 5-5-11

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up more than 50% of the property's yard areas? *yes* 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:** Seaside Vacation Homes **Phone #** 503-738-0982 **Address:** 1000 S Holladay Suite D 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?** . 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** 10/5/2015

-----**For Office Use On**

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:

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

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

This home has been a successful vacation rental for several years now. Historically it has allowed for parking for 4 vehicles. It recently sold and during the repermitting process it was discovered that the driveway is only 17'6" in length instead of the 18' that is required. We are asking that you allow parking for 3 vehicles since there has never been a complaint on file regarding parking and if there is a larger vehicle in the group there is plenty of room in the garage for that vehicle.

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

The current VRD requirements regarding parking is that there be 18' in length per parking spot. We are asking that since there are sidewalks on that side of the street the variance of 6 inches be allowed.

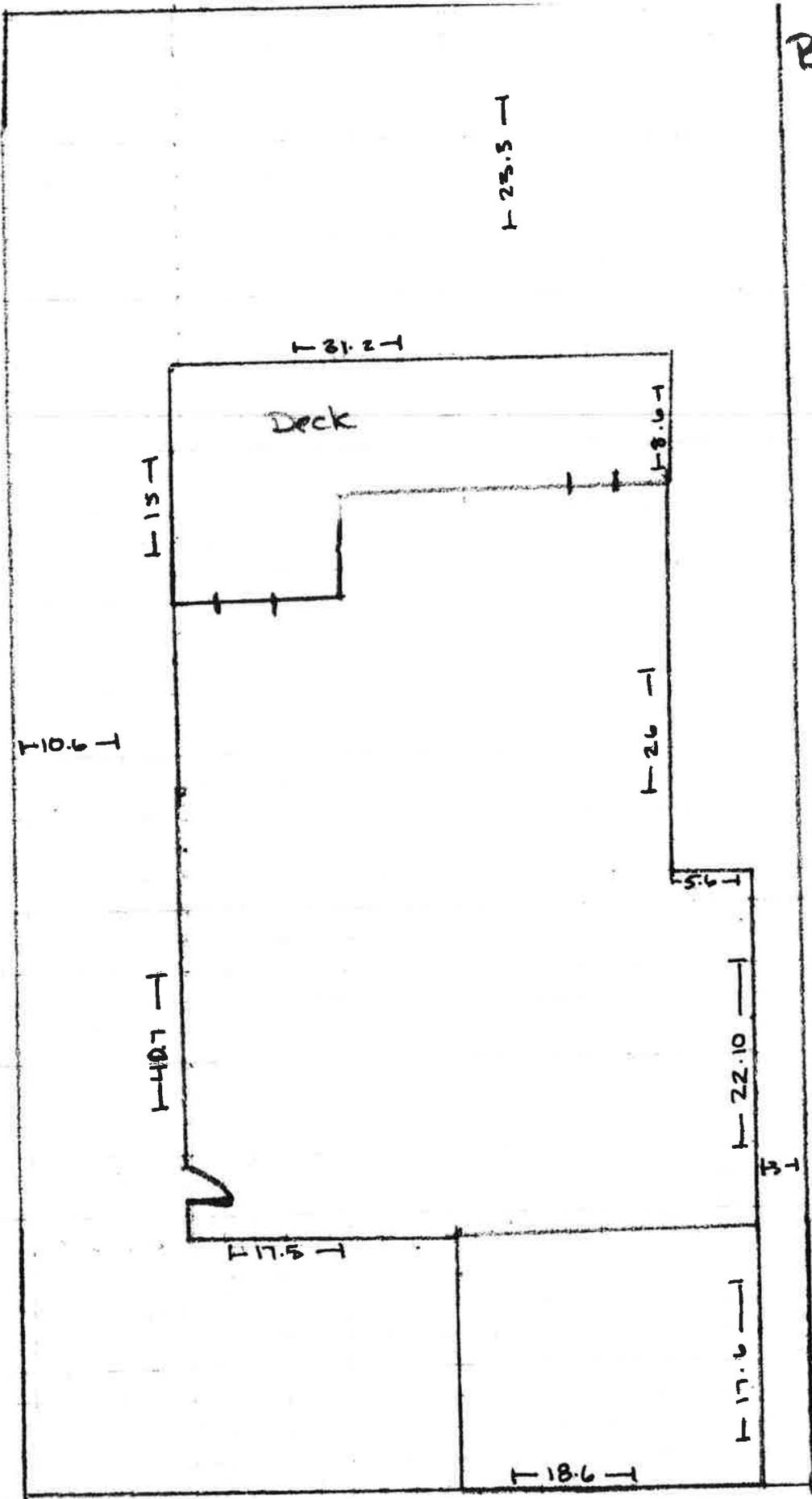
3. Are these special conditions and circumstances a result of the actions of the applicant?

No, the home was recently purchased and the new owners were unaware that this would be of issue.

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

1341
Beach Dr

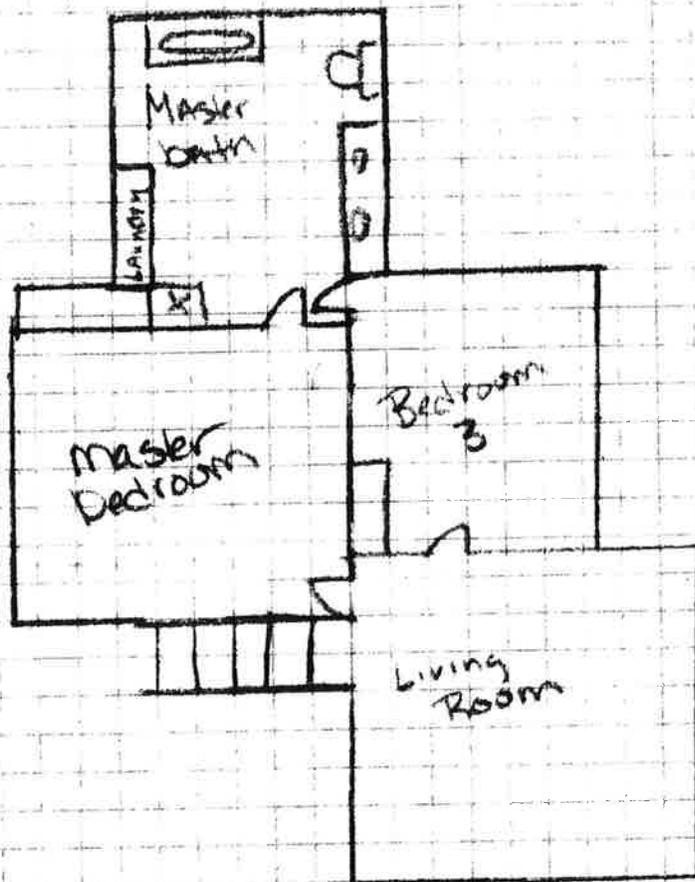


Beach Dr

Plot Plan

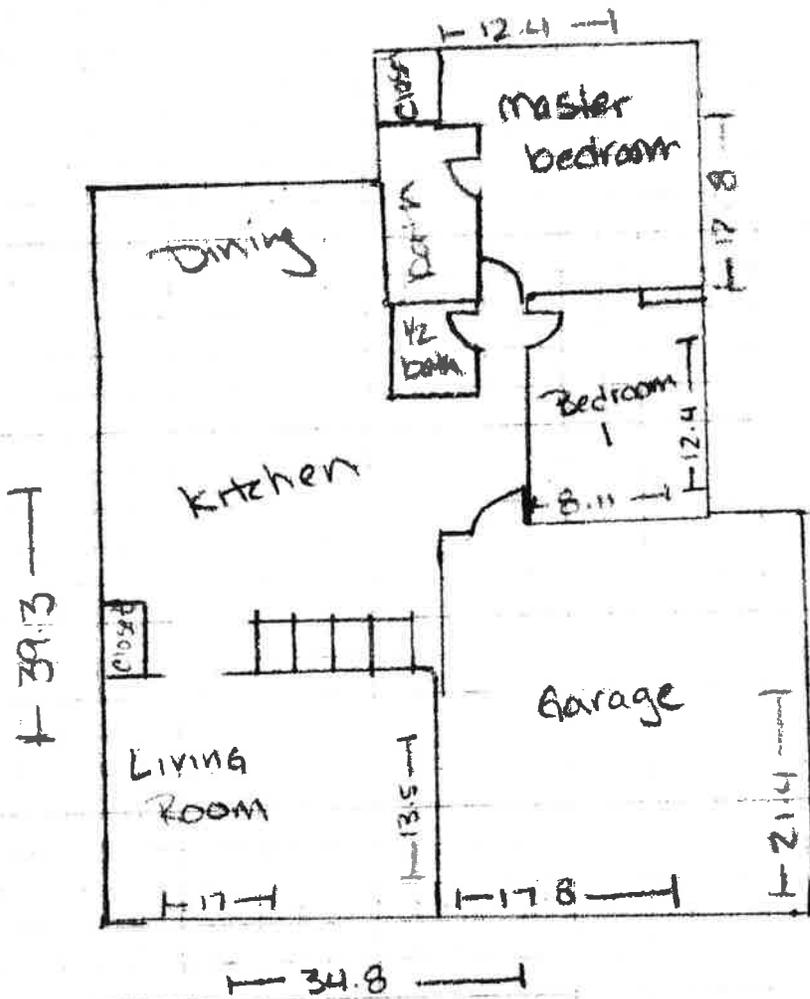
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1241 Beach Dr
2nd Floor

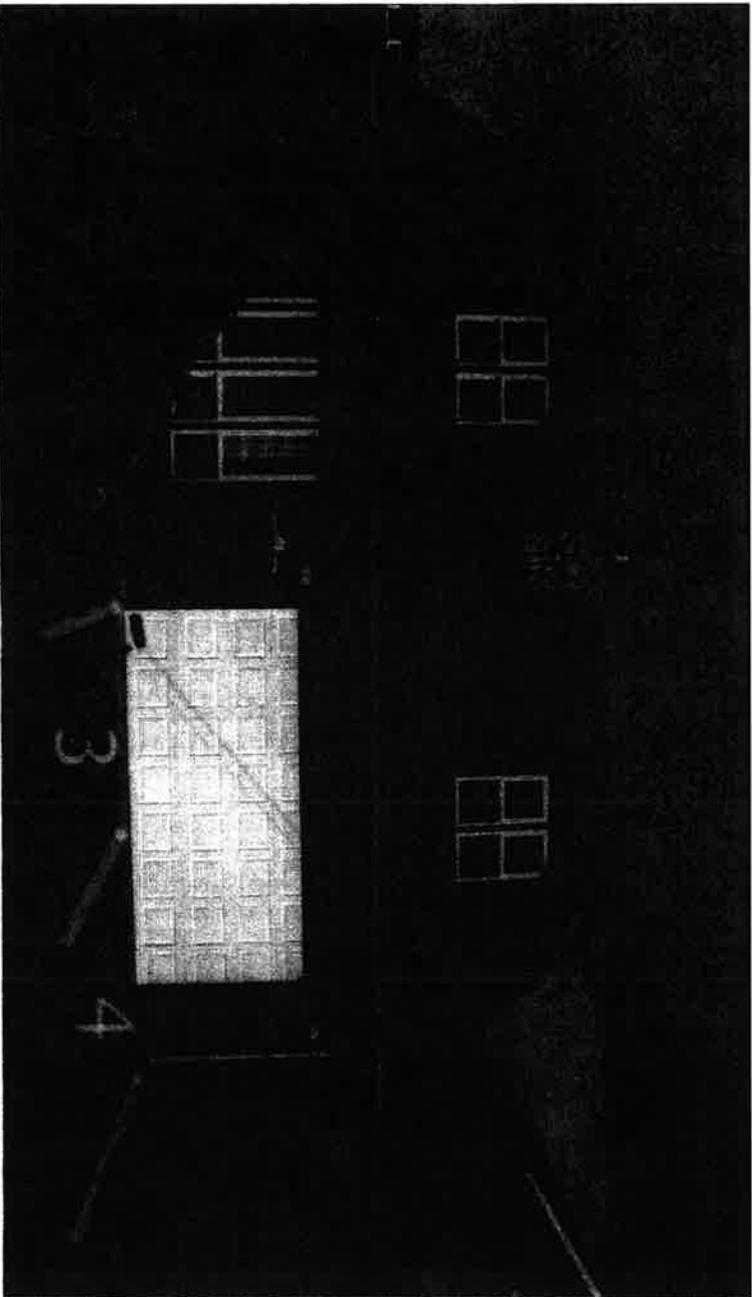


SO-2 F

1341 Beach Dr
1st Floor



1 sq = 2 ft



**Dear Guests: 1341 Beach Dr. is permitted by the City of Seaside
for a maximum of 4 cars and 10 people at any given time.
Please park onsite as indicated in spots 1-4. Thankyou!**

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: November 23, 2015
Applicant/: Joe & Diane Birkenfeld
Owners PO Box 530
Carson, WA 98610
Subject: Conditional Use 15-047VRD; Vacation Rental Dwelling @
1221 S Prom, T6-R10-S 21DB TL#15800

REQUEST:

The **applicants** are requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1221 S Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **four** 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 **applicants** are requesting a conditional use that will allow the authorization of a Vacation Rental Dwelling (VRD) at **1221 S Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **four** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **four** off-street parking spaces that are available on the site.
- b. The existing **four** bedroom residence will have a limited occupancy of **ten people** regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the lot.
- d. Local contact: **Vacation Rentals LLC, Randy Harris, PO Box 197, Seaside, OR 97138 will be the local** contact for the VRD and he can be reached at **(503) 739-3150**.
- e. The applicants, **Joe and Diane Birkenfeld** have read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood. Currently **50%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **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. **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 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 450 lumens, the equivalent of a 40 watt bulb.

8. Unsurfaced access to off street parking spaces can cause gravel to be drug into the paved surface of the public street. Since a change in use would require the parking spaces to be paved, the access to those spaces should also be paved in order to limit gravel encroachment into the surfaced street

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) 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 **(15-047VRD)** 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 not undergone a preliminary compliance inspection and cannot be rented for transient occupancy until it has passed a final inspection.

- 2. Parking spaces: Four (4) 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.

The access to the required spaces must be paved (asphalt, concrete or other comparable surface authorized by the Planning Director) within one year of the date of the approval.

- 3. Maximum number of occupants: Ten (10) persons** 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: Vacation Rentals LLC, Randy Harris, PO Box 197, Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 739-3150.**

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**.

- 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 that clearly indicates “**You Are Here**”. 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 **15-047VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons, regardless of age, at **1221 S. Prom**. 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 a VRD license is obtained 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
Joe + Diane Birkenfeld | ADDRESS
P.O. Box 530, Carson, Wa | ZIP CODE
98610 |
| STREET ADDRESS OR LOCATION OF PROPERTY
1221 S. Prom, Seaside, Oregon 97138 | | |

| | | | | | |
|-------------------|---------------|----------------------|--------------------|-------------------------|-------------------------|
| ZONE
R2 | OVERLAY ZONES | TOWNSHIP
4 | RANGE
10 | SECTION
21 DB | TAX LOT
15800 |
|-------------------|---------------|----------------------|--------------------|-------------------------|-------------------------|

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

Vacation 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
Joe + Diane Birkenfeld | PRINT NAME OF APPLICANT/REPRESENTATIVE
Randy Harris |
| ADDRESS
PO Box 530 Carson, wa 98610 | ADDRESS
P.O. Box 197 hs-vacationhomes @yahoo.com |
| PHONE / FAX / EMAIL
503 541 490 5586 | PHONE / FAX / EMAIL
503 739 3150 / 503 738 5858 |
| SIGNATURE OF PROPERTY OWNER
<i>Diane Birkenfeld</i> | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE
<i>Randy Harris</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 checked="" 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"/> |

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|---------------------------------|-------------|
| PLANNING DEPARTMENT USE: | |
| DATE ACCEPTED AS COMPLETE | BY |
| 11-5-15 | |
| CASE NUMBER (S) | |
| 15-047 WRD | |
| HEARING DATE | P.C. ACTION |
| | |

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|--------------------|---------|
| 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: Joe + Diane Birkenfeld
2. Mailing Address: PO Box 530, Carson, WA 98610
3. Telephone #: Home ⁵⁰⁹ 427 8519, Work ⁵⁴¹ 490 5586, Fax
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 1221 S Prom, Seaside, Or 97138
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? 6 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? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 1210. 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

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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:

Randy Harris Phone # 503 739 3150. Address:
P.O. Box 197, 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: Randy Harris Date: 11/02/15

-----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: _____

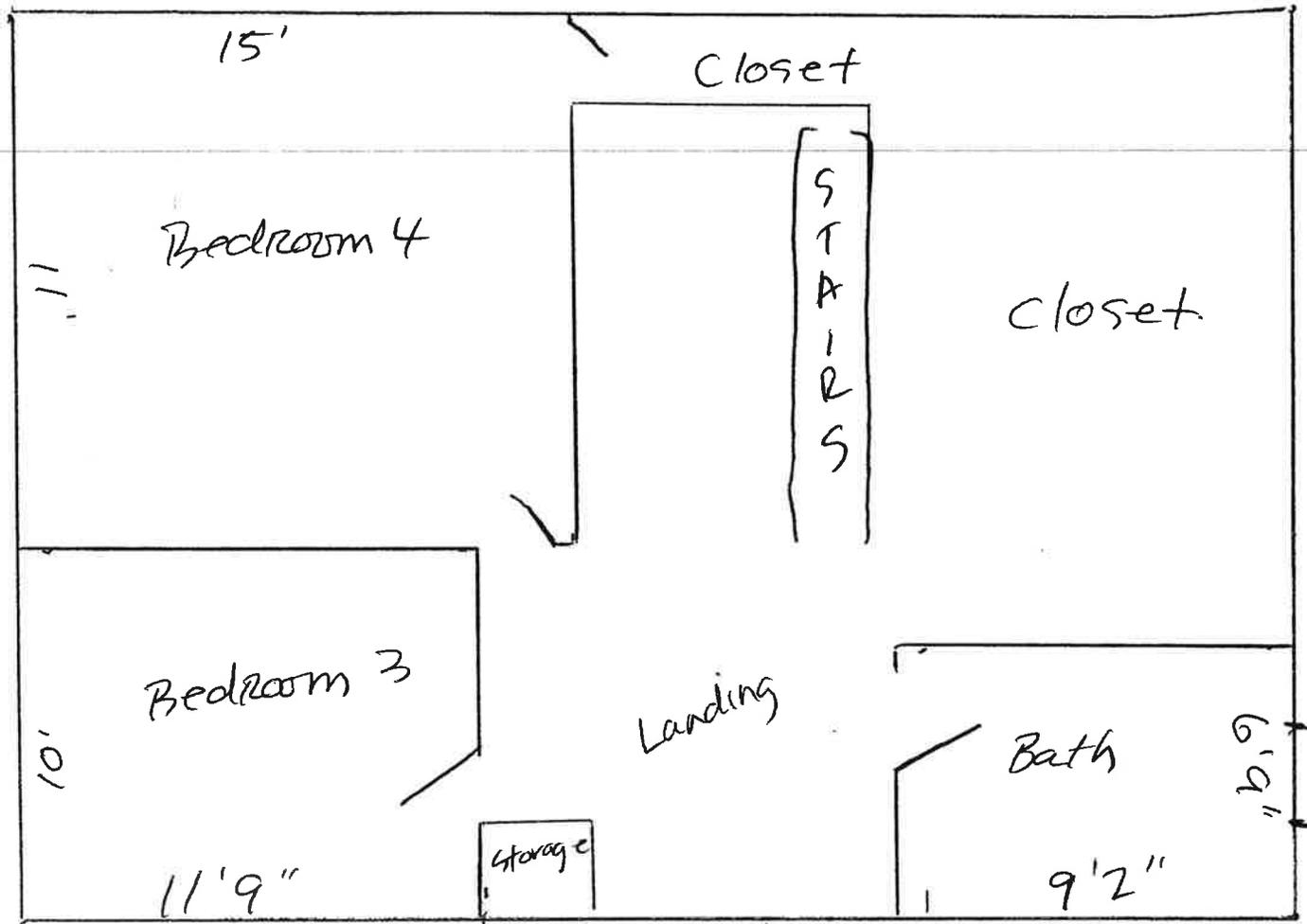
~~~~~ For Community Development Use ~~~~~

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

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

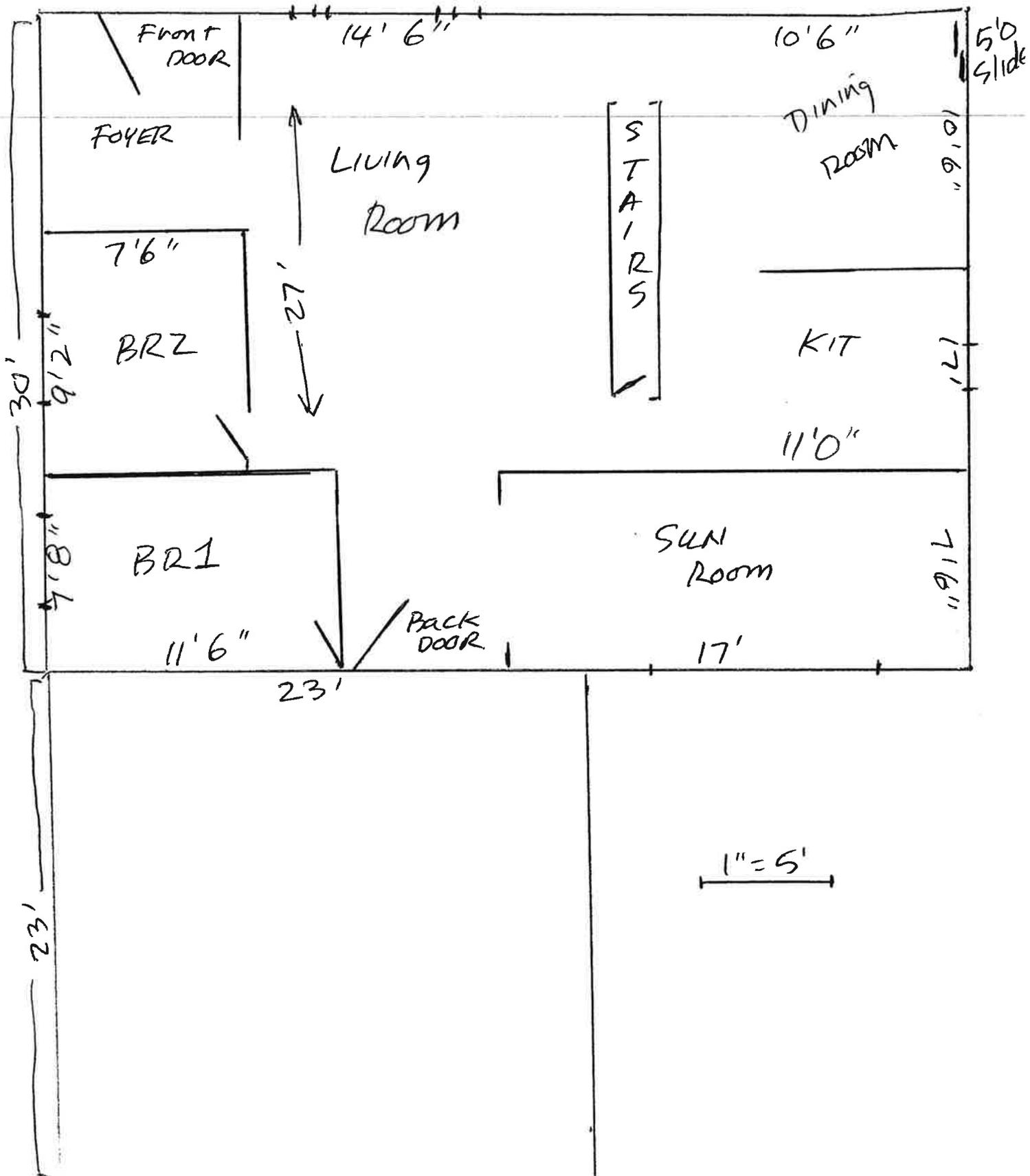
If applicable, date for Planning Commission Hearing: \_\_\_\_\_

Top Floor  
1221 S. Prom.

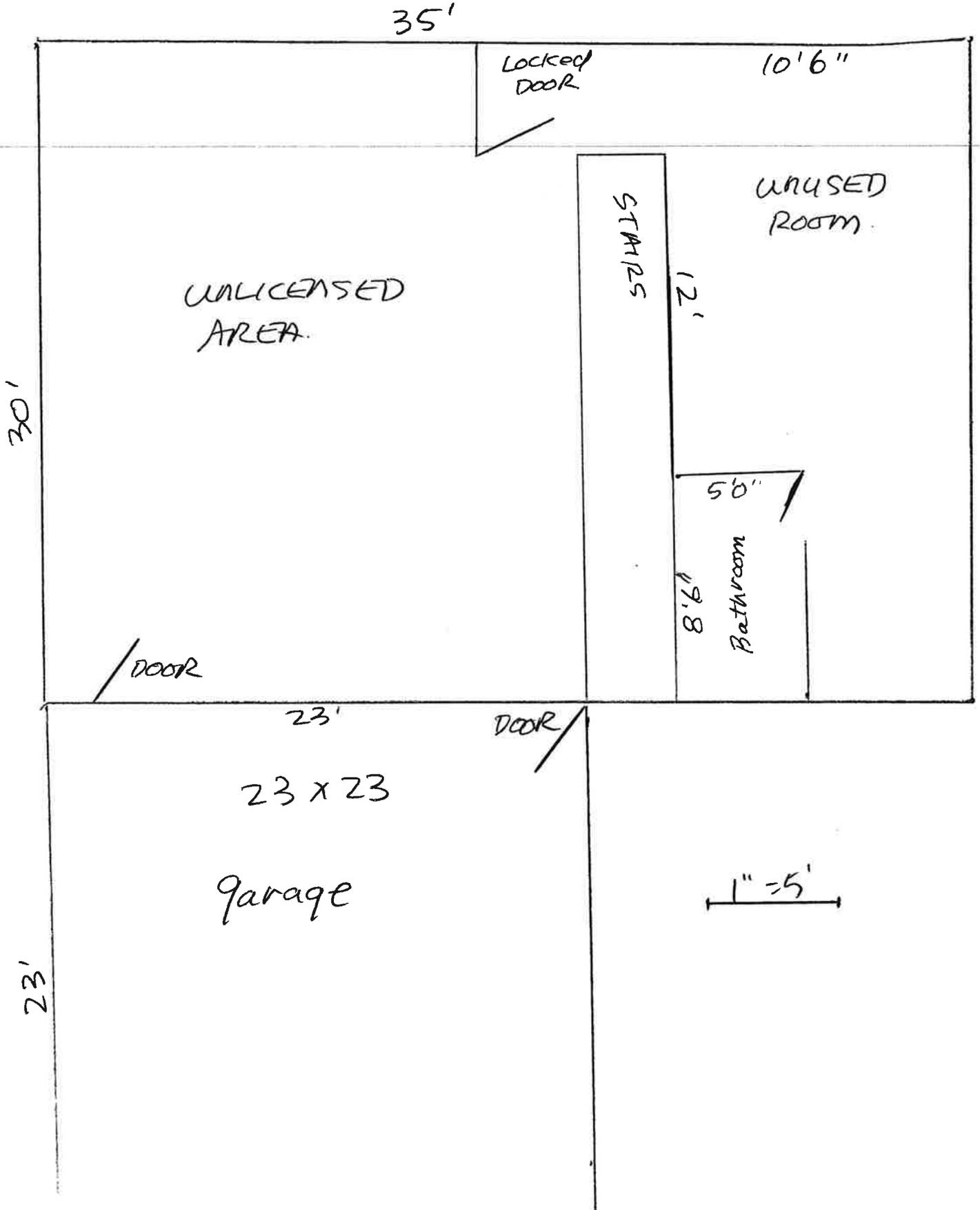


1" = 5'

Main Floor.  
1221 S. PROM.

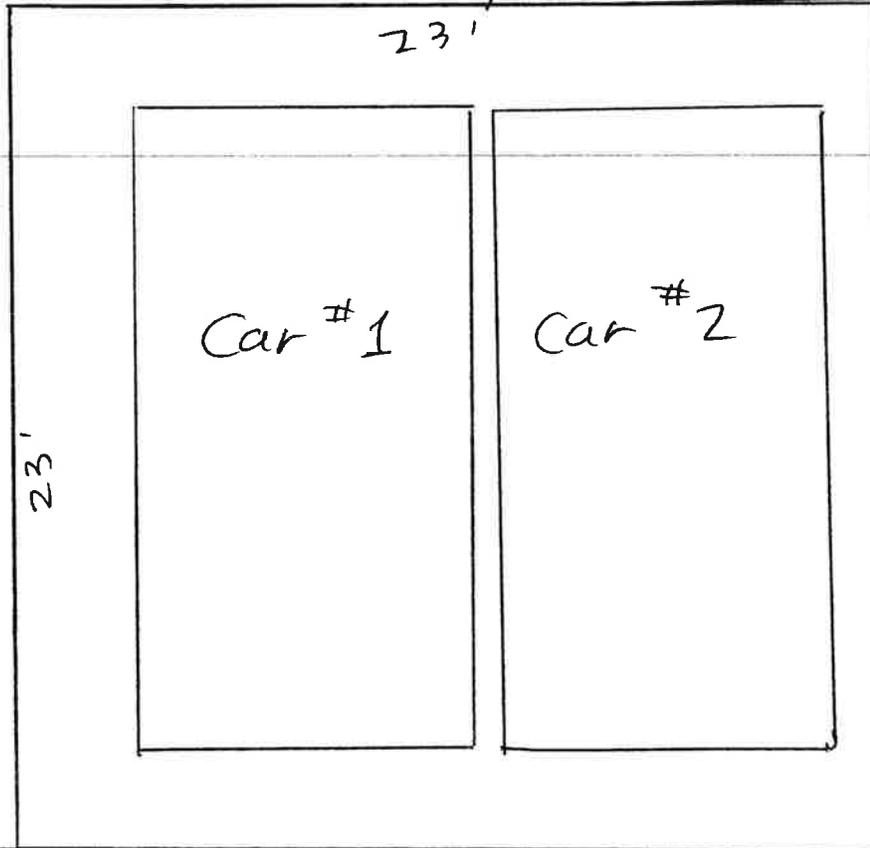


Bottom Floor.  
1221 S. Prom.

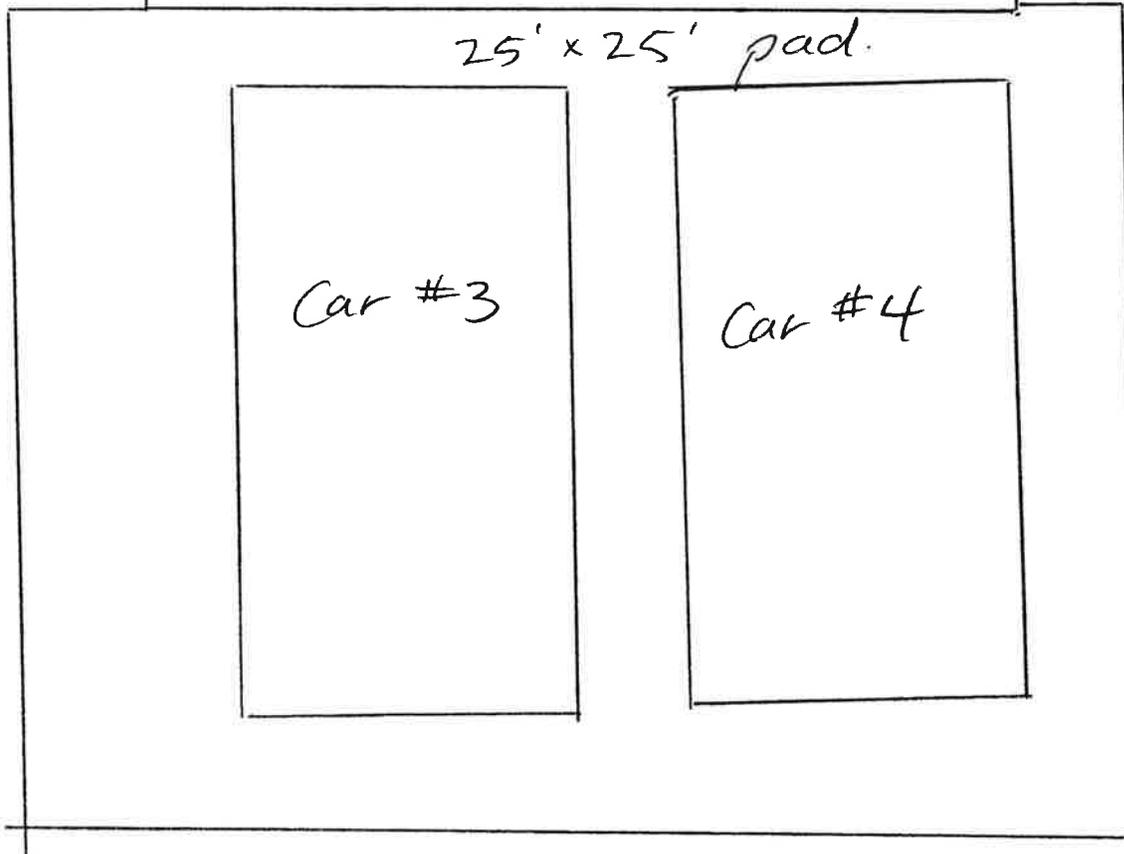


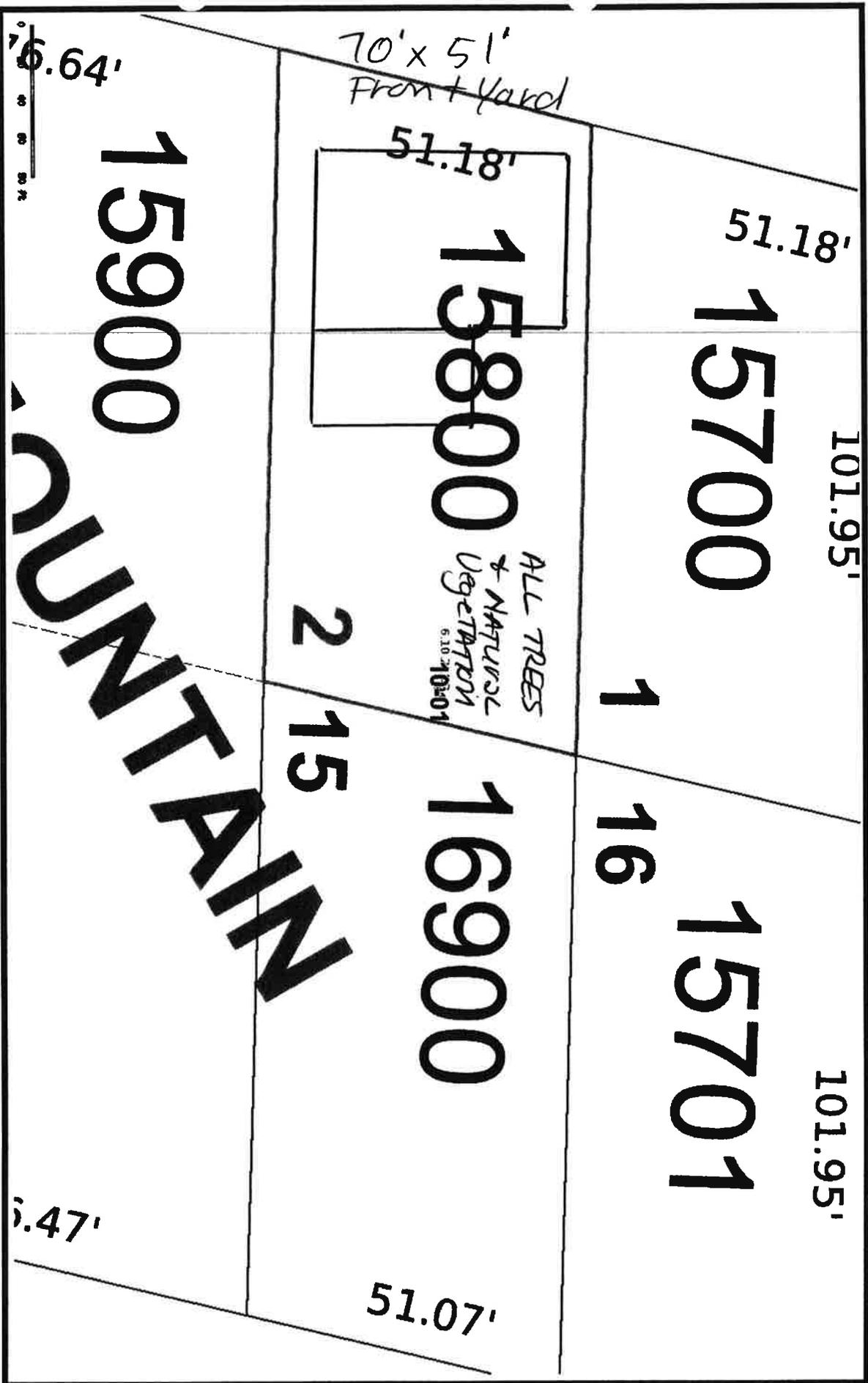
Parking  
1221 S. Prom.

2 car garage



25' x 25' pad.





**Clatsop County Webmaps**

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

