

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
February 7, 2012
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:** January 3, 2011
6. **PUBLIC HEARING:**

A.) 12-002VRD is a request by Carol & Eugene Pomeroy for a **Three (3) bedroom** Vacation Rental Dwelling Permit within the Residential High Density (R-3) zone. The property is located at **662 Necanicum.**

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

RON WYDEN
OREGON

223 DIRKSEN SENATE OFFICE BUILDING
WASHINGTON, DC 20510
(202) 224-5244
(202) 224-1280 (TDD)

United States Senate
WASHINGTON, DC 20510-3703

COMMITTEES:
COMMITTEE ON THE BUDGET
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
SPECIAL COMMITTEE ON AGING
SELECT COMMITTEE ON INTELLIGENCE
COMMITTEE ON FINANCE

January 10, 2012

Dr. Jane Lubchenco, Administrator
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
1401 Constitution Avenue, NW
Room 5128
Washington, D.C. 20230

Dear Administrator Lubchenco:

The tsunami created by last year's devastating earthquake in Japan generated a massive amount of debris that now appears headed directly toward the coasts of Oregon, Washington and California. The amount of debris currently adrift in the Pacific Ocean could be in the millions of tons and may begin showing up on our coastline sometime in 2013 and beyond.

Earlier this week, I received a briefing from representatives of your agency as well as Oregon Parks and Recreation Department, Oregon State University, local emergency management officials and others. I came away from that meeting concerned about the possible negative effects the debris may have on the coastal communities and economies, and I want to underscore the importance of having a response plan that prepares for the worst while hoping for the best.

Because the potential for damage that this debris could do to Oregon's fishing, crabbing, shipping and tourism industries is a major concern, it is vital that federal, state and local agencies and outside organizations work together to get ahead of this issue. This kind of broad-scale cooperation and coordination at every level is crucial to minimizing overlap and ensuring that accurate information is available to everyone who could come in contact with this debris, be it on the water or on the beaches.

It is my hope that all the agencies with jurisdiction in this issue can build upon their current interagency efforts in preparing for the tsunami debris. It would also be useful in delivering a unified message that will give the public a "one-stop shopping" resource to go to for information or to provide additional data.

It is reassuring to know that the National Oceanic and Atmospheric Administration has assumed a lead role in working with the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, and other partners to coordinate data collection, as well as a response plan to address the wide range of potential scenarios and threats generated by the debris field. As you move forward, I hope that NOAA will prioritize the development of a response plan for West Coast

911 NE 11TH AVENUE
SUITE 630
PORTLAND, OR 97232-4169
(503) 326-7525

405 EAST 8TH AVE
SUITE 2020
EUGENE, OR 97401
(541) 431-0229

SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

U.S. COURTHOUSE
310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
SUITE 107
BEND, OR 97701
(541) 330-9142

707 13TH ST SE
SUITE 285
SALEM, OR 97301
(503) 589-4555

[HTTP://WYDEN.SENATE.GOV](http://wyden.senate.gov)

PRINTED ON RECYCLED PAPER

States and help communities and agencies along the coast plan and prepare for any eventualities related to the arrival of this debris. This might, for example, include establishing toll free numbers and websites to assist the public.

I hope you will join me and my staff in keeping the public informed as to what is going on and what to expect. I look forward to working with you and other stakeholders as we make preparations. Please let me know how I can be of assistance in your efforts.

Sincerely,

A handwritten signature in black ink that reads "Ron Wyden". The signature is fluid and cursive, with a long horizontal stroke at the end.

RON WYDEN
United States Senator

MINUTES SEASIDE PLANNING COMMISSION
January 3, 2012

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

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning 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 Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the December 6, 2011 minutes;
Commissioner Dideum made a motion to approve the minutes as submitted. Commissioner Romine seconded the motion was carried unanimously.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

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.) 11-031CU: A conditional use request by Harry Henke that will allow the development of a 45 unit apartment complex on the property formerly utilized by Western Oregon Waste (WOW). The subject property is divided into two distinct areas referenced in the request as Lot 1 on the SW corner of Jackson St. & Avenue M (a compilation of tax lots 8300, 8301, 8500, & 8600 of T6, R10, 21DA) and Lot 2 on the SE corner of Jackson St. & Avenue M (a compilation of tax lots 8700, 8800, 8900, & 9000 of T6, R10, 21DA). The residential development of Lot 1 would consist of three - 9 unit apartment buildings and Lot 2 would include two - 9 unit apartment buildings. The property is currently zoned General Commercial (C-3) and apartments are conditionally permitted in the zone. In conjunction with the conditional use, the applicant is also requesting a variance (**11-032V**) that will allow a reduction in the required number of off-street parking spaces from 2 to 1.5 spaces per apartment unit.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated that he and the Public Works Director have visited the site and have come up with a plan for street improvements. Some of these improvements can be done now and others can or should wait until we have an idea of what may go into the property south of Avenue N. Mr. Cupples has given the Planning Commission members the updated site plan that he and the Public Works Director have work out for this site.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Harry Henke, PO Box 2321, Gearhart OR 97138. Mr. Henke stated that he has addressed the handicap parking, recycle and garbage area, the bicycle rack and the fence for Lionel.

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

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

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Chair Horning asked if the lighting will be on the building or will it have pole lighting? Mr. Henke stated that the lights will probably be pole mounted.

Commissioner Dideum asked why Mr. Henke feels the need for a variance to the parking? City Ordinance states that two parking spaces are required. Does Mr. Henke have any other information beside these studies that give a better reason for requesting the lower amount of parking spaces? Commissioner Dideum stated that she was a math teacher and you can turn the number anyway to say what you want them to say.

Mr. Henke stated that he has developed a few properties and has seen the kind of traffic that a project like this creates as far as parked cars. He thinks this is a standard calculation for that kind of a building and there are always empty parking spaces. He has done a few in Astoria that have more than a 100 units and there is always empty parking. He doesn't think that it is necessary to have less units for this site to gain more parking but he could do that but feels it isn't necessary. One thing that was left off on the last site map was that it didn't show the on street parking. Now with the new one it does show on street parking on Jackson, not a lot but does have some. Mr. Cupples said for clarity sake regarding Jackson Street when he and Neal (Public Works Director) were discussing locating the sidewalks on private property rather than putting them on public property which Mr. Henke is doing. This will actually give two traffic lanes and still provide room for on street parking. If the applicant didn't provide for the sidewalk on his property then there would be no room for the on street parking.

Commissioner Hoth asked if the central unit's sidewalk could be extended east to hit the sidewalk that runs parallel to Jackson Street and remove the tree.

Commissioner Ridout asked if the sidewalk along Jackson will allow for any parking along Avenue M? Mr. Cupples stated no there is just no room on Avenue M. Commissioner Ridout asked if the street on Jackson will it still leave two twelve foot travel lanes. Mr. Cupples stated that it will have two 11 foot travel lanes with the sidewalk and an 8 foot parking lane.

Commissioner Carpenter made a motion to approve the conditional use and the variance under the guidelines that staff has presented plus the addition that Commissioner Hoth had asked for regarding the extension of sidewalk and removing the tree.

Commissioner Hoth seconded and the motion was carried unanimously.

Chair Horning asked if Mr. Cupples has reviewed the parking information that Mr. Henke had submitted. Mr. Cupples stated that yes he has but not only on the internet but also with our neighboring jurisdiction. They have different requirements depending on how many bedrooms are in each unit. It's pretty common to have a 1.5 parking space per apartment dwelling they are treated differently than single family dwellings. There are lots of Ordinances in the State of Oregon that call for 1.5 per parking spaces per unit in apartment buildings especially if they start to break it down per bedroom. They are not going to require two parking spaces for a one bedroom apartment or studio. What you have here is a mixture of what would normally be expected for parking.

Commissioner Ridout stated that he is not comfortable with the idea of having an ordinance that says two parking spaces are required and the commission arbitrarily says we can go with 1 ½ parking spaces because everyone else is doing it. He's not sure if the commission needs to reconsider the ordinance or maybe he needs an attitude adjustment and say the ordinance is there and we will handle issues on a case by case basis. The whole thing makes him uncomfortable.

Chair Horning asked if staff as ever gone out and did a study of apartment buildings in our area? Mr. Cupples stated that he has not but it should be easy enough to do. Mr. Cupples stated that at the last meeting Commissioner Carpenter mentioned that he would like to have some time set up at a Planning Commission work session to discuss what ordinance amendments might be necessary. Mr. Cupples stated that the planning rule that he was always taught was that variances are there for the exceptions to the rules. If some one comes in with a development and you have a standard single family dwelling or a standard apartment building. The standards are there for them to follow but if they find it necessary to adjust the parking then that is what a variance is for. But if people keep coming to the Planning Commission and requesting a variance for the parking then we need to look at the ordinance and see what we can do. We need to ordinance to follow reality. That is the growing process.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Erin Barker, Beach House Vacation Rental, stated that she has lots of experience with parking in apartment buildings, duplexes, triplexes, six plexes and hasn't had any problem with parking in all the years that she has been a property manager.

Commissioner Carpenter asked Mr. Henke if he was going to assign parking spaces or have them on a first come first serve basis. Mr. Henke stated that typically they are assigned. Commissioner Carpenter stated that he as lived with both parking arrangements and assigned parking works much better.

Erin Barker stated one of the things that bothered her is that when a public hearing is going on and she didn't comment on subject, then once she realized that it was something relevant it was too late to say anything. Maybe on a case by case basis the commission could allow additional comments to be heard after the public hearing is closed.

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:00 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planner, Glenn Taylor
Date: January 19, 2012
Applicant: Eugene and Carol Pomeroy
18903 Boynton St.
Oregon City, OR 97045
Owner: Eugene and Carol Pomeroy
Location: 662 Necanicum, T6-R10-S 16DD TL# 90001
Subject: Conditional Use 12-002VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **662 Necanicum**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **nine (9)** within the existing **three** 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:

A. The use of the property as a VRD will be compatible with the surrounding land uses.

B. 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 **662 Necanicum**. The subject property is zoned **High Density Residential (R-3)** and the **applicant** is requesting a maximum occupancy of **nine (9)** within the existing **three** 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 inside the garage and two stacked in front of the garage.**
- b. The existing **three** bedroom residence will have a limited occupancy of **nine people**.
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.

- d. **Beachhouse Vacation Rentals (800 N. Roosevelt, P.O. Box 408, Seaside, OR 97138)** will be the local manager for the VRD. **Erin Barker** will be the local contact and he can be reached at (503) 738-9068.
 - e. The owner/applicants, **Eugene and Carol Pomeroy** 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 47% of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.
 3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **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 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."

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. **Maximum number of occupants: Nine (9) persons over the age of three years.** 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 number requested, it may have been reduced by the Code Enforcement Officer or Fire Marshal, at the time of inspection, for valid code reasons.
2. **Applicability of Restrictions:** Properties licensed for VRDs use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
3. **Parking spaces: Three (3) off-street parking spaces (9' X 18' per space).** 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 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.

4. **Local Contact: Beachhouse Vacation Rentals; 800 N. Roosevelt, P.O. Box 408, Seaside, OR 97138 will be the local property manager for the VRD. Erin Barker** will be the local contact and he can be reached at **(503) 738-9068 or 503-440-1168**. The contact person must be available 24 hours a day to address compliance issues while the property is rented and the daytime (or working hours) versus after hours contact numbers must be provided for inclusion in the notice. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are encouraged to notify the city any time they stop representing a VRD.

Local contact information is available at City Hall (503)-738-5511, the Community Development Department (503) 738-7100, and will be posted on the City's web site: www.cityofseaside.us

5. **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.
6. **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.
7. **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 will be outlined in an attachment to the notice of decision sent to the adjacent property owners and the City's new web site along with a link to a general complaint form. This should be used to report alleged violations that are not being addressed by the local contact or property manager.
8. **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.

9. **General Ordinance Compliance:** The Vacation Rental 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 Compliance Inspection:** Prior to issuance of a vacation rental dwelling permit, the subject property must be inspected and be in substantial compliance with the Uniform Housing Code.
11. **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, and Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that the State now requires Carbon Monoxide detectors be installed and maintained in all rental units.**
12. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable.
13. **Business License & Room Tax Requirements:** 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.

FINAL STAFF RECOMMENDATION

Conditionally approve application **12-002VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **Nine (9)** at **662 Necanicum**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision unless final plans are submitted or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance 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
VACATION RENTAL DWELLING (VRD) APPLICATION

ORIGINAL

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: EUGENE A. or CAROL A. POMEROY
2. Mailing Address: 18903 BAYVIEW ST OREGON CITY OR 97045
3. Telephone #: Home 503-620-4904, 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: 663 NE CANICUM DR. SEASIDE OR 97138
6. Tax Map Ref.: Township 12, Range 10, Section 16 DD, Tax lot # 90001
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 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? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 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 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:

Beachhouse Vacation Rentals Phone # 503-440-1168 Address:

800 N. Roosevelt Drive, 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-3

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: Eugene Pomeroy Date: 1/4/12

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

## Section 6.137 VACATION RENTAL DWELLING (VRD)

1. **Purpose.** The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing Vacation Rental Dwellings, a permit shall be issued as an accessory use in accordance with the administrative conditional use provisions 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.

Failure to meet this standard will require a public hearing and review by the Planning Commission under the provisions of Subsection 5.
3. **Notice and Administrative Decision.** Upon submittal of a complete application, notice of the request shall be mailed to all property owners within 100 feet in accordance with Section 10.031 (2). The notice and final decision by the Planning Director must comply with the provisions in Section 10.032 through Section 10.035 of the Ordinance.

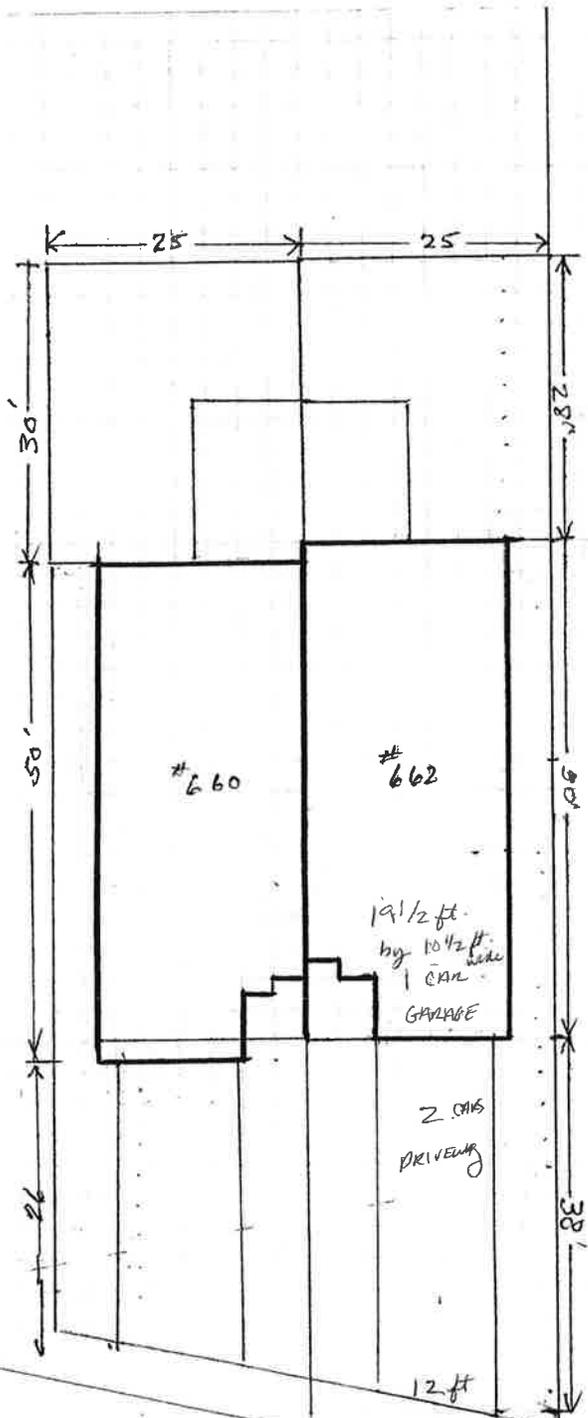
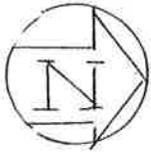
4. **Appeals.** Within fifteen (15) days of the administrative decision, the decision may be appealed in accordance with the provisions in Section 10.037 and 10.040 of the Ordinance
5. **Planning Commission review.** The Planning Commission will review VRD's which do not conform with the provisions of Subsection 2.E., in accordance with the conditional use procedures in Section 6.030 through 6.050 of the Ordinance. The applicant must address the following criteria in addition to the standards in Subsection 2.A-D of this Section. 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.
  - A. The use of the property as a VRD will be compatible with the surrounding land uses.
  - B. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.
6. **Approval conditions.** All approval must include the following conditions:
  - A. 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.
  - B. 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.
  - C. 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.
  - D. 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 this Section.
  - E. 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.
  - F. Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this

Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application

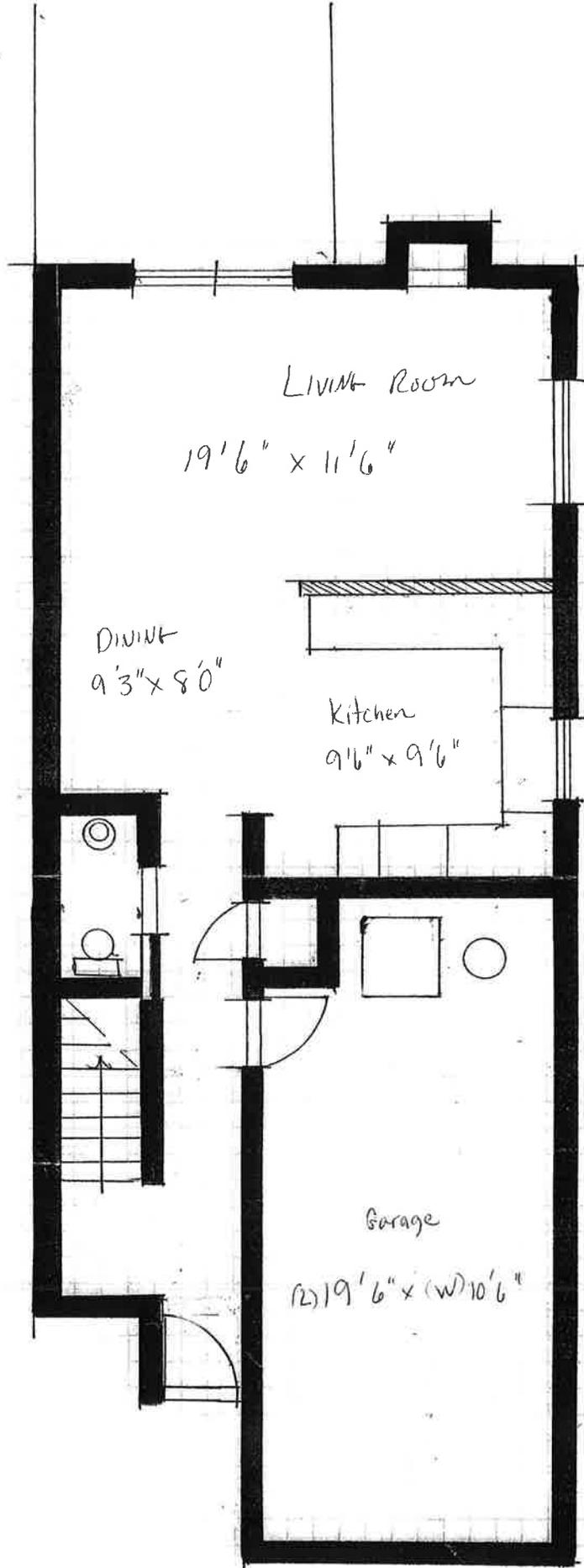
7. **Prior Approvals.** Vacation rental dwellings approved under prior standards shall comply with the provisions of Section 6.137; 2B., 2D., & 6A. within one year of the amendments in this Section.

*(Amending Ordinance No.,2000-09, adopted 11-27-2000)*

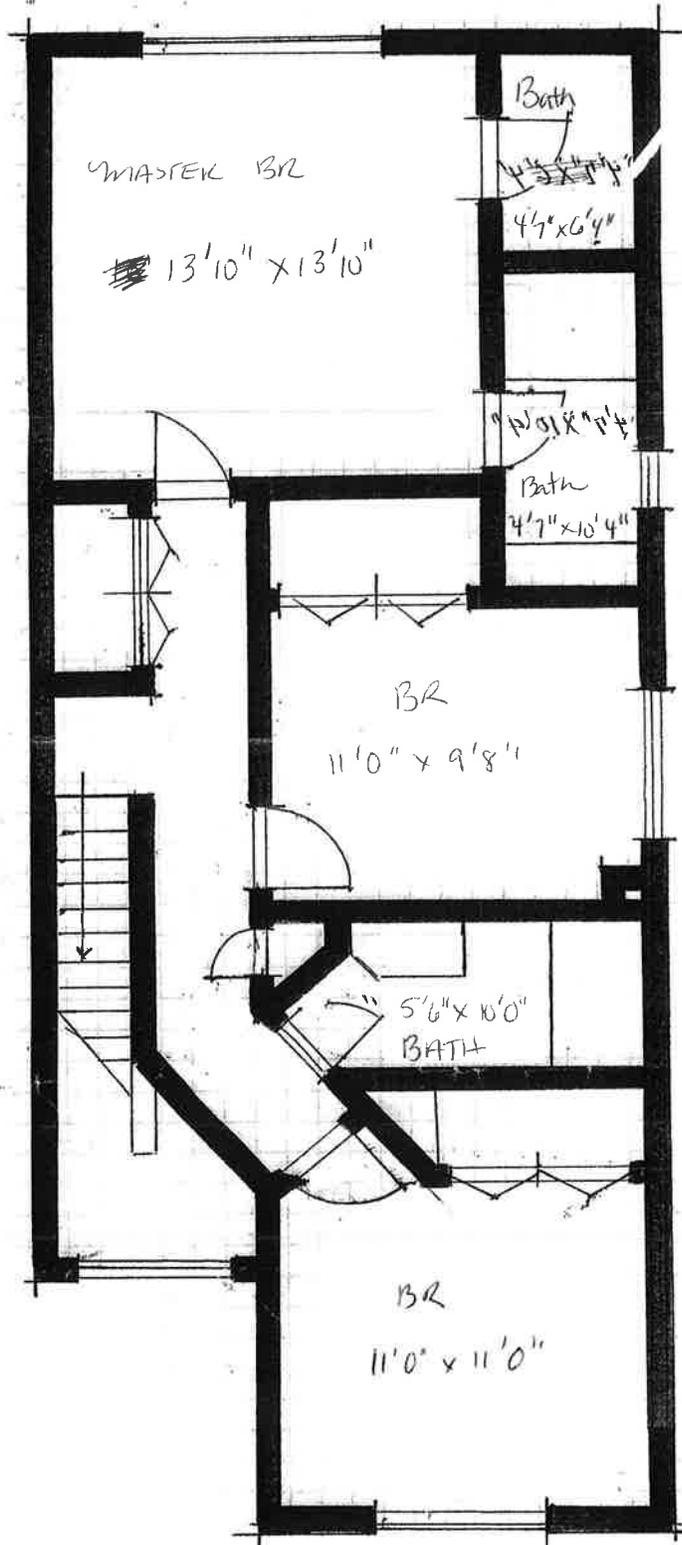
8. **Complaints.** Any complaint procedures concerning violations of the VRD Provisions are in addition to the "Remedies" specified in Article 12 of the Zoning Ordinance.



MECANICUM DR



662 Mechanicum



662 Necanicum