

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

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** February 4, 2013
6. **PUBLIC HEARING:**
  - A.) **14-003VRD & 14-004V** are requests by Steven V. Brewer for a **Three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of **nine** (9) people over the age of three. Mr. Brewer is also requesting a variance to the 50% front yard landscaping requirement. The property is located at **660 Necanicum** and it is zoned High Density Residential (R-3).
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

# MINUTES SEASIDE PLANNING COMMISSION

## February 4, 2014

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

### PLEDGE OF ALLEGIANCE

**ATTENDANCE:** Commissioners present: Robert Perkel, 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/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:** Motion to approve the January 7, 2013 minutes; Commissioner Carpenter made a motion to approve the minutes as submitted. Vice Chair Dideum 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:

None

#### ORDINANCE ADMINISTRATION:

**EXTENSION REQUEST FOR PHASE 1, CONDITIONAL USE PERMIT 11-031CU:** A conditional use request by Harry Henke originally approved January 3, 2012, One year extension granted February 5, 2013. The request is limited to the development of Lot 1, development of 27 apartment units on the vacant property formerly owned by Western Oregon Waste (WOW) on the southwest corner of Jackson and Avenue M.

Harry Henke, PO Box 2321, Gearhart OR 97138.

- Here as an agent.
- Real Estate Investment Group out of Albany is motivated and wants to go forward with the 27 apartment units.
- Has the construction drawings and this group is planning on staying with the same plans.
- Has met with public works and staff regarding the infrastructure.

Commissioner Hoth asked Mr. Cupples if this group came in with a different set of plans, would they need to resubmit. Mr. Cupples stated that when he does a decision he tries to incorporate a condition that allows minor adjustments subject to staff approval. But if they come in with a new proposal or major alterations then they would need a new resubmittal.

Commissioner Horning asked about dealing with an agent and not the owner. Can the applicant still be the same? Mr. Cupples stated that the conditional use permit goes with the land. Mr. Cupples stated that does not apply to vacation rental application because they are limited by ownership under the provisions of the zoning ordinance.

Commissioner Ridout made a motion to approve the extension of the conditional use under the guidelines that staff has presented. Commissioner Carpenter seconded and the motion was carried unanimously.

**COMMENTS FROM THE PUBLIC:** None

**COMMENTS FROM COMMISSION/STAFF:** Mr. Cupples introduced Robert Perkel the newly appointed planning commissioner. Commissioner Horning asked if Mr. Perkel would tell the commission a little about himself. Mr. Perkel stated that he has been a Portlander his whole life. He worked for the Oregon State Employment Department for 30 years and retired at 53. Then he and his wife started a gift basket business which they ran for four years and then sold the business. They bought a condo at the Mirage on Avenue U and lived here in Seaside 99.9% of the time, so they sold their condo in Portland and now live here full time. They bought a home on Huckleberry and that is now where they reside. Stubby Lions asked him if he wanted to be on the Improvement Committee, so he applied, and was appointed to that committee. He then applied for the Planning Commission and he now has that additional appointment. He is very pleased to be part of this community.

Mr. Cupples stated that City Council did review the Comprehensive Plan amendments Goal 9 and Goal 10 and buildable lands analysis. There were some minor adjustments made to the documents to address some additional concerns, but they did not amount to any substantive change to the Commission's recommendation. This item will go back up to the City Council on Monday, February 10<sup>th</sup> for action on the ordinance.

Chair Romine asked if there was any feedback from the residence of the Ocean Cove Estates or Rose Creek Subdivision. Mr. Cupples stated that there was one person who might appeal the decision on the policy change to the City Council.

Commissioner Horning asked if there was any guidance from DLCD or some of the seminars that Mr. Cupples has gone to that could define the difference between policy and ordinance and the strategies for using them. Mr. Cupples stated that particular issue hasn't been discussed in the seminars he has attended. An ordinance is an adopted law; whereas a policy is a statement of opinion or the establishment of a routine course of action.

**ADJOURNMENT:** Adjourned at 7:25 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** March 4, 2014  
**Applicant/  
Owner:** Steven Brewer  
122 Anderson Rd  
Winlock, WA 98596  
**Location:** 660 Necanicum Dr., T6-R10-S 16DD TL#17501  
**Subject:** Conditional Use 14-003VRD, 14-004V; Vacation Rental Dwelling Permit and Variance

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**REQUEST:**

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at 660 Necanicum. In conjunction with this request, the applicant is requesting a variance to the 50% front yard landscaping requirement for VRDs.

The subject property is zoned High Density Residential (R-3) 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 three bedroom dwelling. The property is located at 660 Necanicum and it is zoned High Density Residential (R-3). The dwelling is the southern townhome of a two unit zero lot line development and the northern unit, 662 Necanicum, is currently licensed as a VRD.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

**A. Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.

**B. Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

**C. Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

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

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

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

2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **660 Necanicum**. The subject property is zoned **High Density Residential (R-3)** 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 **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 car in the garage and two cars in the driveway.**

- b. The existing **three** bedroom residence will have a limited occupancy of **nine (9) people**.
  - c. The plot plan shows that parking will not take up more than 50% of the side or rear yard areas; however, that is not true for the front yard.
  - d. A variance to the front yard landscaping requirement has been requested based on the recognition the front yard parking area is already existing and it is not being altered in order to provide adequate parking area for two cars.
  - e. **Beach House Vacation Rentals (800 N Roosevelt, Seaside, OR 97138) will be the manager for the VRD (503-738-9068).**
  - f. The owner/applicants, **Steven Brewer** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **55%** 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. 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 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 property was previously issued a permit for a three bedroom VRD in 2005.
  7. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the 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."
  8. 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 front yard landscaping, 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, Conditions 1, 2, & 4 must be adjusted in order to reflect a reduction in occupancy and additional landscaping in the front yard.

**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 **(14-003VRD)** 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.

- 1. Parking spaces: Three (3) 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. .
- 2. 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.
- 3. 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.
- 4. Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. **The current landscaping within each yard area shall not be further reduced below current levels so parking will not dominate the yard.**
- 5. Local Contact: Beach House Vacation Rental (800 N Roosevelt, OR 97138) will be the local contact for the VRD and can be reached at (503-738-9068).**

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.

6. **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.
7. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
8. **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.
9. **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.**
10. **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.
11. **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.
12. **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.

- 13. 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.
- 14. 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.
- 15. 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.
- 16. 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:**

9. The applicant is requesting a variance the 50% front yard landscaping requirement for vacation rental dwellings (Section 6.137, 2. C). The applicant's submitted justification is adopted by reference and summarized below:

- The lot is only 25' wide and it was developed in conjunction with a zero lot line development.
- Landscaping is pre-existing having been done by the prior owner six years ago.
- The existing landscaping provides curb appeal even with the two existing parking spaces in front of the garage.
- The existing parking layout was approved when the property was previously licensed for VRD use with an occupancy of 9.
- Compliance with the standard would require the removal of existing concrete, a reduction in our family's usable space to park on site, and the addition of flower pots. We believe this would reduce the curb appeal of the dwelling.
- The owners of the neighboring townhome (662 Necanicum Drive), which share a common wall with our property, are supportive of the request.
- No changes are proposed to the current parking space. We are not providing additional parking to increase our occupancy. ..

5. At the time this unit was originally granted a VRD permit, both townhome units were established as condominiums and the front yard of both zero lot line units were in common ownership. This allowed a combined front yard landscape credit in order to satisfy the criteria in Section 6.137, 2.C.

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

The pre-established parking layout and landscaping in the front yard is not being modified in order to permit a higher occupancy and the elimination of one existing space is unreasonable based on the exceptional circumstances applicable to the existing townhome previously approved for a VRD with two parking spaces provide in the front yard subject to the following condition:

17. The existing area dedicated to landscaping in the front yard will not be further reduced below current levels.

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **14-003VRD & 14-004V** 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 **660 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 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 <b>STEVE BREWER</b>	ADDRESS <b>122 ANDERSON RD WINLOCK WA</b>	ZIP CODE <b>98596</b>
STREET ADDRESS OR LOCATION OF PROPERTY <b>440 NE CANICUM AVE SEASIDE</b>		

ZONE <b>R 3</b>	OVERLAY ZONES	TOWNSHIP <b>6</b>	RANGE <b>10</b>	SECTION <b>11000</b>	TAX LOT <b>1750</b>
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**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

**RENTAL**

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

<b>OWNER:</b>	<b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>
PRINT NAME OF PROPERTY OWNER <b>STEVE BREWER</b>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <b>122 ANDERSON RD WINLOCK WA 98596</b>	ADDRESS
PHONE / FAX / EMAIL <b>360 785 3724 STEVE BREWER @MSN.COM</b>	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 type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input type="checkbox"/>                       |

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) <b>14-004 ✓</b>	
HEARING DATE <b>3-4-14</b>	P.C. ACTION

<b>OFFICE USE:</b>	
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: STEVEN V BREWER
2. Mailing Address: 122 ANDERSON RD WINLOCK, WA 98596
3. Telephone #: Home <sup>360</sup> 785 3724, Work <sup>CELL 503</sup> 787-8703, Fax 340 785 3724
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: 660 MECHANICUM DR.
6. Tax Map Ref.: Township Q, Range 1D, Section 16 D D, Tax lot # 17501
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? 457 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

**ORIGINAL**

VRD Application updated 5-5-11

**CITY OF SEASIDE**

JAN 14 2014

**PAID**

*9632*

*20  
400  
430  
550.00*



past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

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

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

Applicant's Signature: [Signature] Date: 1/14/14

-----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.

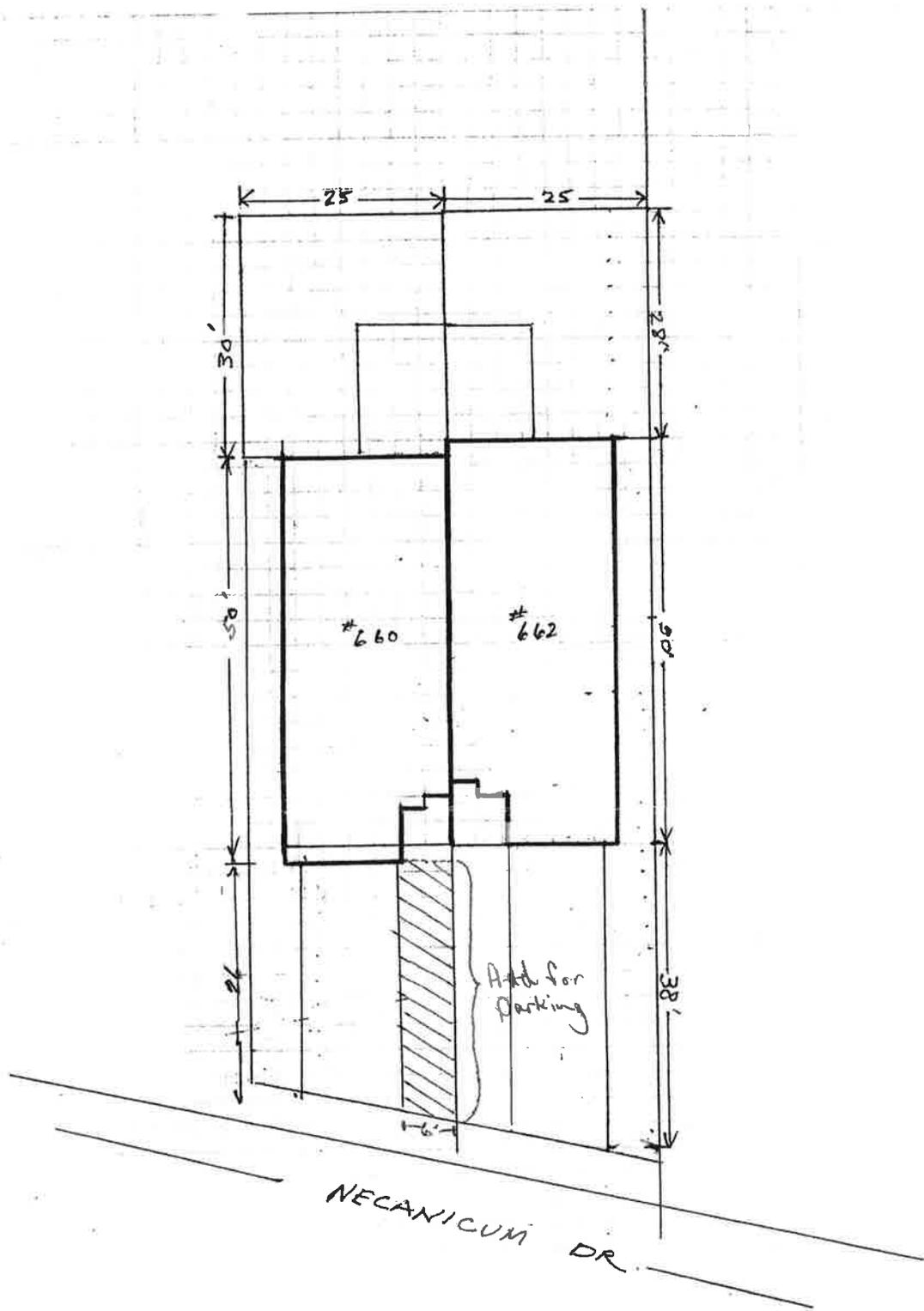
Submittal Date: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

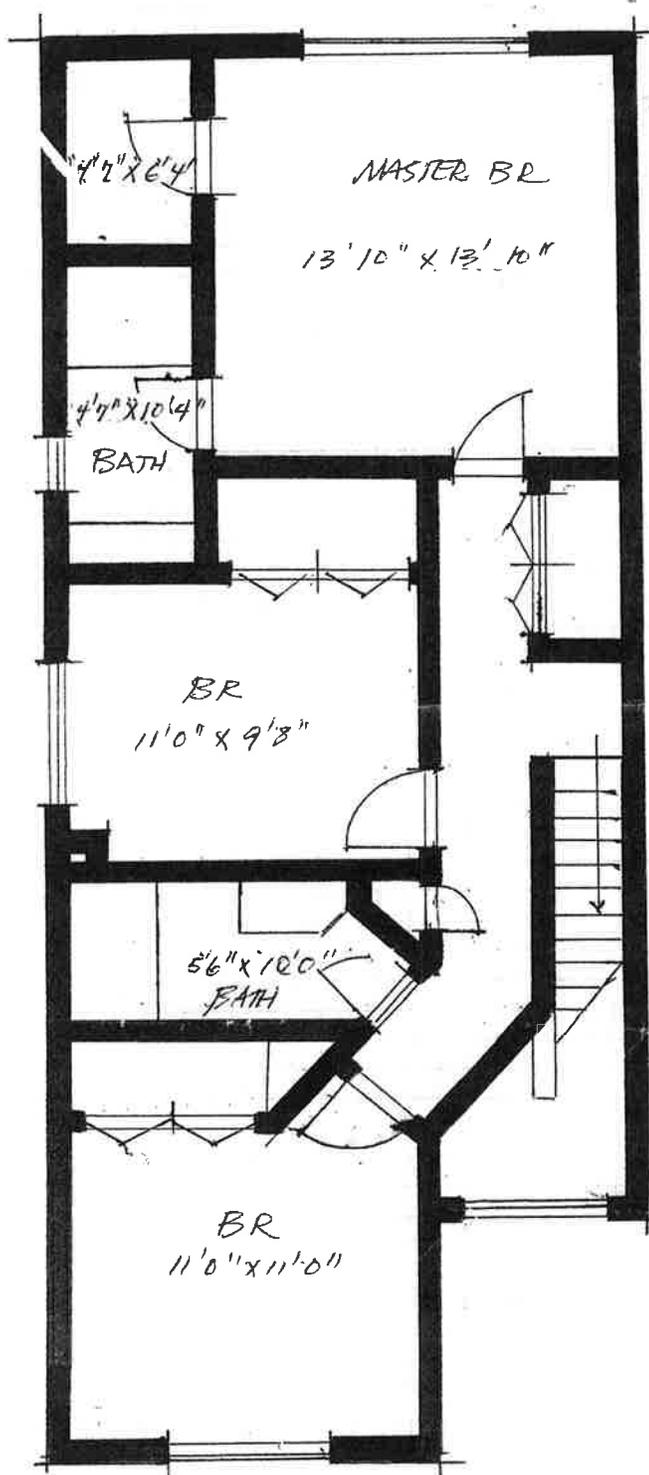
~~~~~ For Community Development Use ~~~~~

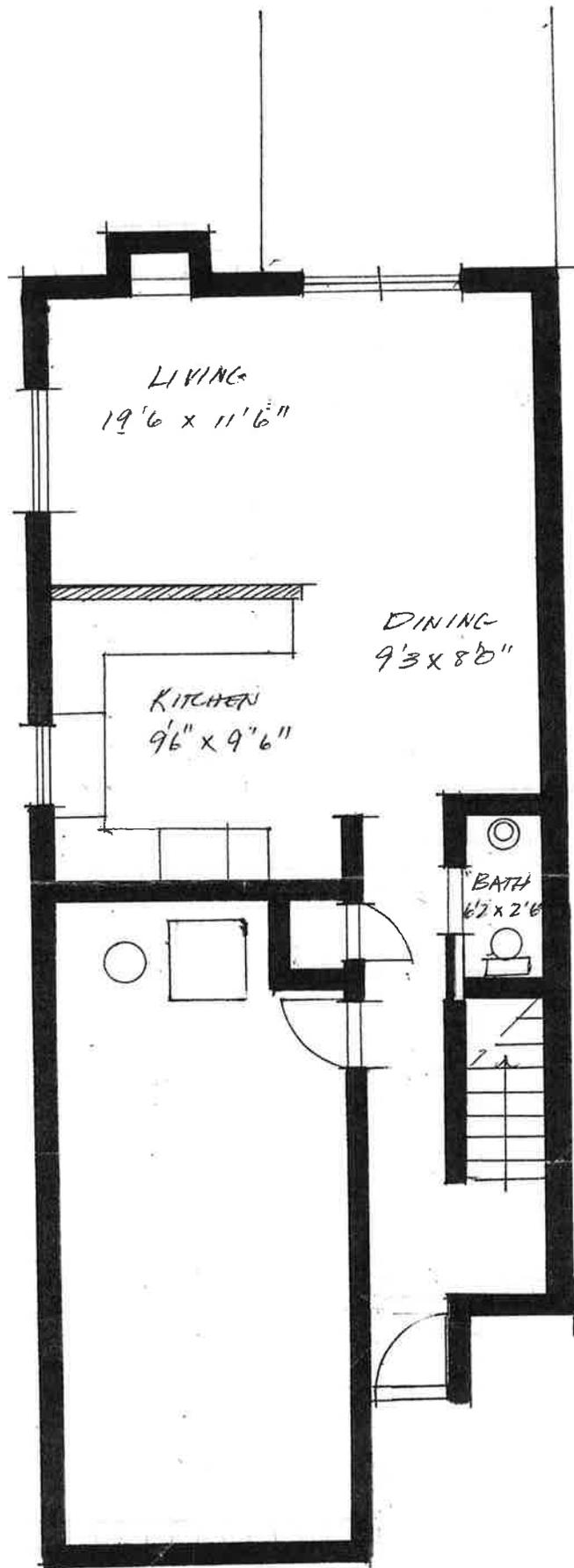
Date application was received at Community Development: 1-29-14

File Reference # 14-001VRD Date determined to be complete: 1-29-14

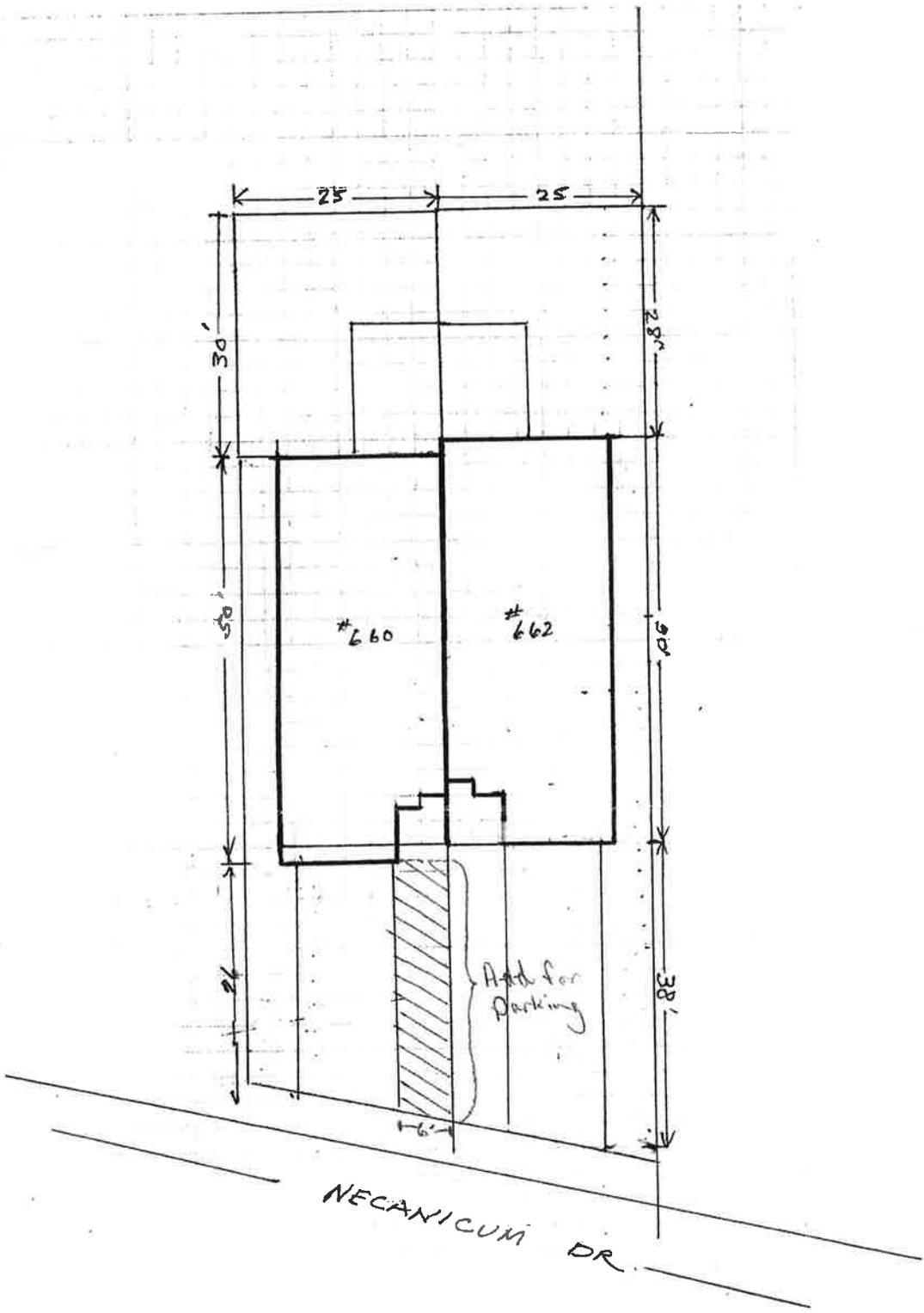
If applicable, date for Planning Commission Hearing: 3-4-14

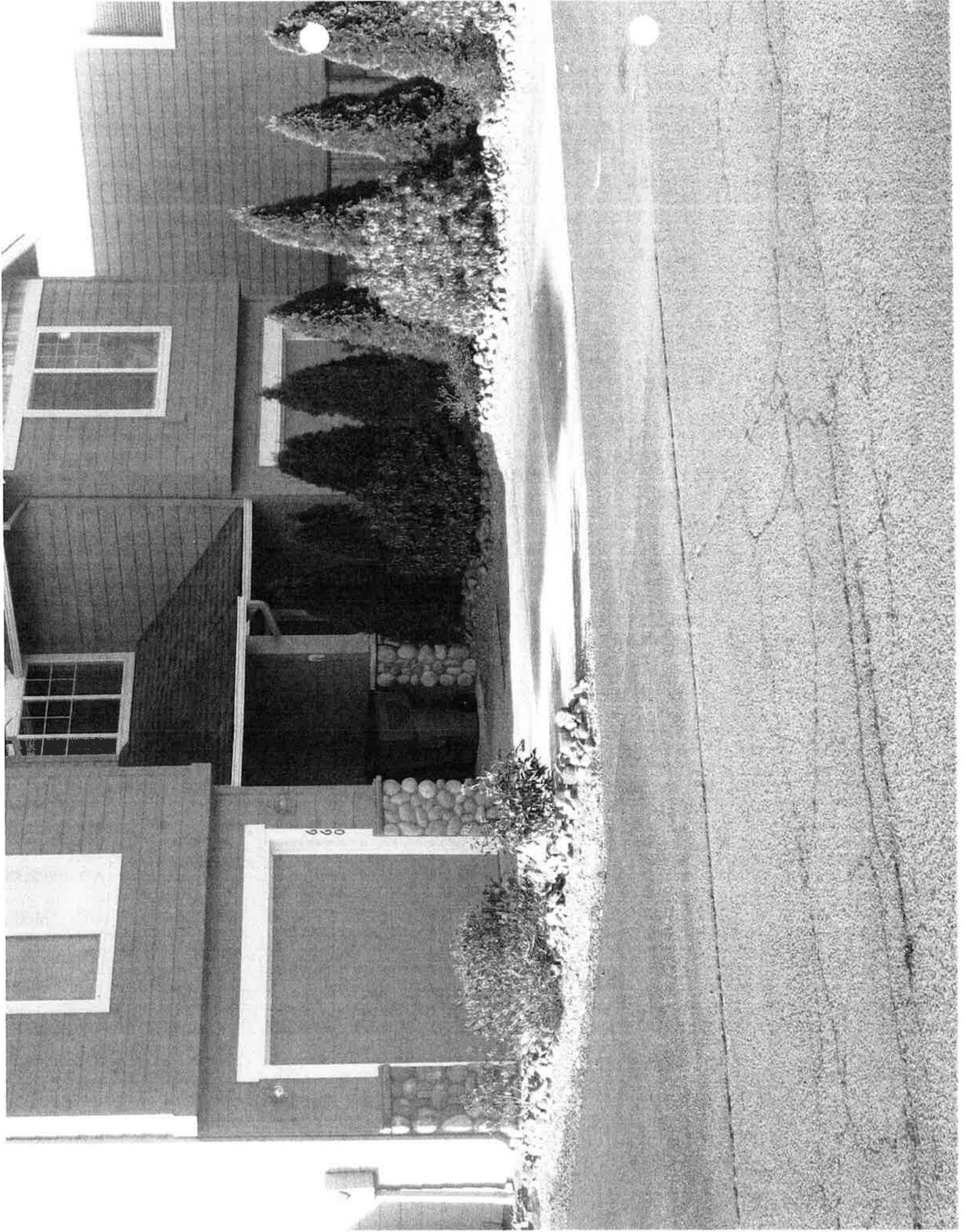


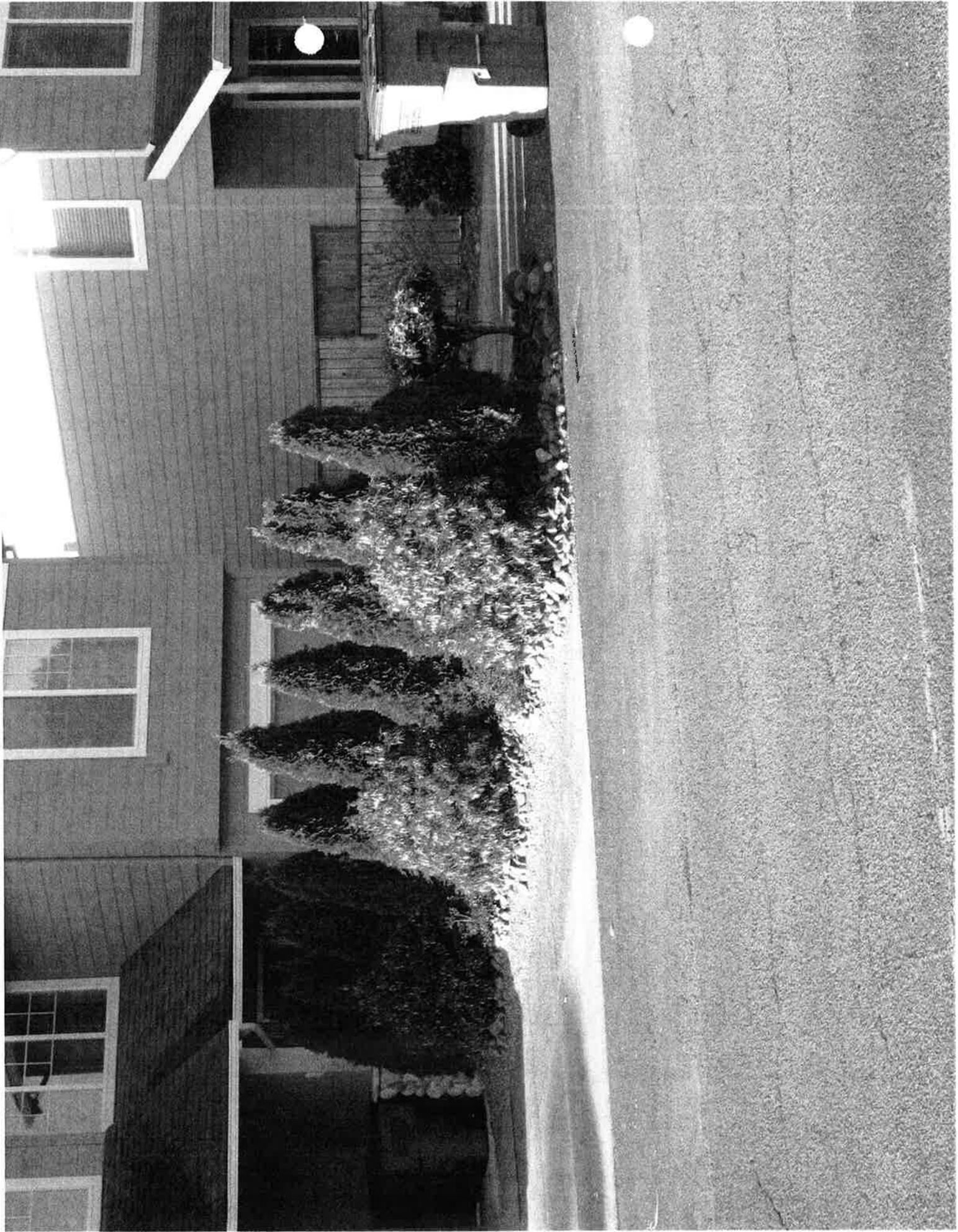




660









Google earth

feet  
meters



City of Seaside, OR  
Planning Dept.

16 January 2014

Re: 660 Necanicum Townhouse

We request a variance from the required front landscape area for our recently purchased townhouse. The landscaping was done by the original developer approximately six years ago along with the two previous owners.

We originally decided to look at this property in Nov. of 2013 partially due to the curb appeal of both this unit along with the adjacent property at 662 Necanicum Dr. Also previously being approved for an occupancy of 9 was attractive to us as we have a large family. (see attached pictures).

To gain the landscape area percentage required by your ordinance would require removal of concrete or the addition of flower pots which we believe would reduce curb appeal.

Please see our Variance Form filled out along with a layout.

Steve Brewer, owner  
503-789-8703

A handwritten signature in black ink, appearing to read "Steve Brewer", with a large, stylized flourish at the end.

**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?

25 foot wide lot and '0' lot line development. Built in 2006 this way.

See attached sheet.

Re: 660 Necanicam Dr. Owner, Steve Brewer

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?

Not possible to add additional landscaping in the area available. Would have to remove concrete or add unsightly pots and reduce occupancy. Adjacent neighbors are mostly renters and would not object to existing landscaping.

This includes our adjacent neighbors under the same roof at 662 Necanicum Dr. who are very supportive.

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

No. Built this way originally. When we considered purchasing this property in 2013 one of the reasons we looked at the unit was due to the curb appeal. And of course the present occupancy of 9 was attractive since we have a large family.

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.

No. Been this way for 6+ years and we don't know of any complaints. Existing landscaping and (2) parking spaces in thge driveway along with the garage for a total of (3) spaces provide a very appealing frontage.

Landscaping is very mature. There will not be any converting or adding of spaces.

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.