

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**April 5, 2016**  
**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:** March 1, 2015
6. **PUBLIC HEARING:**

**A.) 16-008VRD** is a conditional use request by **David & Ranata Niederloh** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The property is located at **130 13<sup>th</sup> Avenue** (**6 10 16DA TL 3301 & 3400**) and it is zoned **Medium Density Residential (R-2)**.

**B.) 16-009HOZ** is a Highway Overlay Zone request by **Sum Properties** to establish a new commercial building located at 1616 S Roosevelt. (**T6 R10 S21DD TL: 9400**) The new building will be two identical office-shop spaces that will each be approximately 1034 sq. ft. The property is zoned General Commercial (C-3)

**C.) 16-010VRD** is a conditional use request by **Steven & Vicci Craft** for a **Two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **1940 S Downing** (**6 10 21CD TL 4500**) and it is zoned **Medium Density Residential (R-2)**.

**D.) 16-011CU:** A conditional use request by **Aaron Fausett** that will allow the development of an 8 unit hotel on the top floor of the existing 3 story building located 821 Broadway (T6, R10, 21AD TL: 11401). The proposed use is planned in conjunction with establishing the outright permitted use of a sports bar & grill on the first two stories. The property currently has two off street parking spaces on site and the applicant plans to lease seven additional spaces off site even though parking is not required for existing buildings in the Central Commercial (C-4) zone.

**E.) 16-013CU:** A conditional use request by **Chris Quackenbush** that will allow the development of a bicycle track (also called a pump track or skills park) as an improved extension of Cartwright Park. The track would be developed behind School Administration Building located at 1821 S Franklin (T6, R10, 21DC TL: 101, 5400, & 11401). Development of the track is being supported by the North Coast Trail Alliance, and as proposed, it will be broken down into two separate tracks. One small loop will be for beginners and the other longer loop will be more advanced. The property currently is currently zoned Medium Density Residential (R-2).

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

**MINUTES SEASIDE PLANNING COMMISSION**  
**March 1, 2016**

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

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Horning excused himself from the first item on the agenda (16-004HOZ).

**APPROVAL OF MINUTES:** February 2, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Horning 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.) 16-004HOZ:** is a Highway Overlay Zone request by David & Candace Remer to refurbish the former Union 76 service station at 2323 S Roosevelt. The owners plan to establish a new restaurant there in conjunction with remodeling the existing building and canopy structure. This will not be a drive thru restaurant but their entrance would be moved further south and the north access would be right out only. The existing paved area would be used for parking and the establishment should accommodate approximately 36 customers inside and 24 customers in an outdoor seating area. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S28AC TL: 300 on the County Assessor Maps.

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mike Morgan, PO Box 132, Cannon Beach, The Remer's would like to change the 76 station into a restaurant. The Remer's have a letter from DEQ stating that no further action is required regarding the removal of the underground gas tanks. The Remer's plan to restore/renovate the current building. The canopy will be covered parking. ODOT has done their access review. The two access points will remain the same. The Southern exit out of the parking lot will be in and out and the North exit will be going North bound only. All of the parking standards have been met. Landscaping will be done. The owners are working with the county to be able to get access into the mill pond area. Traffic counts are much lower because it's going to be a sit down restaurant. The design standards are consistent with the ordinance.

David Remer, 2929 1<sup>st</sup> Ave, Seattle WA. He wants to comply with all the ordinances and enhance the South end of Seaside because right now it's an eye sore.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Perkel thinks this is a great idea and if it enhances the Southern entrance to Seaside he's all for it. Chair Romine asked about the property behind it and how is that going to be used? Mike Morgan stated that there are two parcels behind the 76 station. One is the old railroad right of way and the other is owned by the county. Later this month they will be going to the Board of Commissioners to ask them to provide a sewer easement so that the property owner can get access to a manhole and also get a license to maintain that property so it looks like part of the property.

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

**B.) 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, we did get updated information regarding the sites from Don Hanson. Those included some additional information regarding the Cove area. The needs analysis that was done a few years ago and passed and then sent on to the City Council for their approval indicating that the city needed approximately 200 acres of buildable land. During the last planning commission work session the Commissioners reviewed a letter from 1000 Friends of Oregon. That letter talked about different ways that you could look at what the need projection should be or could be by changing the assumptions in that document. He has since had conversations with the DLCDC, Patrick Wingard, in speaking with Patrick if we start looking at alternatives under that 1000 Friends of Oregon letter, does that then open up for potential scrutiny or appeal on the items that may be changing. The supporting document that we have right now is based on a 20 year land supply. Previously we thought that maybe we could look at a 14 year land supply instead of the full 20 because there had been concerns expressed over that. Patrick indicated no, the DLCDC would challenge that if you tried to drop down to the 14 year land need. He did say, however, if we wanted to look at some of the methods that were identified in the 1000 Friends of Oregon letter to reduce that number you would be doing the same thing but basically would be calling it something different. If you were looking at a lower vacancy rate rather than duplicating that rate you can go down that path, but if you start to do that you are deviating from that original document and there again that opens you up to potential scrutiny through people questioning why is it that you are using that number versus another number and the documentation, no matter what you put in could get you into potential appeals just based on that. As a follow up to the last work session, Mr. Cupples spoke with Mr. Winstanley regarding the idea that some of the planning commissioners might have some issues over whether we should go forward or look at the alternative method. The alternative method which was just developed by the DLCDC actually recognizes a 14 year growth period rather than a 20 year growth method. The planning commissioners had recognized that fact that this really started with the city council saying you need to look at what you need in your Urban Growth Boundary and that was set as one of the City Council goals and the planning commission is following up with those city council goals with the assistance of OTAK. In discussing that matter with the council, the council members stated that they want the planning commission to make the best decision they can make based on the best information that they can get. Rather than them saying we want you to meet a four year deadline or a two year deadline or what have you. Mr. Cupples stated that the city council will not be firing back at them saying why isn't this done in one time frame versus another time frame. If in fact you decide to look at an alternative approach under that new revised OAR. They wouldn't throw rocks at them. One of the other questions that was asked and it actually started with Maria Pincetich wondering whether or not you could use that OAR as a cafeteria plan saying the only thing that we are lacking in being able to use that is really the Portland State Population Growth projections. The new OAR states that you are going to use the Portland State figures rather than the

coordinated population figures that are adopted by the county. That is currently what this amendment is based on. It's those coordinated population projections with all the supporting information that was the basis for Patrick's answer of "no", you would still need the Portland State figures as a guideline for the 14 year goal. Portland State won't be doing Seaside's projection until 2017. If you chose to go down that road, you would be looking at a delay that would put this off until those figures are done. Then you would have to go back and reevaluate and adjust things in order to recognize those figures.

Vice Chair Carpenter asked if we were to take the approach that we would like to wait until Portland State has those numbers available, projected to be sometime in June of 2017, would we then start over again and go back through all the calculations to determine the amount of land that we need for our expansion. Mr. Cupples stated that you would be going back over a lot of the information that you have, the numbers, would be adjusted to the new information. Essentially we have a good base document to work from. We wouldn't be starting from scratch just taking a step backward and then moving forward with the new data. We started out looking at 3 sites and now we are looking at 4 sites. We would still be doing an evaluation on those same 4 sites based on the same information we are using right now. There is no simple land out there where we can say, well if we get that land, it's easy to develop. Mr. Cupples doesn't think that any of these sites are simple sites. But they are lands that surround the city that are logical extensions for urban growth. Mr. Cupples stated that he did speak with the Fire Marshal and the Public Works Director in a brief summary he has their ratings for the sites based on some of the land conditions and what service levels could be there. None of the sites are simple and the top site for the Fire Dept. is not the top site for the Public Works Dept. It's simply how far away from the fire station versus what do we have there for access.

Commissioner Hoth asked if we waited for the Portland State numbers and did the recalculations, we would have to do the needs analysis to figure out what types of land we need, we would only need to plug in the new numbers. Mr. Cupples stated that he hasn't fully gone through it. He just discussed it with Patrick Wingard recently and he doesn't know how much of that would have to be amended. Mr. Cupples stated that any delay may wind up with Mr. Hanson and Weyerhaeuser who have graciously funded a lot of the study work say that they have had enough. But we already have their documents to go by as far as guidance right now.

Chair Romine stated that the sites don't specifically change, only the numbers may change and they may not be smaller, we just don't know. Mr. Cupples stated that's correct. One other thing that Patrick has stated is that if people have raised issues with the amount of land thinking that was too much and the planning commission was looking at scaling that back to a 14 year land need. If the commission went forward with a recommendation to adopt the lands in sites 1, 2, & 3; that would be questioned at the council level the same way by the individuals who have already questioned it and it would be questioned the same way at the county level and then questioned by an appeal to L.U.B.A following that. If in fact you ended up at L.U.B.A with an appeal, you might be looking at not having anything until 2017 anyway, assuming that was sustained and not remanded. If it is remanded then you go back over it again. If we were totally out of development land then he would be much more concerned about any delay, but there is land in our UGB right now, as evidenced by the large amount in the Cove, without any changes. Vice Chair Carpenter asked about the Cove and the UGB's current boundary. Mr. Cupples stated that he doesn't have that resolved.

Chair Romine asked if Patrick Wingard with the DLCD would like to offer any information to the planning commission. Mr. Wingard is the North Coast Regional Representative for the DLCD, 4301 3<sup>rd</sup> St., Tillamook, OR. Mr. Wingard stated that Mr. Cupples pretty much covered it. The city is in a unique position where you have several months of analysis and deliberation that have gotten you to this point. Clearly there is an engaged community here in the process. The streamlined UGB alternative methodology is meant to offer cities a streamlined process. It uses a fourteen year projection or fourteen year planning period instead of a 20 year planning period that will be very helpful with your capital improvement plan and transportation planning. It's really tough to look out 20 years and know what type of financing you're going to have for projects that are going to be necessary to support the development in certain areas. The 14 year period really gives you a good 7 year look. What type of capital improvement projects does the public works dept. have in mind? What type of system development fee reviews are you seeing?. Most of these costs he's sure will go to the developers. The streamlined effort in a nut shell provides a much better look for cities and citizens and property owners to better understand what the city is going to look like in a couple of years. Mr. Wingard's staff has created a pretty good spreadsheet where you basically plug in numbers like Mr. Hanson and the consultants have provided that will tell you exactly how much land need there is. With the population projections from Portland State that's not an appealable issue, it's certainly appealable today under the current structure. In the streamlined effort if you were to take a step back, he is not advocating one way or another, but if you were to decide to use this streamlined effort when PSU puts out the new population projections the

spreadsheet with the need for those zones is pretty much bullet proof. Anything can be appealed, but it will be hard and fast and very difficult to undermine the very objective way this new streamlined effort puts forth a UGB amendment. The selection part is still going to be challenging, and highly subjective, and fairly charged - deciding which lands are the best lands to bring in. You've got timber land and it's all really productive and it has similar soil capabilities. He doesn't want to sugar coat this and there are still going to be difficult decisions to make. The state will continue to advocate that a city does its due diligence to provide a 14 year land need. The location piece of this is still going to be a challenge. Mr. Cupples and Patrick have brainstormed on how to make good use of these next 8 to 12 months on how they could work with the public and the city council to try to have a finer point on where those locations might be most palatable for the citizens and property owners and also defensible for the commission.

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

Chair Romine asked if there was anyone who would like to offer testimony in opposition. John Dunzer, 2964 Keepsake Dr. Seaside, Mr. Dunzer stated that most of the limitations on the cove were primarily concerned with traffic availability to get through Sunset based on the input from the consultant as he visited the site. He didn't feel that Sunset was an adequate area. Mr. Dunzer agrees with him, its inadequate area, but the consultant also provided him with the information that shows there is a tremendous amount of right of way in that area where the street should be developed and hasn't been developed. These traffic issues should be resolved regardless and it hasn't been resolved for unknown reason. The right of way is there but the City of Seaside has decided not to solve its safety problems. He did file a report with the City of Seaside and hopefully this will get resolved.

Debbie Duupree, 33440 Beerman Creek, Seaside. She expressed gratitude that the commission is considering alternatives. It is really easy to use land for building but it's extremely hard to go back on that. That is one of the most important things that brought them to Oregon is the amount of land and how conscious and aware the people are on conserving that land. Thank you for being open and for looking for alternatives.

Mary Kemhus 86183 S Wahanna, Seaside. Mary submitted a letter from Orca that the Planning Commissioners and Mr. Cupples have not received yet. It elegantly states what she has been feeling all along. We really don't need an Urban Growth Boundary at all. In the interest of time, being as the commissioners have not had time to look at it yet. It talks about the requirement to provide inventory of buildable lands within the UGB and the state requirements. She knows we have talked about this before but there are a number of people here that don't realize that this statute doesn't apply to Seaside at all. It was made quite clear that it applies to cities with a population of 25,000 or more. She has been coming to these meetings since July and it just hit her that there are over 100 acres within the city already. Is she correct that the city wants to add another 200 acres?

Larry Grenon, 2345 Royal View Drive. He is adjacent to one of the properties proposed for the UGB. He was concerned about not finding out about this expansion until 5 days prior to the January meeting. His background is working for 36 years in a hi-tech company in Arizona as an electrical engineer, program manager and department manager and he is familiar with looking at statistics and data and trying to analyze them. He is concerned why this program was initiated in the first place when it's clear that the City of Seaside is not required to do it. He was hopeful when he retired that he would not have to go to another meeting but here he is. The issue here is that announcing this kind of information to stakeholders which apparently was only a handful of people, because they had property within 100 feet of the Boundary. He feels for a program as important as this the entire City of Seaside should have been notified. He is suggesting that this item should be tabled until 2017 and if the statues don't require the city to do it and there's no imminent requirement to do it then it should not continue at all.

Nancy Holmes 1520 Huckleberry, Seaside. She came home from vacation a few years ago and was sickened to see a bunch of trees cut down at the end of Cooper Street. They were beautiful trees and she was concerned about it. She went to the to the Planning dept. and was told that they needed the trees for infill for housing. She doesn't think that person is still there. Ms. Holmes asked about the property on the south end of Wahanna, why hasn't something been done with that property. Who does it belong too and why is it just sitting there. Chair Romine stated that all the information regarding that property is available at the Planning Dept. Ms. Holmes opposes this.

Buzz Ottem 86081 S Wahanna Rd. Seaside. Mr. Ottem stated that any proposal for an UGB expansion that includes the word Wahanna will be a problem.

Kay Kemhus 1920 Huckleberry, Seaside. She would like to thank the planning commission for their patience. She thinks about the families and the lives that will be disrupted by increasing the traffic to obtain more UGB land. Why do we need to go through an establish neighborhood to get to the designated UGB Area. How would Sunset Hills, Whispering Pines or any of the other neighborhoods along Wahanna Rd including the hospital feel about the increase in traffic by their establishments? It would not be very feasible. If this does go through, consider the impact of traffic in this community. Certainly there is a way that would not impact long term established neighborhoods. It would be beneficial to figure out another way in and another way out for the UGB. She is not against urban growth as long as it doesn't adversely affect our friends and neighbors. Stillwater Heights is one of the backbones of the community. They are people who work here do their business here educate their family here, go to church and participate in community affairs and of course pay their taxes here. Kids play actively in Stillwater Heights and would not be able to play in the streets and would have to be mindful of crossing the road to seek out their friends. Good planning will make people want to stay here. If this project is not well planned who knows they might just find some other place to go. These are good citizens of Seaside, do not impact their lifestyle adversely.

Dan Smith 33390 Beerman Creek, Seaside. He grew up here, he was here in 1975 to 1990. He joined the Marine Corp. and came back after serving a lot of time overseas and throughout the country. He came back to Seaside to raise his son here because of the area and the beauty and like everyone else said what this area has to offer. He believes that what is being planned is not necessary nor is it wanted. Where he lives he doesn't want all the extra traffic coming in or out of Beerman Creek if they run a road from Wahanna to Beerman Creek. People buy those properties so they don't have those issues. Let's focus on moving the high school and protecting those kids. It may be part of the plan so let's focus on that rather than bringing more people to our community.

Walter England 33540 Beerman Creek. Seaside. He just found out about this a few days ago. The City of Seaside has probably 30% of the buildings and homes that are not occupied and now they want to expand the city. He understands that the timber companies would like to make some money and it's going to cost a lot of money to put in the infrastructure. It's not necessary. There are other things in the city that need to be addressed before we expand up the hill.

Jackie Simila 86132 S Wahanna Rd. Seaside. She has been a resident on S. Wahanna Rd for 33 years. She believes there is a need for affordable housing allowing people who work and live here to be able to afford a home. The houses that would be built up on the hill will not be affordable for those people unless you built high density residential, which she hopes that wouldn't happen. It will also add to the vacancy rate. The homes built up on the hill would possibly be used for part time homes. This doesn't create a healthy neighborhood for families. She asked that the commission look at the population growth in 2017.

Clark Miner, 1425 Donnerberg Rd, He has three kids that stand on Wahanna Rd to catch the bus and doesn't want to see anything punched through there. Wahanna Road is Seaside's best kept secret when traffic gets out of control. He likes to hear the coyotes at night, last week he had a herd of elk in his back yard. If this goes through all this wildlife gets pushed further back and then the locals don't get to enjoy the wildlife.

Rich Hauken, 86137 S Wahanna Rd, Seaside. Has lived on this property since the 70's and raised his family there. He is against this. He doesn't understand how the city expects all the traffic to get in and out of that area. Right now it's hard enough to get out on Avenue S and the highway, this will make it worse. If the city punches through to Beerman Creek then we will have a bypass it sure seems logical. He would really appreciate it if the Planning Commission waits until the 2017 statistics come out.

Fred Faux, 3127 Bayview Terrace, Seaside. He hasn't gone through this but he knows there are two roads that go through his neighborhood and he doesn't see trucks going back there. He doesn't want to see the lumber cut down. If there is not another way to get out of the Cove area, he thinks it's totally wrong.

Sandra Gee, 1700 Cooper St., Seaside. She is right above the area that is not developed and that is about a block from right behind her house. They moved here last fall. This town came together recently

for a tragedy and they really became a community. She thinks building all this stuff up on the hill takes away from the community feel. There are a lot of school buses and a lot of kids because there is an apartment building just up the street. She thinks unless they get some real far away roads this could be a real problem. If the city develops everything that is in this UGB, 200 acres, we are talking increased police, fire department, roads and there is quite a creek that comes down to Wahanna and when they get up there and start digging up the hillside there is going to be a real bad water problem.

Michelle Wunderlich, 1116 Ave B, Seaside. She personally doesn't want to see the area where she grew up developed. A lot of people have touched on a very important thing and that there is no affordable housing. She has heard from people who have moved here and found a place to work but not a place to live. If you drive around you will see that there are a lot homes that are for sale or are vacation rentals and that is the thing that needs to be addressed. She knows that has nothing to do with the Urban Growth and these are two different issues but both need to be addressed. If holding this off until we get the 2017 statistic gives the city time to address more things and get more community input, that's very important. There are a lot of people who are not here because they don't know this is happening.

Keith Baker, 301 S Park, Gearhart. He is a landlord in Astoria, Gearhart, and Seaside. He put up an ad on craigslist. He is getting calls from people living in hotel rooms, begging him for a place to stay. He has people living in cars who are contacting him. Since yesterday at 5pm he had no less than 20 messages regarding the ad. We should probably devote the time to something else besides another bypass.

Zachary Sidel, 1190 SE 19<sup>th</sup>, Warrenton OR. There are three types of relationships that he has been thinking of: Infatuation, Love, & Fetish. When he looks at where this comes into he thinks it's a fetish. The whole thing is being paid by Weyerhaeuser and he's not sure why it's not being paid by the council. He sees that we have builders and contractors who just want to see things go up all the time. We have the big land owners that want to see things go up. Hopefully they care about the city. What you have here is fetish development. Because of that he berates you on that.

Bill Lutz, 310 N Holladay, Seaside OR. He wants to speak on the value of aesthetics, as opposed to commerce. This town is valuable economically because of the aesthetics that are here and if you keep hacking at the aesthetics in order to accommodate the commerce then all of a sudden you don't have the aesthetics anymore. They lived here in the 80's then moved away and came back. They found a lot more building, but didn't see the population expand. So the building is for commerce. There has to be a value on keeping things alive, the animals, and the forest. If you keep hacking away at it and pretty soon it's not there. That place intact has value, maybe Weyerhaeuser killed plenty of things up there and now there is no value. As money moves out then the inner city decays, that's just the process. We have this issue where we have plenty of vacation homes but no affordable housing for the people living here. Maybe we should try to develop what we have and keep the aesthetics and keep the rich and poor here.

Maria Pincetich, 86273 S Wahanna Rd. Her family has been here for about 100 years. Her mother was born on the property. Her daughter is fourth generation. She provided her Goal 9 questions, Kevin stated that he hasn't seen them but has forwarded them. Mr. Hanson stated that he scanned them today. Maria stated that the Goal 9 is the background document, which is the economic opportunity analysis. Goal 10 is the housing needs analysis. She has comments on the Goal 10 not being required to deal with vacation housing that is not represented in the document. She has tried to get the NW Affordable Housing Authority here to speak to the commission. There are a lot of things that the City of Seaside could be doing in terms of a toolkit and financial incentives for property owners that cannot sell their properties, to be able to make them available for low income families until the housing improves. Chair Romine asked Maria if she could stay with the UGB. Maria stated that she is and that in the needs analysis in Goal 9 stated that 75% of the people who live in Seaside don't work here. Chair Romine stated a lot of the people who live here are retired. Maria stated that 75% of the working population does not work here. Chair Romine stated in the UGB we included high density housing. Maria stated that it is not clear to her that there is sufficient housing. If we wait until the 2017 housing estimates come, we still have a problem. Maria stated we don't have enough affordable housing. Chair Romine stated the point is how does this relate to expanding the UGB? Maria stated that one of the needs in Goal 9 was affordable housing, therefore affordable housing has a variety of different mechanisms to be able to have leverage. Chair Romine stated that all those systems are in place whether the commission does anything tonight or not. Maria stated that is correct and she is trying to

get the conversation going that if there are options or tools that the commission could take action on wouldn't you want to know that. Chair Romine stated that this is the Planning Commission and those are essential community and county related issues. Planning is for creating zones for high density opportunities right? Maria stated that at the last meeting they went around and around on what measures the Planning Commission had, essentially all you have is zoning, that's the only tool in the tool kit. The other point is how the vacation rentals add into the estimate of vacancy. She was unaware that L.U.B.A had a case that talked about calculating the vacancy rate and how S.R.O's can be added into it, but VRD's cannot. This is important because of how we calculated the vacancy rate. Commissioner Hoth stated that after everything that has been discussed at length and are under consideration by the commission, it seems that you are arguing the method of determining how much to do. It seems to him that you are for this, but only against the way we are calculating and he doesn't think that is the case. If you would simplify this and just say that you are against it then we could skip all this. Mr. Cupples asked for a copy of the memo that Maria was talking about earlier.

Chair Romine stated that not that long ago there were very few vacant lots and most of those were not for sale. He knows this because he is a builder and has called people who had vacant lots on the tax data, and when he spoke with these people, they had no idea that there was a land shortage in Seaside or at least buildable lands that were available. So the 100 acre question, is that an accurate number and is the land for sale or is it even buildable.

Fred Faux 3127 Bayview Terrace, stated that he has had a lot for sale in the cove area for over two years and has not had one offer.

Chair Romine asked Patrick Wingard if he could explain the UGB question that has come up from the audience, and that is, is the City in Seaside under no requirement based on size or other constraints or having plans to or implementing an Urban Growth Boundary. Mr. Wingard stated that a couple of months ago he provided some written comments that go along with some verbal testimony that was provided concerning the statewide planning Goal 14 urbanization rule. All cities are required to provide a 20 year supply of buildable lands and the determination of where that buildable land number and how we derived at that number is based upon what you've heard tonight and over the last several months, population projections, employment projections and things of that nature. Cities are absolutely obliged under state law to provide for a 20 year supply of land. He doesn't think that it's very common that an organization like the Oregon Home Builders Association or an individual contractor would file suit against a city for not having that supply of land, but it has happened. It is a requirement under state law. Now the trigger or the enforcement mechanism that the DLCDC has relied upon previously through a process known as periodic review was politically unfavorable and because of the politics around his agency using a stick instead of a carrot so using enforcement instead of incentives in effect brought on Measure 37 and other anti-land use measures they had to take a step back. Basically for a city like Seaside, they have gone away from periodic review which was the sole method to require or force cities to adopt a UGB amendment whereas maybe the cities didn't want to do that. That process doesn't really exist but there is the law that requires it and certainly attorneys can decide and property owners in consultation with attorneys can decide if they want to pursue action against a city that maybe they feel is operating under the law. He has heard testimony saying that the city is not required to do this. He adamantly disagrees with that. The state law is very clear that cities are required. That's a basic premise of Oregon Land Use Law that we have an Urban Growth Boundary to contain that growth. Often times we hear that UGB's artificially drive up the cost of housing and land, but it really cuts both ways. Absolutely, if a city decides not to expand your UGB, he thinks that the prices would increase. Boulder Colorado is the typical example of what happens when a city refuses to expand their boundary. Boulder put a ring of green field around their urbanized area and we know what the prices of Boulder look like now. There are other cities that have done that too. State law is very clear, cities are required to provide a 20 year land supply with the alternate method it could be a 14 year land supply. But the enforcement is lacking. They often times will put themselves out of a job if they come to a city like Seaside and demand through periodic review or other enforcement means which could include punitive damages. When Patrick was the Warrenton Planning Director they were met with fines from the LCDC if they didn't get certain plans in place. They would advocate that every city has a responsibility to ensure that you don't artificially inflate housing prices. It's an interesting conversation around the affordable housing piece. This is fairly common, the method that was pointed out but is not the only method to provide for affordable housing is though high density residential zoning. But he has heard in several instances that nobody wants to see an increase in density because it will ruin the character of the community. It's a tough job.

Mr. Hanson with OTAK, stated that he went back through the documentation and on page 22 of the Needs Analysis that was done in January of 2013. Mr. Hanson quoted from this report that the "City of Seaside housing and land use analysis states that the net vacant buildable acres is 103.6" the list spells out how many acres in each category. Vice Chair Carpenter asked how much of that document will be still useable in 2017? Mr. Hanson stated that document will still be highly useable.

Commissioner Wright stated that he has seen all these questions come up, and has been thinking that he would like to see this postponed until 2017. There are a lot of people here tonight, and there are many opportunities to get involved in this UGB. He made a decision last week to get involved in this and not as a member of the planning commission, but it is important. He has owned a home here for 4 years and has lived here a year and a half. He likes the community too and wants to see it grow properly. That's why he joined the planning commission, this is voluntary and they are not getting paid. They are doing this for the fun of it.

Vice Chair Carpenter stated that we should wait until the 2017 rules are out, as long as this doesn't upset people.

Commissioner Hoth stated that he doesn't have a problem with waiting until 2017, but would like people to know that required or not life changes, things change and Seaside will change. Whether they are required to or not it doesn't mean that it's not necessary by doing nothing there are going to be consequences. He hopes that people understand what waiting until 2017 means. It means we will be using a different system and it will still be done. You may not like it any better in 2017 than you do now but it will be done. As far as affordable housing is concerned, it is not something that the Planning Commission can compel, the people who choose to live here may be retired, they may buy more expensive homes. We are all concerned about the transportation and the schools and about tsunami preparedness. The transportation system plan was voted down and the relocation of the schools out of the tsunami inundation zone was voted down. Please keep that in mind. Civic responsibility as Commissioner Wright stated is a whole lot of fun. It's something that needs to be done and that's why they are here. It's not always the easiest thing to be aware of and keep track of sometime you have to make an effort to do it and that means reading public notices and reading the paper which did have a big article all about this. Some of that has to be placed on your own responsibility to make the effort to know about this. Some of you say you didn't hear about this but it has been in the paper for several months now. It takes an effort to know about these things and it's a choice. One thing that Commissioner Hoth would like to mention and it's a personal issue that he would like to put to rest and that is the question that keeps coming up concerning who is paying for this. It's bought up impugning the integrity of the commission, at least for him. This needs to be done and it needs to be paid for, if someone else wants to pay for it to help us out so that we don't have to raise taxes or charge you, he is good for that. The commission makes the decision. They decide what needs to be done and they will do it by listening to the public and he doesn't like that people are phrasing it as if because they are paying for it (Weyerhaeuser) the Commission can't be trusted. That bothers him and it's just a personal thing. Commissioner Hoth would also like for people to keep in mind that when they discuss what they like about the area, except for the people who have lived here for generations, a lot us haven't been here for that long but where you live now used to be those pretty trees and all the wonderful stuff. We've all had a piece of the pie at someone's expense and one more thing to remember, all that land up there is not protected now. It belongs to Weyerhaeuser and they can cut it down anytime. Commissioner Hoth feels like it was concentrated in one area and he didn't like it. Planning something is better than not planning.

Mr Hanson would like to hear the Public Works Department and Fire Department's take on all the sites.

Zachary Sidel, 1190 SE 19<sup>th</sup>, Warrenton OR. Mr. Sidel stated that he thought he was being very nice and wasn't intimidating the commission and he was just reminding the commission that they are in error.

Chair Romine stated that waiting until the 2017 numbers come in, which is appropriate and the numbers may settle into a lesser need. This issue won't go away just because we postpone it, maybe it could reduce some of the need.

Commissioner Horning agrees with waiting until the 2017 figures come in because there is no rush and there are some things in the meantime that the commission can discuss at work sessions. One is considering the value of certain hypothesis and one is it possible to avoid developing S Wahanna Rd corridor and bypassing it and running things up in the hills above you. The reason he suggests this is

because there is a pretty strong tradition of old agricultural families and agricultural lands that actually have aesthetic and cultural traditional value that underline the community and if we turned them all into multi-family housing that just erases all that. He thinks there's a lot to be lost. We've heard a lot of testimony here tonight about the value of holding on to all of those things, the good things. Vacation Rentals consume houses that used to be occupied by people who worked in Seaside and they have invested so much money into them that they have become too expensive for the average person to afford so they become second homes or vacation homes. Now there are corporations that are buying up properties up and down the coast and renting them out. This isn't about mom and dad buying a home that they plan to retire in. Now we have economic engines out there that are consuming homes and depriving people of homes. He knows there have been law suits in Lincoln City, but he doesn't know where these are at this point. When he got on the planning commission almost 17 years ago there were about 200 vacation rentals and now there are about 450 vacation rentals. We need to find out how many properties do we have, how much acreage do we need to extend including the UGB and where should they be. Unless we address all these questions, we may miss an opportunity because every community goes through a process of some kind and often times we default to the traditional approach. This is the time to consider the cost or hurt us to go a different route. If we wait there is more time to think about all this.

Commissioner Hoth made a motion to postpone this UGB expansion until such time that the new figures are available and continue to discuss this issue at the work sessions. Commissioner Perkel seconded and the motion was carried unanimously.

Vice Chair Carpenter asked Mr. Cupples if he feels that the commission is going down the right path. Mr. Cupples stated that he believes that it is. Like he previously stated, the council members that the city manager spoke to were in full support of the commission making the best decision they could make on the best information. If there is any question, the council will back whatever decision the commission makes.

**ORDINANCE ADMINISTRATION:** Nominations for Chair and Vice Chair. Commissioner Perkel made a motion to elect Ray Romine for Chair and Bill Carpenter as Vice Chair. Commissioner Hoth seconded. Mr. Cupples asked if there were any other nominations, there was no response. Commissioner Horning made a motion to close the nominations and reappoint the Chair & Vic Chair, Commissioner Hoth seconded and the motion was carried unanimously.

Vice Chair Carpenter asked if Mr. Cupples would forward the commission's action to the City Manager, Mr. Cupples stated yes.

#### **COMMENTS FROM THE PUBLIC:**

**COMMENTS FROM COMMISSION/STAFF:** Chair Romine stated that this has been a difficult process and it's been a team effort from all the commission and he appreciates all the commissioners. Commissioner Horning stated that he appreciates all the hard work that Mr. Hanson has put into this project and all his presentations. Mr. Hanson stated that he has enjoyed working with the commissioners.

**ADJOURNMENT:** Adjourned at 9:15 pm.

\_\_\_\_\_  
Ray Romine, Chairperson

\_\_\_\_\_  
Debbie Kenyon, Admin. Assistant

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** March 28, 2016  
**Applicant/  
Owner:** David & Ranata Niederloh  
1840 SW Marigold St.  
Portland, OR 97219  
**Location:** 130 13<sup>th</sup> Avenue, T6-R10-S 16DA TL#3301 & 3400  
**Subject:** Conditional Use 16-008VRD; Vacation Rental Dwelling Permit

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**REQUEST:**

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **130 13<sup>th</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants** are requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) 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:

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 **130 13<sup>th</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant** is requesting a maximum occupancy of **nine (9)** 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 at least **three** off-street parking spaces that are available on the site. **Three cars in driveway.**
- b. The existing **three** bedroom residence will have a limited occupancy of **nine (9) 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 manager for the VRD (503-440-1168).**

- e. The owner/applicants, **David & Ranata Niederloh** 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 **28%** 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** 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 the equivalent lumens of a 40 watt bulb.
8. Although the parking spaces are available on site, additional clearance must be provided under the trees that cover the parking spaces. This is a noted correction on the inspection sheet for the VRD.

#### **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 **(16-**

**008VRD**) 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 (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 map must clearly indicate “ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.**

- 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: **Beach House Vacation Rentals, Erin Barker, (800 N Roosevelt, Seaside, OR 97138) will be the manager for the VRD (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 fixture that exceeds the equivalent lumens of a 40 watt bulb.

- 9. Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- 13. Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.

**15. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

**16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.

**17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-008VRD** 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 **130 13<sup>th</sup> Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval 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 <b>DAVID + RANATA NIEDERLOH</b>	ADDRESS <b>130 - 13<sup>TH</sup> AVE SEASIDE, OR</b>	ZIP CODE <b>97138</b>
STREET ADDRESS OR LOCATION OF PROPERTY <b>130 - 13<sup>TH</sup> AVE SEASIDE, OR 97138</b>		

ZONE <b>R2</b>	OVERLAY ZONES	TOWNSHIP <b>4</b>	RANGE <b>10</b>	SECTION <b>16 DA</b>	TAX LOT <b>3801</b>
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**3400**

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)

<b>OWNER:</b>	<b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>
PRINT NAME OF PROPERTY OWNER <b>DAVID + RANATA NIEDERLOH</b>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <b>1840 S.W. MARIGOLD ST. OR 97219</b>	ADDRESS <b>PORTLAND</b>
PHONE / FAX / EMAIL <b>503-756-7752 503-975-8609</b>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>David Niederloh Ranata Niederloh</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"/>                       |

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S)	<b>15-008 VRD</b>
HEARING DATE	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: DAVID + RANATA NIEDERLH
2. Mailing Address: 1840 SW MARIBOLD ST. PORTLAND, OR 97219
3. Telephone #: Home 503-756-7753, Work 503-975-8607, 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: 130 13<sup>th</sup>
6. Tax Map Ref.: Township 6, Range 10, Section 16 D A, Tax lot # 61016 D A 03301 & 340 TL#s
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

VRD Application updated 5-5-11

✓  
1164

20  
100  
430  
550

9697

**CITY OF SEASIDE**

FEB 09 2016

**PAID**

ORIGINAL

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 # 503-440-1108. Address: (Ellas cell). 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: *Ranata Niederloch* Date: 1-28-2016

**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: 1/28/2016 Amount Paid: 550.00

**For Community Development Use**

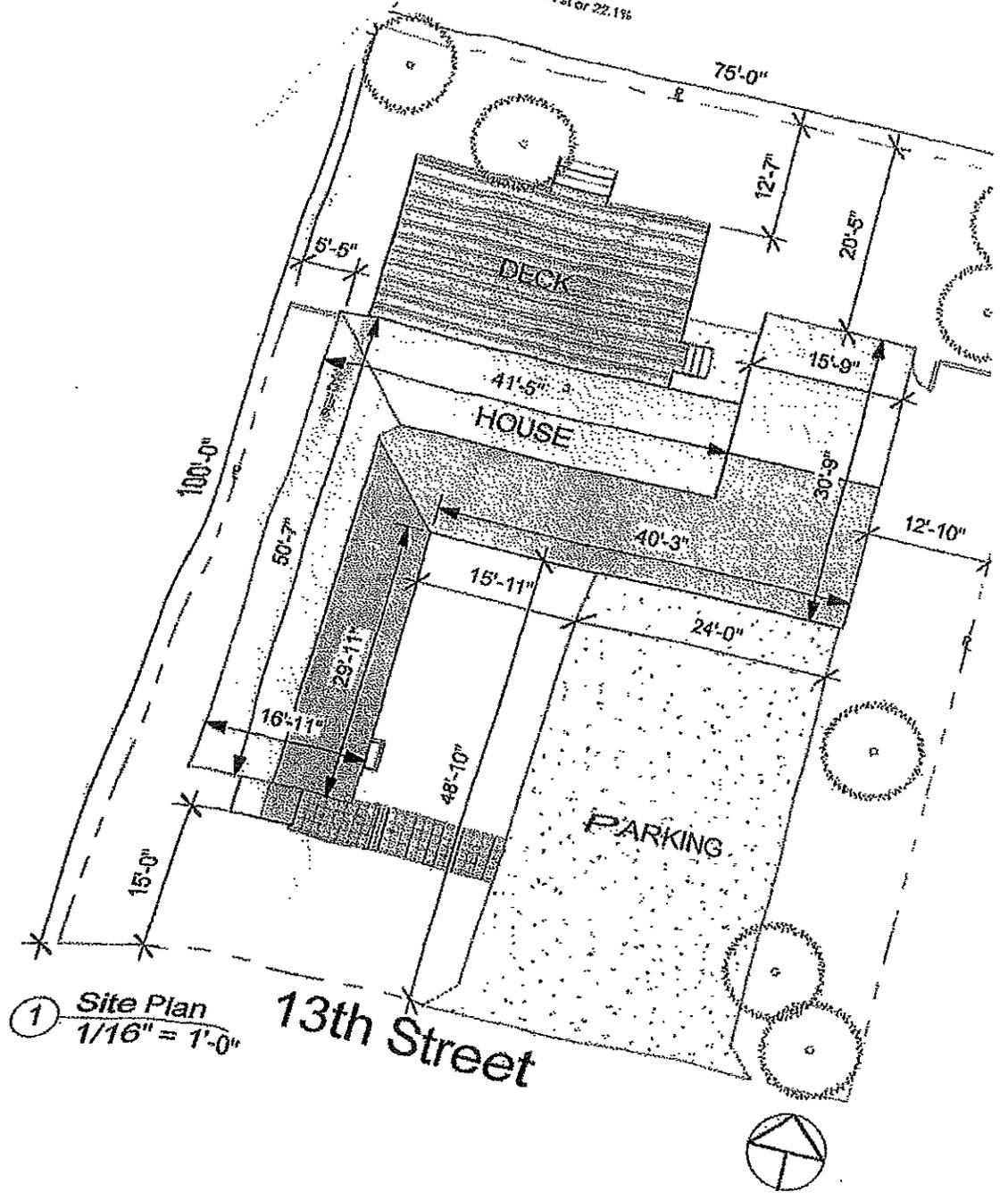
Date application was received at Community Development: \_\_\_\_\_

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

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

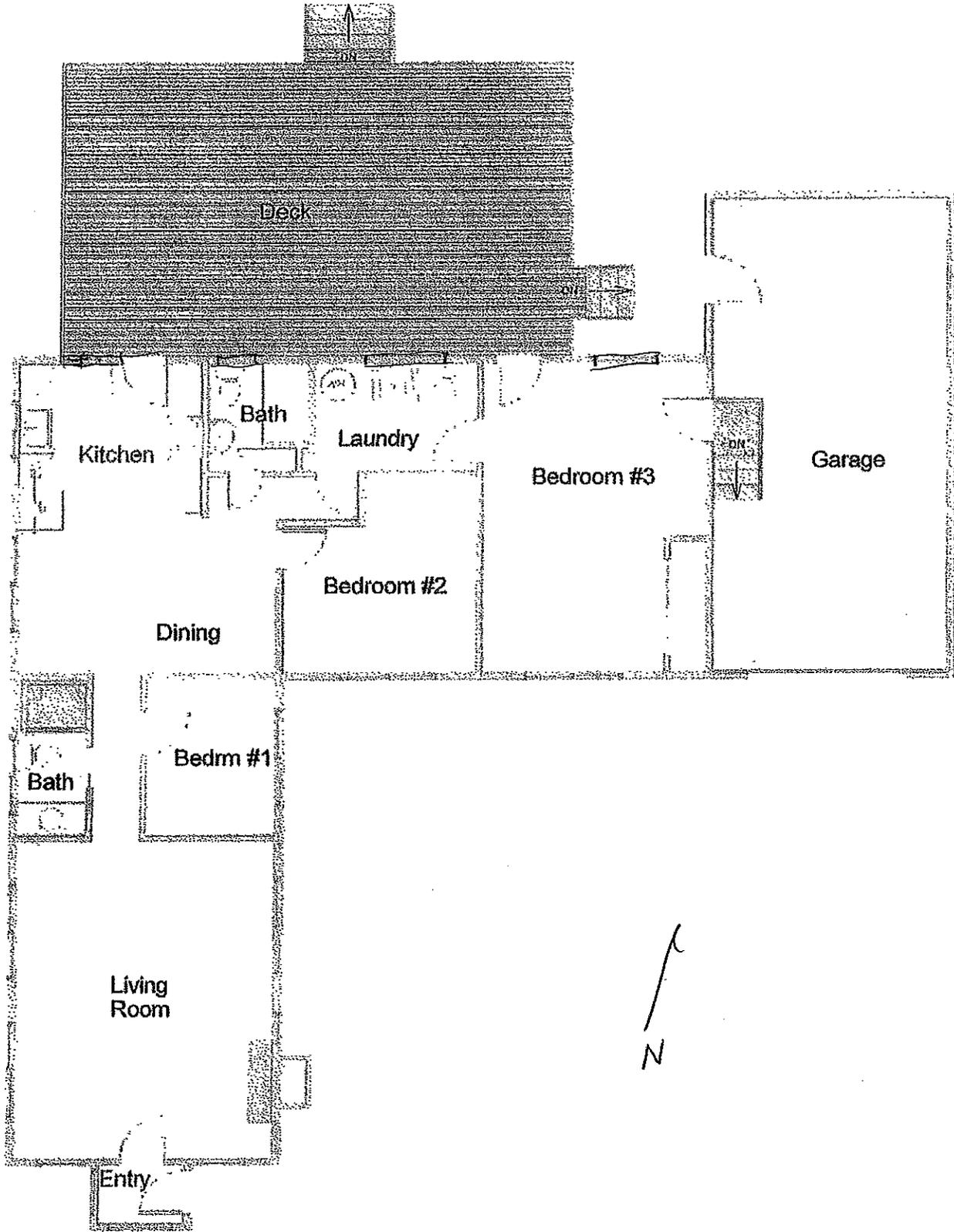
130 - 13<sup>TH</sup> AVE SEASIDE, OR 97138

ARSA  
Lot Size: 7500 sf  
Footprint: 1248 sf  
Residential Garage: 406 sf  
Lot coverage: 1604 sf or 22.1%



① Site Plan  
1/16" = 1'-0"

130-137<sup>th</sup> AVE SEASIDE, OR 97138



① FLOOR PLAN  
1/8" = 1'-0"

CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 5, 2016  
**Applicant:** Mark Mead, 89643 Ocean Dr.; Warrenton, OR 97146  
**Owner:** Sum Properties, 3457 Hwy 101, Gearhart, OR 97138  
**Location:** 1616 S Roosevelt; T6-R10-21DD-TL#9400  
**Subject:** Highway Overlay Zone 16-009HOZ, Develop 2 New Office-Shop Spaces @ The Former Bruce Smith Car Lot.

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**REQUEST:**

The owner plans to establish a new commercial building located at 1616 S Roosevelt. The new building will provide two identical office-shop spaces that will each be approximately 1034 sq. ft. The building will be developed at the south end of the former car lot operated by Bruce Smith. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S21DD TL: 9400 on the County Assessor Maps.

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

**DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

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

**Section 3.407 Highway Overlay Zone Standards**

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

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

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

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

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

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification and site plan are adopted by reference. The applicant's plan calls for the following:
  - A Traffic Impact Analysis (TIA) is not required for the proposed use because it will not generate more than 600 daily trips or 100 hourly trips.
  - The proposed building will be accessed by way of a pre-existing access. This is a full function access and there is an existing center refuge lane in South Roosevelt that fronts the property. The access is permitted by ODOT based on prior use.
  - The indoor floor area of the two identical office-shop spaces will each be approximately 1034 sq. ft. A roll up door will provide access into a (15.5' x 40') shop space in each half of the building. An office space and additional work area will be adjacent to the shop bays. Each bay will have stairs leading up to a storage loft area above the ground floor office and work space.
  - A landscaped area is provided adjacent to the existing sidewalk developed adjacent to S Roosevelt (Hwy 101). This runs the full length of the property and most of the sidewalk is built on the subject property.

- According to the site plan and written submittal, a pedestrian walkway will be created that will provide access to the front door of the eastern office space from the sidewalk.
  - Portions of the existing paved area will be removed on the south & west of the new building and these areas will be landscaped.
  - The new building will be provided with can lights in order to comply with the outdoor lighting ordinance. One of the existing pole lights will be removed in order to make way for the new building.
  - Some of the existing parking spaces will be removed to provide room for the new building. A total of 24 off street parking spaces (two handicapped parking space & 22 standard spaces) will be provided on site. Ten of the spaces are located close to the new building and these will most likely be used by tenants and customers.
  - The site plan indicates a covered bike rack will be provided in front of the western office space.
  - A trash enclosure is not identified on the proposed site plan.
2. Specific uses are not identified for the new commercial spaces; however, with five spaces close to each of the new commercial spaces will be sufficient for a wide variety of service type uses even if some of the spaces must be removed to provide a trash enclosure.
  3. The ordinance calls for building accesses to be located adjacent to the highway within 10 of the front property line and also calls for parking to not be located between the building and the highway. The applicant has provided access directly to the front door of the building from the sidewalk and all of the parking is located north of the proposed building.
  4. A minimum of two long term and two short term bike parking spaces must be provided. If the covered bike rack will provide space for four bikes (two separate “U” or post racks or a four bike wave), all of the bike parking could be provided in front of the western commercial space. It is recommended that at least one post or “U” rack be provided adjacent to the eastern building entrance near the pedestrian access to the sidewalk. This would provide bike parking next to each building entrance.
  5. The existing landscaped area adjacent to the building is a grass lawn. Some additional plantings would help buffer the area between the building and the sidewalk.

**CONCLUSION TO CRITERIA #1:**

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

**Condition 1:** The applicant must provide at least one short term bike rack in close proximity to the eastern building entrance unless parking will be accommodated inside the eastern commercial space.

**Condition 2:** Some additional plantings must be incorporated into the lawn area adjacent to the building to provide some level of buffer between the building and the sidewalk.

**Condition 3:** 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 the approval of any development permits.

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

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

**FINDINGS & JUSTIFICATION STATEMENTS:**

- 6. The proposed development will produce a very modest number of vehicle trips per day. An automobile care center is only rated at 36 trips per day, and based on square footage; general office would fall below that number. Specialty retail is estimated to generate just over 100 trips per day and a similar number would be estimated for a building supply business. These estimated numbers are based on the Traffic Engineer's Trip Generation Handbook, but the actual number of trips**

cannot be determined at this time since these commercial spaces will be available for a variety of uses in the future.

7. As of January of 2014, ODOT recognizes all existing accesses as permitted and unless a change of use creates a significant number of additional trips under ODOT standards, a new permit is not required for this access.
8. The vehicle and pedestrian access appears to be functional and efficient. The applicant has incorporated a pedestrian walkway that will lead directly to the front door of the east commercial space. Although the applicant is making use of the existing parking areas and there is no walkway connecting the western parking spaces to the west building entrance, improved pedestrian access could be striped along the front of the building in an effort to improve pedestrian circulation.

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

The proposed office-shop spaces will satisfy the applicable criteria in the Highway Overlay Zone provided the following condition is attached to the approval.

**Condition 4:** A striped walkway must be provided adjacent to the front of the building in order to improve pedestrian circulation from the sidewalk along the property frontage.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve the two new office-shop building at 1616 S Roosevelt. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- 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 Project Narrative & Site Plans



**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>SUM Properties</i>	ADDRESS <i>3457 Hwy 101 N Gearhart OR 97128</i>	ZIP CODE <i>97128</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>1616 S. Roosevelt Seaside OR 97138</i>		

ZONE	OVERLAY ZONES	TOWNSHIP <i>6N</i>	RANGE <i>10W</i>	SECTION <i>21 DD</i>	TAX LOT <i>9460</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

*add additional Building to site on existing parking lot*

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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 <i>SUM Properties</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>Mark Mead</i>
ADDRESS <i>3457 Hwy 101 N Gearhart OR</i>	ADDRESS <i>09643 Ocean Dr Warrick OR</i>
PHONE / FAX / EMAIL <i>503-738-0453</i>	PHONE / FAX / EMAIL <i>503-738-2538 mark@meadeng.com</i>
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF APPLICANT/REPRESENTATIVE <i>Mark Mead</i>

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

CHECK TYPE OF PERMIT REQUESTED:

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE         | <input type="checkbox"/> NON CONFORMING           | <input type="checkbox"/> SUBDIVISION     | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT      | <input type="checkbox"/> TEMPORARY USE   | <input type="checkbox"/> ZONING MAP AMENDMENT  |
| <input type="checkbox"/> MAJOR PARTITION         | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL                |
| <input type="checkbox"/> MINOR PARTITION         | <input type="checkbox"/> SETBACK REDUCTION        | <input type="checkbox"/> VARIANCE        | <input checked="" type="checkbox"/> <i>H02</i> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE <i>2-17-16</i>	BY <i>DIC</i>
CASE NUMBER (S) <i>16-009 H02</i>	
HEARING DATE <i>4-5-16</i>	P.C. ACTION

OFFICE USE:	
FEE <i>\$670</i>	RECEIPT
DATE FILED <i>2-17-16</i>	BY <i>DIC</i>

**Mead Engineering**

89643 Ocean Drive, Warrenton, Oregon 97146

Ph. 503-738-2538

mark@meadeng.com

16 Feb. 2016

To: City of Seaside  
Planning Department

From: Mark M. Mead PE

Re: 1616 S. Roosevelt  
Seaside, Oregon

This property is located on Hwy 101 between Ave Q and Ave R on the west side of the highway. This property adjoins the Necanicum River. This is the old Bruce Smith car dealer site. There is an existing building and parking lot on this property with a sidewalk and landscape area along the highway. This site is zoned C-3. A portion of the existing highway encroaches onto this property. The existing sidewalk is located on this property. See attached county survey B-10547. Also see the attached existing site plan.

The existing building is currently leased to Dr. Roof. They have a small office area with a restroom (330 sqft) with the rest of the building being used for storage and work area. The total building is 2,366 sqft. The property currently contains 37 parking spaces. The current parking lot is lighted from the existing building and by two pole mounted lights located near the highway.

This property is located adjacent to a flood plain and flood way. The FEMA maps call for an AE flood zone with an elevation of 15.00 feet based upon the NAVD datum. Spot elevations are shown on the site maps which range in elevation from 20-23 feet. The westerly rear side of the lot has a steep slope bank down to the river.

A new additional building is being proposed for this site. The new building will be located in the southerly portion of the existing parking lot. The existing landscaping between the parking lot and the sidewalk shall remain. A sidewalk will be placed between the front entry door of unit 1 and the sidewalk along the highway. One of the existing pole mounted parking lot lights will be removed. New exterior lighting will consist of can lights being located under the covered entry porches. See attached existing site plan and new site plan.

The new building will be two identical office-shop spaces. It will be a wood frame building with a concrete slab floor. Each unit will be 1034 sqft. The office area will be 433 sqft and the shop area being 601 sqft. Each unit will have a front office area, restroom, back office or work area and adjacent shop area. A storage loft will be located above the office-restroom area. The total

**Mark M. Mead**

Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698

Geotechnical Engineer Oregon 12181

Professional Land Surveyor Oregon 2259

Oregon Structural Inspector #2555SIA

Oregon Structural Plans Examiner #2554PEA

OIC-OR Inspector Certification #OIC2587

**Mead Engineering**

89643 Ocean Drive, Warrenton, Oregon 97146

Ph. 503-738-2538

mark@meadeng.com

square footage of the building will be 2068 sqft. See attached floor plans and exterior building elevations.

Unit 1 will have windows from the office and work area facing highway 101. Unit 2 will have windows from the office and work area facing the Necanicum River. The man doors will access from the parking lot area with a covered porch over the doors. A 12x14 foot garage door will be used as access from the parking area to the shop areas of the building. A total of 24 parking spaces will remain on the site. A small portion of the existing parking lot south and west of the new building will be removed and landscaping installed. The existing driveway entrance shall remain along with most of the existing parking lot area. The existing sidewalk located adjacent to the highway will remain along with the existing landscaping.

**Attachments:**

- County air photo map
- County survey B-10547
- Existing and new site plans
- Building floor plan
- Building exterior elevations

**Mark M. Mead**

**Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698**

**Geotechnical Engineer Oregon 12181**

**Professional Land Surveyor Oregon 2259**

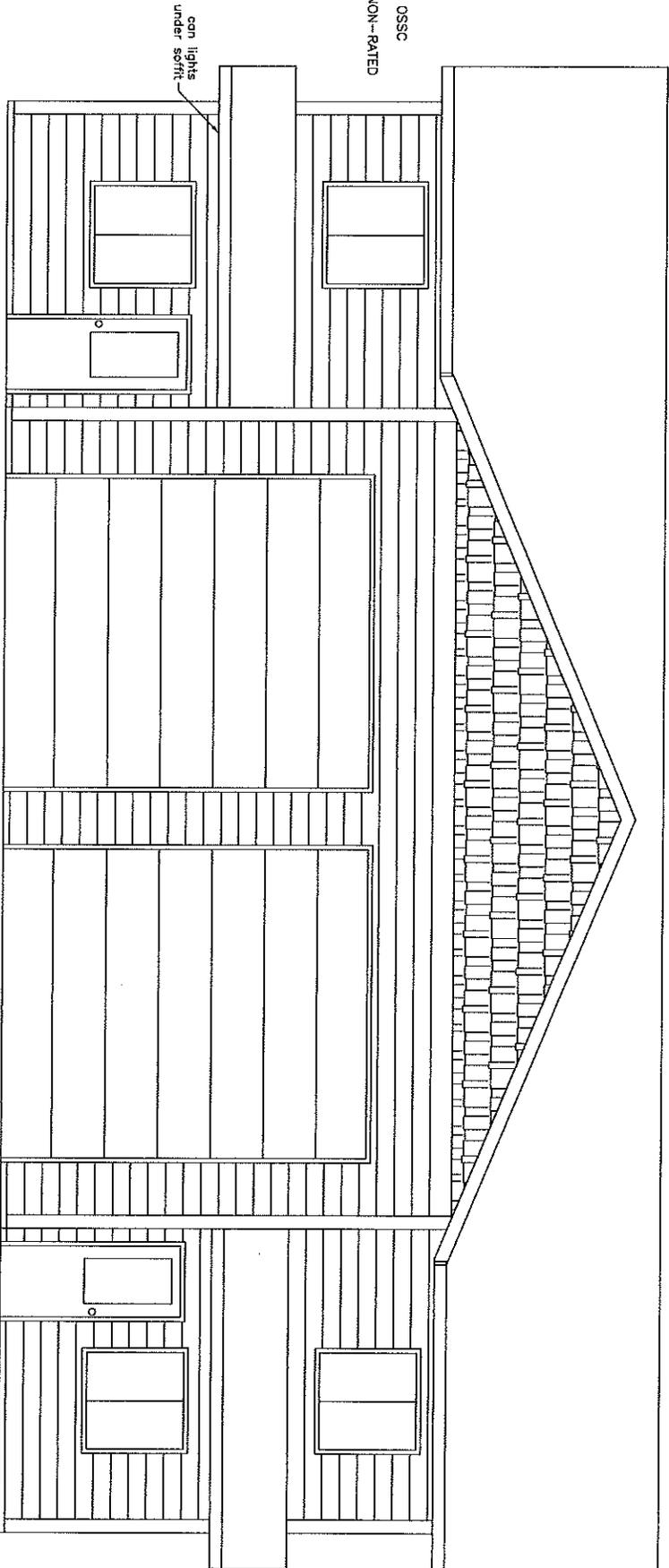
**Oregon Structural Inspector #2555SIA**

**Oregon Structural Plans Examiner #2554PEA**

**OIC-OR Inspector Certification #OIC2587**



CODE 2014 OSBC  
 B, M S-2  
 TYPE V-B NON-RATED



STRUCTURAL GENERAL NOTES

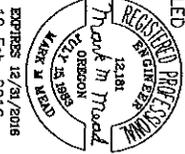
LIVE LOADS  
 FLOOR-----25 PSF OFFICE, 125 PSF LIGHT STORAGE  
 WIND-----135mph, EXPOSURE D  
 SEISMIC-----D, Ss=1.331, S1=0.683  
 WOOD IN CONTACT WITH EARTH OR CONCRETE SHALL BE PRESSURE TREATED HEM-FIR AS RECOMMENDED BY THE MANUFACTURE FOR GROUND CONTACT.  
 UNLESS SPECIFIED OTHERWISE ANCHOR BOLTS SHALL BE 1/2"x10" MACHINE BOLTS SPACED A MAXIMUM OF 4'-0" ON CENTER WITH A MINIMUM OF TWO BOLTS PER SILL PIECE, A MINIMUM OF 3" AND A MAXIMUM OF 9" FROM THE ENDS OF SILL.  
 EXTERIOR WALL AND ROOF SHEATHING SHALL BE NAILED WITH 8d AT 6"OC  
 SHEATHING ROOF 5/8"PLY, WALL 7/16"

MISCELLANEOUS  
 CONTRACTOR TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION  
 WINDOWS TO BE THERMO PAIN VINYL MEETING CURRENT CODE REQUIREMENTS.  
 ALL CONSTRUCTION TO MEET THE STATE OF OREGON BUILDING CODES.

ENGINEER TO PERFORM THE FOLLOWING CONSTRUCTION OBSERVATIONS  
 1. SOIL & FOOTING FORMS  
 2. HOLD DOWN  
 3. FRAMING AFTER PLUMBING, ELECTRICAL & HEATING INSTALLED

DEFERRED DOCUMENTS:  
 TRUSS DRAWINGS

Sum Properties  
 3457 Hwy 101 N  
 Gearhart, Oregon 97138  
 Terry Lowenberg  
 503-738-0453  
 Recchdevelopment@recchdev.com

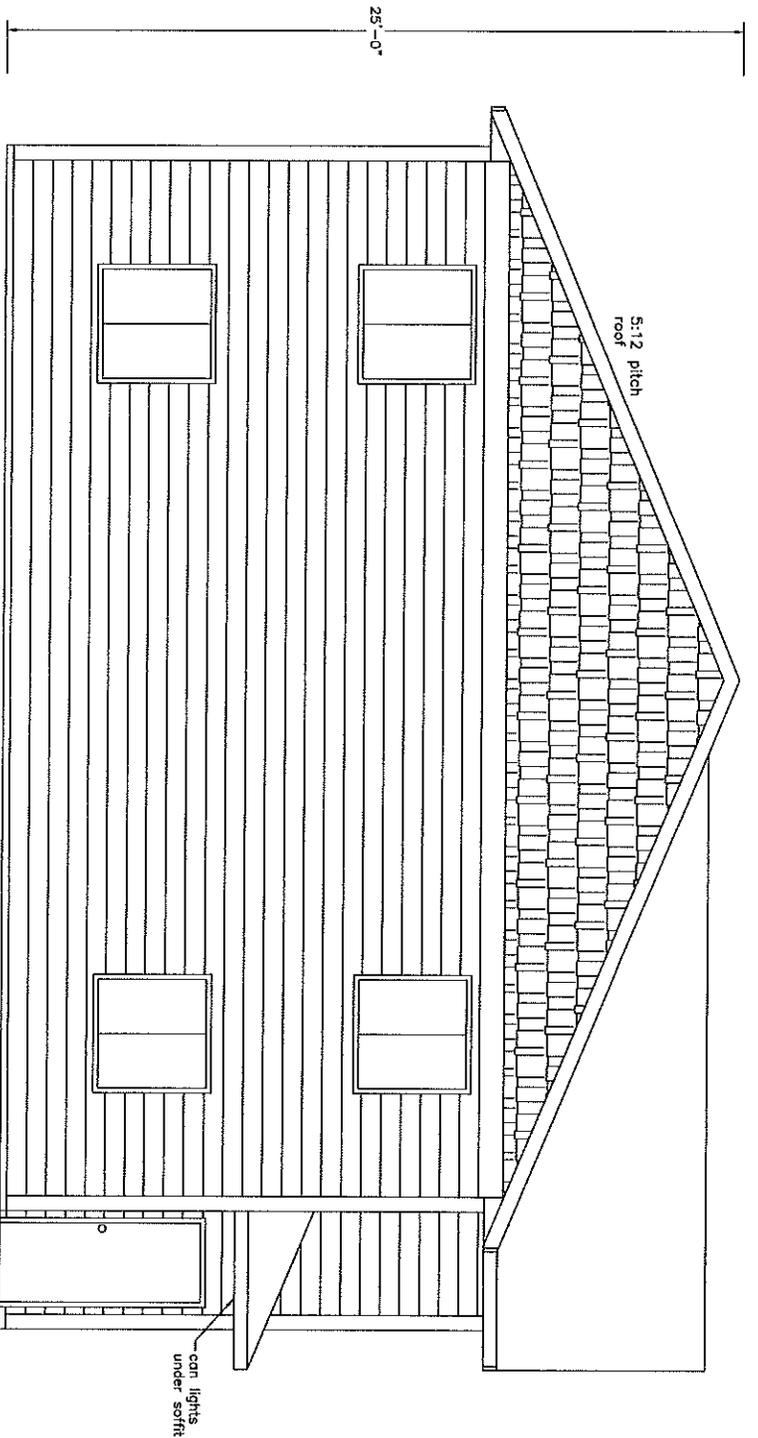


EXPIRES 12/31/2016  
 10 Feb. 2016

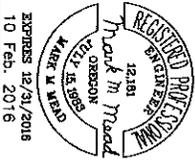
North Elevation  
 New Building  
 1616 S. Roosevelt  
 Seaside, Oregon 97138  
 Tax Lot 9400  
 Tax Map 6--10-21DD

Mead  
 E ngineering LLC  
 89643 OCEAN DRIVE  
 WARRENTON, OREGON 97146  
 Ph. 503-738-2538  
 Email: mark@meadeng.com

Scale 1/4"=1'



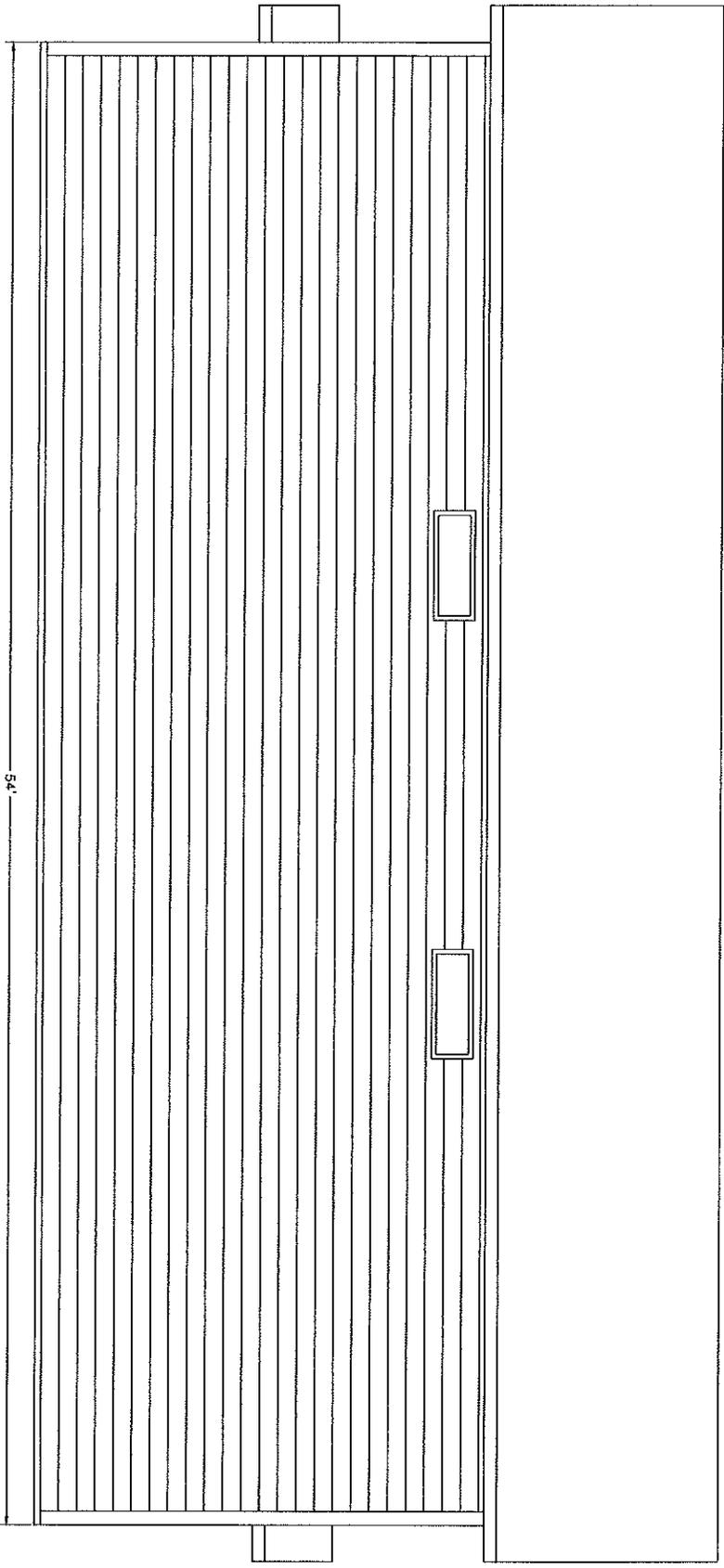
Sum Properties  
 3457 Hwy 101 N  
 Gearhart, Oregon 97138  
 Terry Lowenberg  
 503-738-0453  
 Beachdevelopment@beachdev.com



**East & West Elevation**  
**New Building**  
 1616 S. Roosevelt  
 Seaside, Oregon 97138  
 Tax Lot 9400  
 Tax Map 6-10-210D

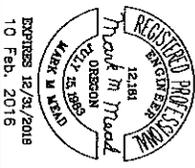
**Mead**  
 Engineering LLC  
 89843 OCEAN DRIVE  
 WARRENTON, OREGON 97146  
 Ph. 503-738-2538  
 Email: mark@meedeng.com

Scale 1/4"=1'



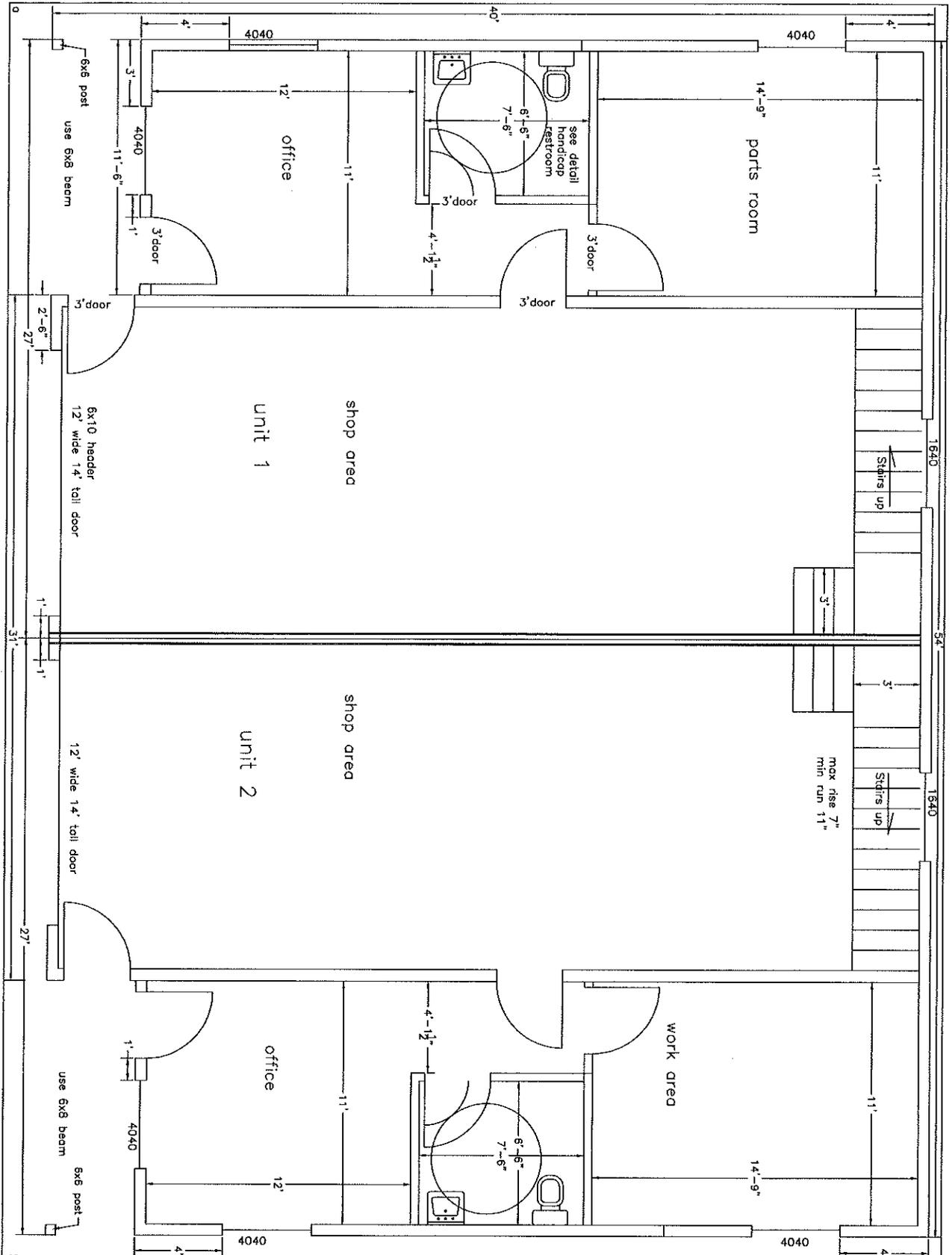
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Sum Properties  
 3457 Hwy 101 N  
 Gearhart, Oregon 97138  
 Terry Lowenberg  
 503-738-0453  
 Beachdevelopment@beachdev.com



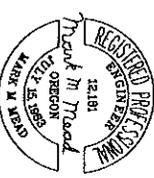
South Elevation  
 New Building  
 1516 S. Roosevelt  
 Seaside, Oregon 97138  
 Tax Lot: 9400  
 Tax Map 6-10-2100

Mead  
 Engineering LLC  
 89643 OCEAN DRIVE  
 WARRENTON, OREGON 97146  
 Ph. 503-738-2538  
 Email: mark@meadeng.com  
 Scale 1/4"=1'

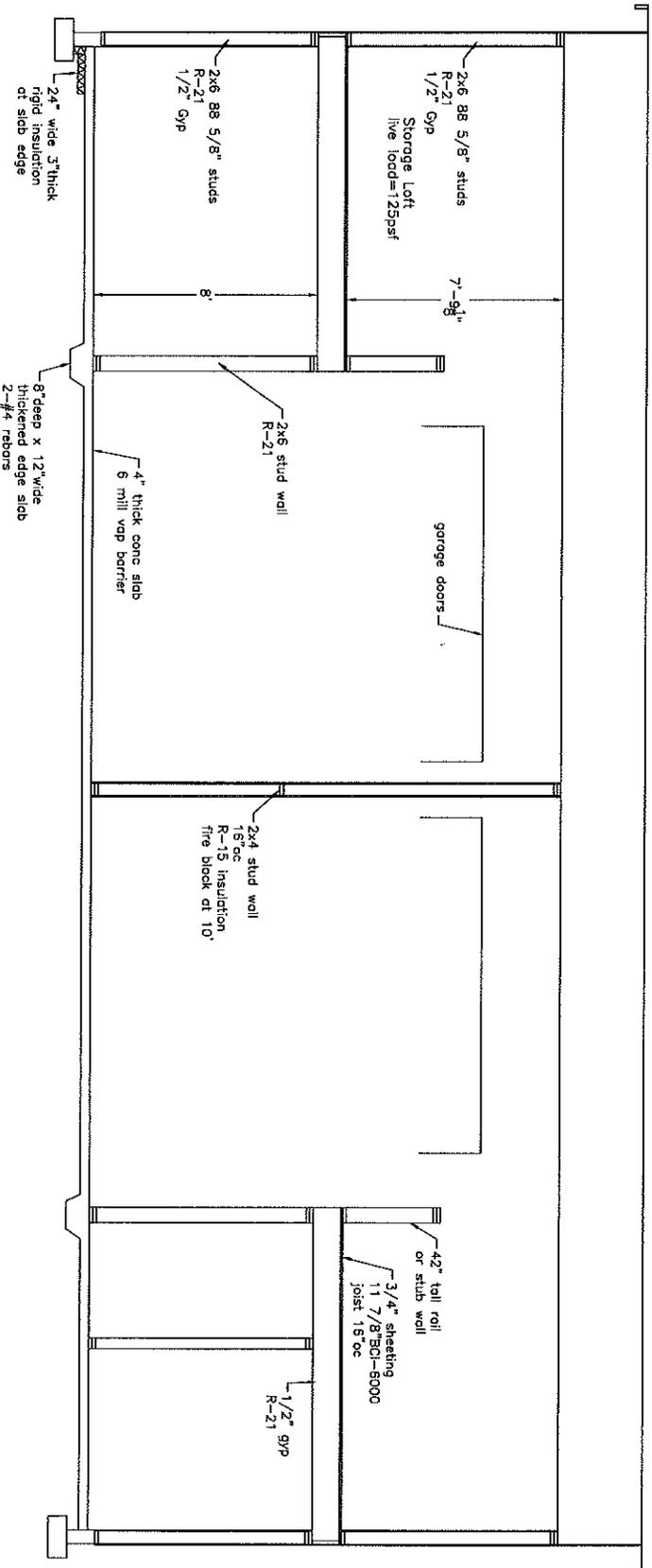


**Floor Plan**  
**New Building**  
 1616 S. Roosevelt  
 Seaside, Oregon 97138  
 Tax Lot 9400  
 Tax Map 5-10-2100

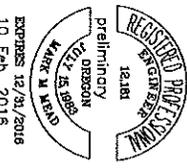
**Sum Properties**  
 3457 Hwy 101 N 97138  
 Gearhart, Oregon  
 Terry Lowenberg  
 503-738-0453  
 Beachdevelopment@beachdev.com



**Mead**  
**Engineering LLC**  
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 WARRENTON, OREGON 97146  
 Pn. 503-738-2538  
 Email: mark@meadeng.com  
 Scale 1/4"=1'



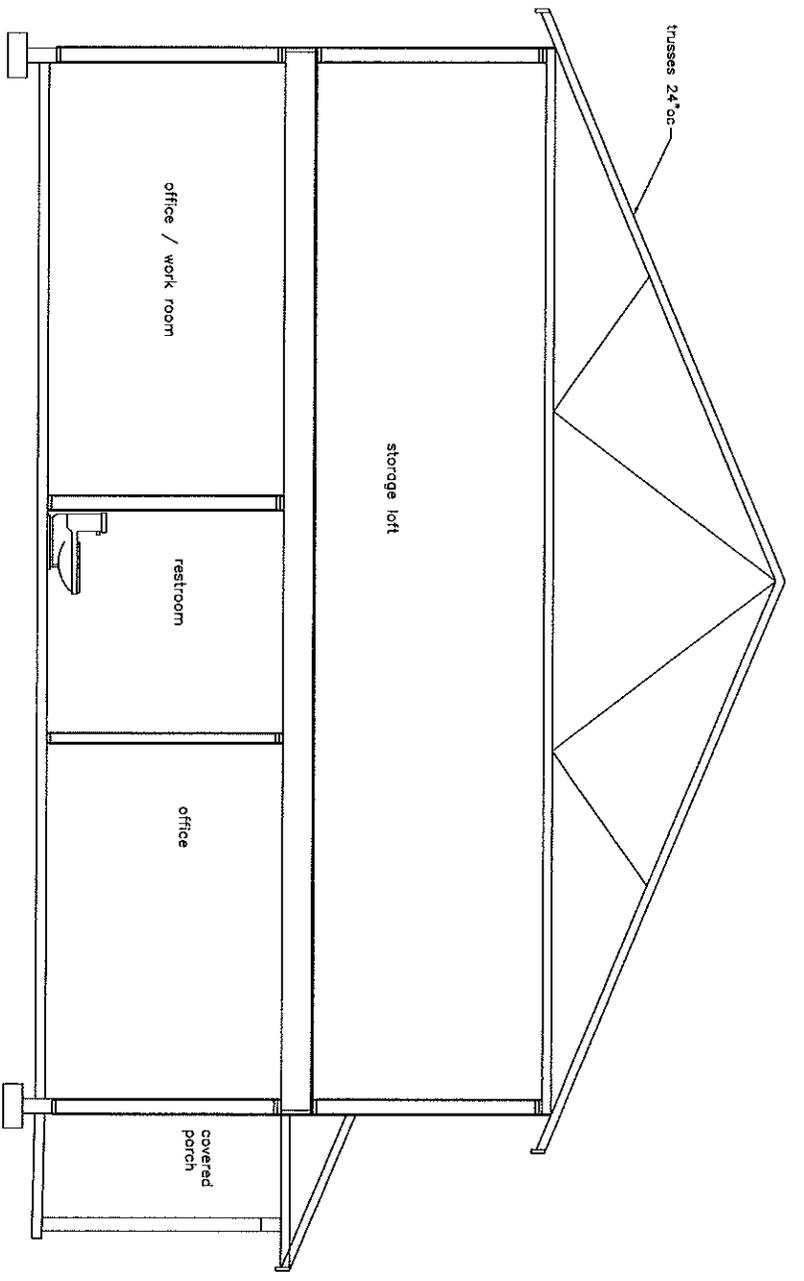
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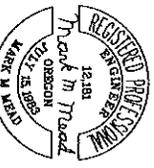
**Cross Section**  
**New Building**  
 1616 S. Roosevelt  
 Seaside, Oregon 97138  
 Tax Lot 9400  
 Tax Map 6-10-21DD

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Scale 1/4"=1'



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 Beachdevelopment@beachdev.com



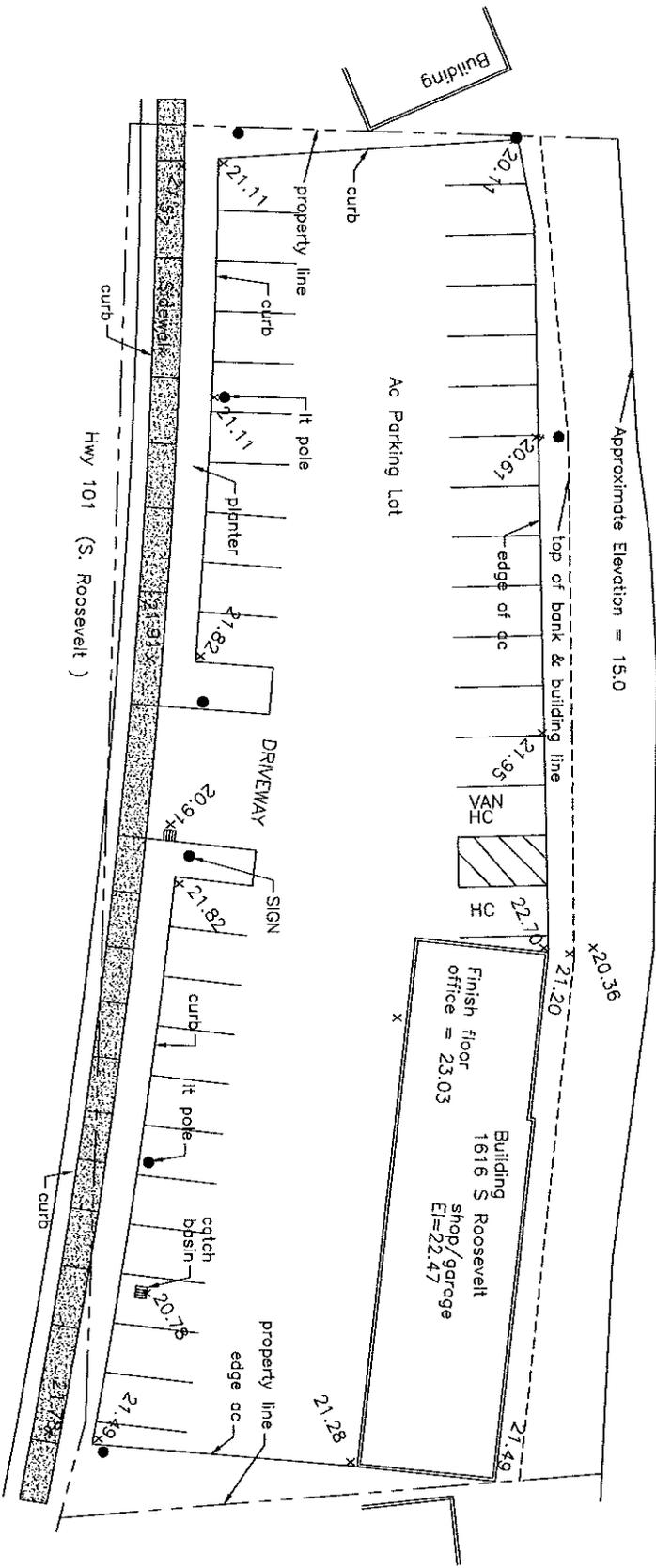
**Cross Section**  
**New Building**  
 1616 S. Roosevelt  
 Seaside, Oregon 97138  
 Tox Lot 9400  
 Tax Map 6-10-21DD

**Mead**  
**Engineering LLC**  
 89643 OCEAN DRIVE  
 WARRENTON, OREGON 97146  
 Ph. 503-738-2538  
 Email: mark@meadeng.com  
 Scale 1/4"=1'

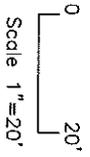


Elevations shown are based upon NAVD-1988 datum

Neonaticum River  
Flood Elevation = 15.0



Approximate Elevation = 15.0



Lot: 45,9839  
Long: 123,9258  
Spot elevation  
21.82 x

Tax Lot: 9400  
Tax Map: 6-10-21DD  
Flood Map: 41007C0506E  
Panel: 0506 of 0800  
Community: Seaside 410032  
County: Clatsop  
State: Oregon  
Flood Zone AE  
Flood Elevation: 15.00

Building Owner: Sum Properties  
Address: 1616 S. Roosevelt  
Seaside, Oregon 97138

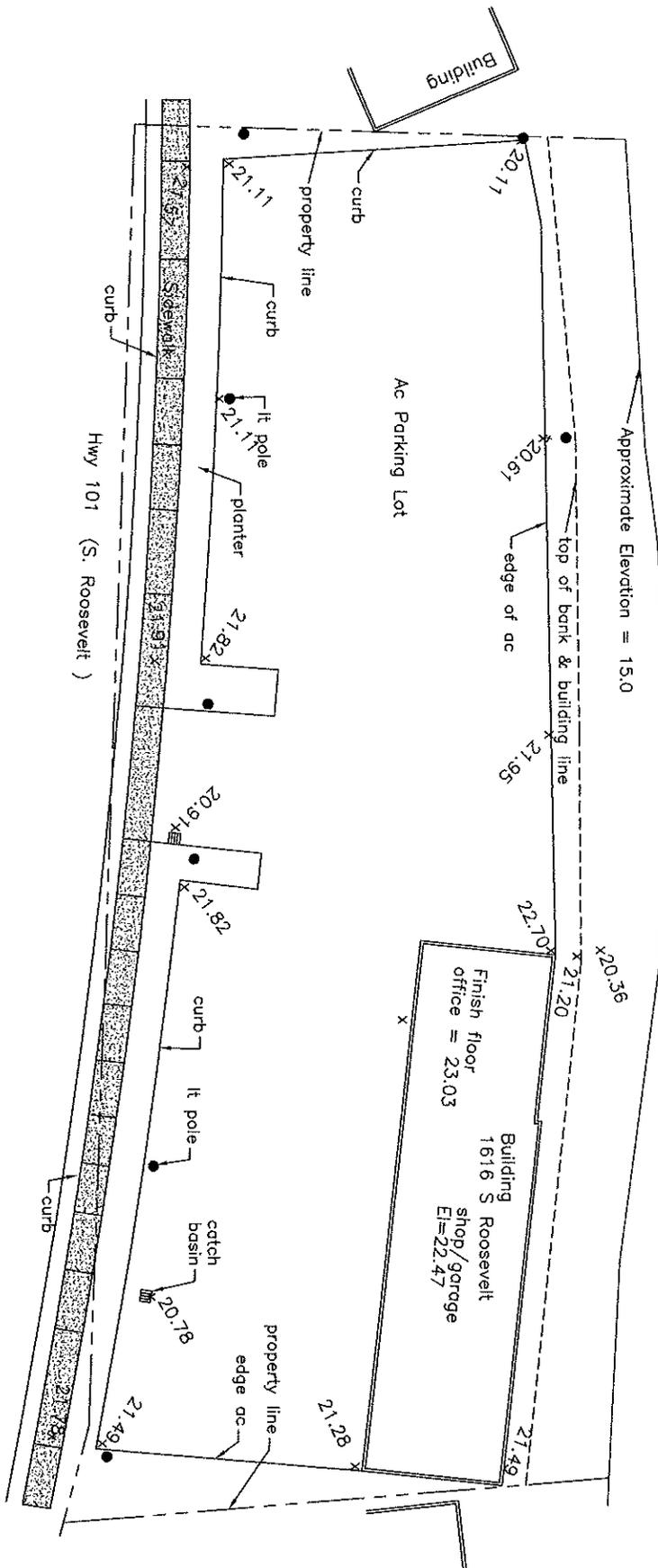
REGISTERED PROFESSIONAL LAND SURVEYOR  
*Mark M Mead*  
OREGON LICENSE NO. 2259  
EXPIRES 12/31/2014

**Mead** Engineering LLC  
89643 OCEAN DRIVE  
WARRENTON, OREGON 97146  
Ph. 503-738-2538  
Email: mark@meadeng.com

Existing Site

Elevations shown are based upon NAVD-1988 datum

Necanicum River  
Flood Elevation = 15.0



Scale 1"=20'  
 Lat: 45.9839  
 Long: 123.9258

Tax Lot: 9400  
 Tax Map: 6-10-21DD  
 Flood Map: 41007C0506E  
 Panel: 0506 of 0800  
 Community: Seaside 410032  
 County: Clatsop  
 State: Oregon  
 Flood Zone AE  
 Flood Elevation: 15.00

Building Owner: Sum Properties  
 Address: 1616 S. Roosevelt  
 Seaside, Oregon 97138

REGISTERED PROFESSIONAL LAND SURVEYOR

*Thank in Mead*

OREGON JANUARY 15, 1987  
 MARK M. MEAD  
 2259

EXPIRES 12/31/2014

Existing Site

**M**ead  
**E**ngineering LLC  
 89643 OCEAN DRIVE  
 WARRENTON, OREGON 97146  
 Ph. 503-738-2538  
 Email: mark@meadeng.com

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 5, 2016  
**Owner/  
Applicant:** Steven & Vicci Craft  
29392 S Brookstone Drive,  
Oregon City, OR 97045  
**Location:** 1940 S Downing, Seaside OR, T6-R10-S21CD TL#4500  
**Subject:** Conditional Use 16-010VRD; Vacation Rental Dwelling Permit

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### REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1940 S Downing**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling.

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

### DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

- C. Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard

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

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

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

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

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

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

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

1. The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1940 S Downing**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **two** off-street parking spaces that are available on the site. **Two cars can be stacked in the driveway.**
- b. The existing **two** bedroom dwelling **unit** will have a limited occupancy of **six people** over the age of three (not more than 10 regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
- d. **Rogers Inn, Bobbie Murphy, 436 S Downing, Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 738-7367.**
- e. The applicants, **Steven & Vicci Craft** have read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood with a **mixture of single family dwellings and apartments**. Currently **25%** 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 any comment 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 have been completed.**

6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.

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

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

- 1. Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(16-010 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 already undergone a preliminary compliance inspection and it has passed a final inspection.**

- 2. Parking spaces: Two (2) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. **Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location.** Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. **A parking map shall be posted inside the dwelling unit for the VRD tenants. The map must clearly indicate "ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.**
- 3. Maximum number of occupants: Six (6) persons over the age of three, no more than 10 regardless of age.** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 4. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are

not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.

5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. Local Contact: **Rogers Inn, Bobbie Murphy, 436 S Downing, Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 738-7367.** 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.

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-010VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10, regardless of age) at **1940 S Downing**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

**Attachments:** Applicant's Submittal



# City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

## Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

18281 S Brookstone Dr. Oregon City OR 97045

NAME OF APPLICANT Steven E & Vicci L. Craft	ADDRESS 1940 S. Downing Seaside OR	ZIP CODE 97138
STREET ADDRESS OR LOCATION OF PROPERTY 1940 S. Downing St, Seaside OR 97138		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R-2		6	10	21	12184

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

Short-Term Vacation Rental, VRD

(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 Steven E & Vicci L. Craft	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 18281 S. Brookstone Dr. Oregon City 97045	ADDRESS
PHONE / FAX / EMAIL 503-631-8776 vlesee@gmail.com	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"/>                       |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 2-26-16	BY DIC
CASE NUMBER (S) 16-010VRD	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

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

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information and submit it for review along with their business license application.

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

**SUBMITTAL INFORMATION**

1. Applicant's Name: Steven E & Vicci L. Craft
2. Mailing Address: 18281 S. Brookstone Dr, Oregon City 97045
3. Telephone #: Home 503-631-8776, <sup>mobile</sup> Work 503-347-2857, 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: 1940 S. Downing St. Seaside, OR
6. Tax Map Ref.: Township 6, Range 10, Section 21, Tax lot # 12184
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 2 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

ORIGINAL

VRD Application updated 5-5-11

V4526

20  
100  
430  
550

9698

1

CITY OF SEASIDE

FEB 25 2016

PAID

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:** Rogers Inn Vacation Rentals Phone #503-738-7367. Address: 436 S. Downing St., 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?** R2. 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 - SEC.

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: J E Craft Date: 2/25/2016

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

1940 S. Downing St Seaside OR

Lot Size 50' x 100'

Paved Driveway  
12'3" Wide  
57'6" Long

Exterior

Area

Lot Size  
50' x 100'  
5,000 Sq Ft

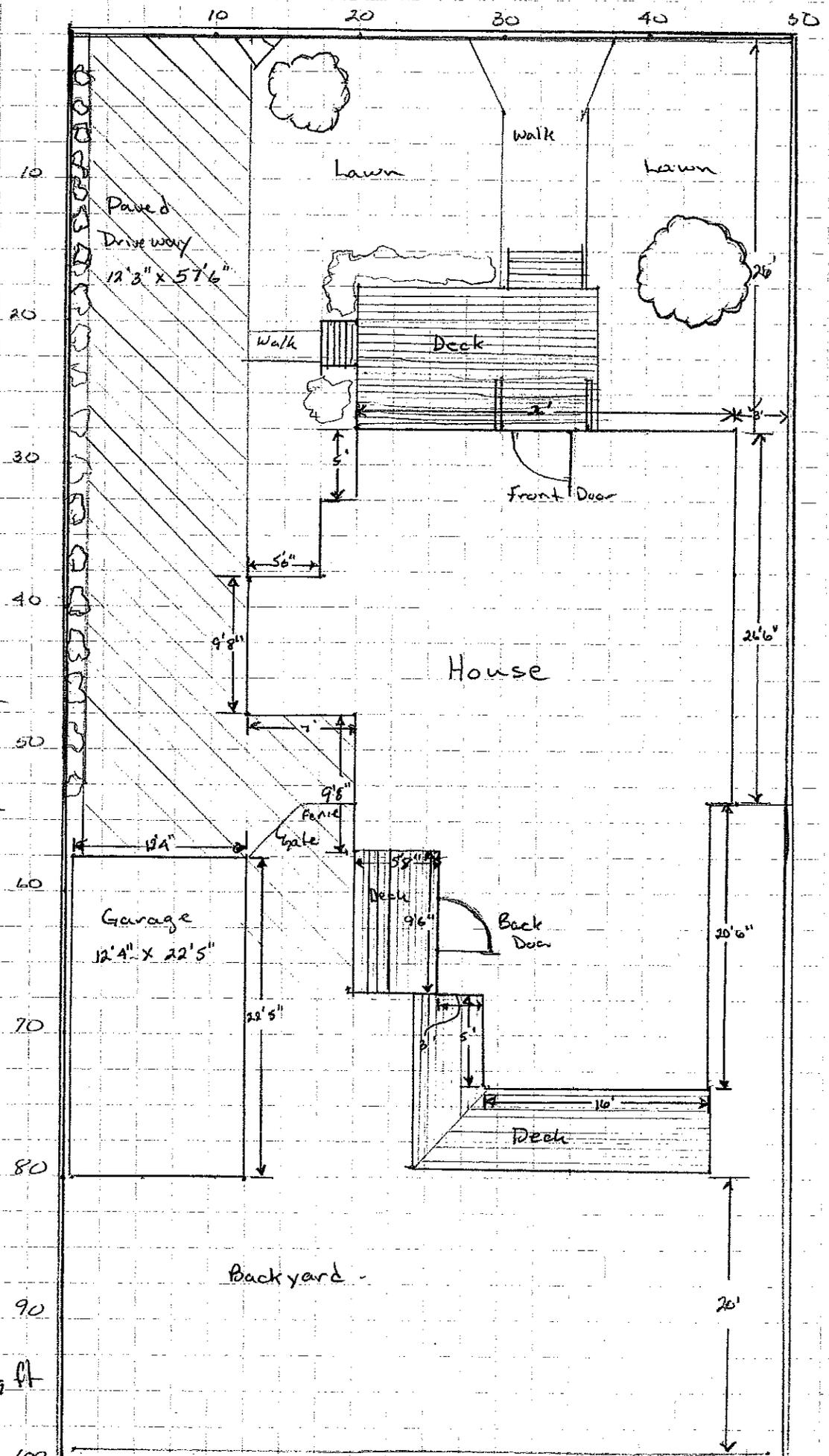
Footprint  
House 1,210 sq ft  
Garage 277 sq ft

Lot Coverage 1487 sq ft  
29.7% Coverage

Parking - Off Street  
3 - Driveway  
1 - Garage

Scale

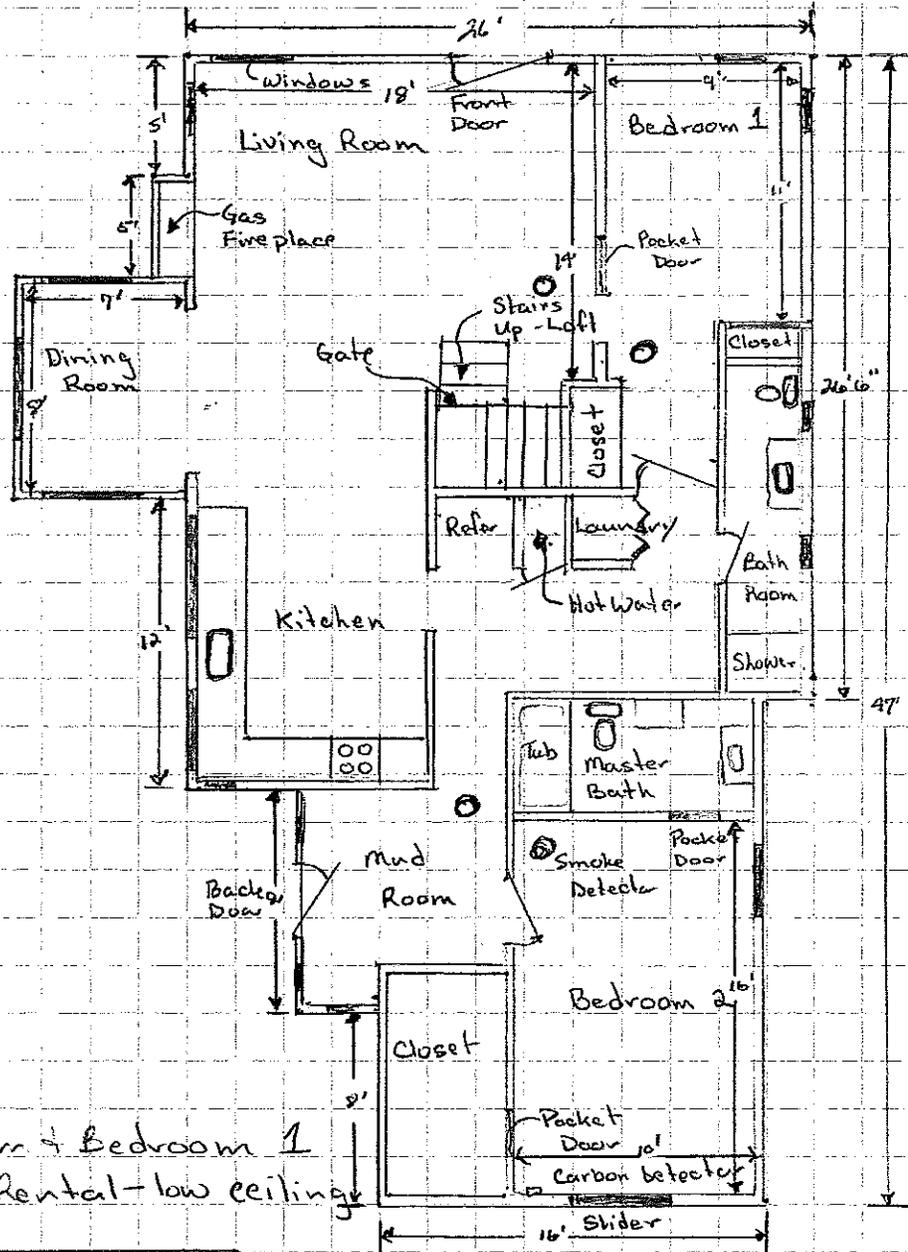
□ 2.5 Ft 6.25 sq ft



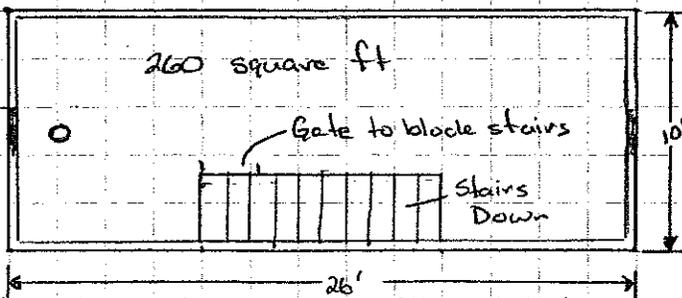
1940 S. Downing St. Seaside OR

Interior

- \* Two Bedroom
- \* Two Bath
- \* 1470 Square Feet
  - 1210 Main Floor
  - 260 Loft



Loft above living room + Bedroom 1  
 Not for use during Rental - low ceiling



- Smoke Detectors
- Carbon Monoxide Detector
- ▬ Windows

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 5, 2016  
**Applicant:** Arron Fausett, P.O. Box 194; Warrenton, OR 97146  
**Owner:** Premarq Inc., Kirk Fausett, 2911 Marine Dr. Suite A; Astoria, OR 97103  
**Location:** 821 Broadway; Seaside, OR 97138 (T6, R10, 21AD TL 11401)  
**Subject:** Conditional Use Request 16-011CU, 8 unit hotel on the top floor of the existing 3 story building

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### **REQUEST:**

The applicant is requesting a conditional use that will allow the establishment of an 8 unit hotel on the top floor of the existing 3 story building at 821 Broadway (6-10-21AD TL11401). The proposed use is planned in conjunction with establishing the outright permitted use of a sports bar & grill on the first two stories.

The property currently has two off-street parking spaces available near the back of the building and the applicant planned to lease seven additional spaces off-site even though parking is not required for existing buildings in the Central Commercial (C-4) zone. He has since revised his plan to provide one handicapped space behind the building and lease eight spaces on the paid parking lot on the northeast corner of Avenue A & Holladay.

Hotel & motel uses are conditionally permitted in the zone and they require Planning Commission approval.

### **DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compatibility with the surrounding area or 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**

**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 example elevation drawing are adopted by reference. The applicant's proposal is summarized as follows:
  - The remodel the existing building in order to create a sports bar and grill with an 8 unit hotel on the top floor.
  - The applicant plans to lease 8 spaces located on a paid parking lot southwest of the building within 200' of the subject property. Parking is not required under the ordinance for existing buildings in the Central Commercial (C-4) zone, so the leased spaces are intended to minimize impacts to parking within the vicinity of the use.
  - Two parking spaces were available at the back the existing building and they will be converted into a handicapped space.
  - Emergency exit routes and a map of the parking location will be posted on the doors inside all hotel rooms. Handouts for earthquake procedures and tsunami evacuation routes will be given to hotel guests at the time of check in at the reception desk on the third floor.
  - The floor plan shows the proposed configuration of the top hotel floor of the building.
2. The proposed use is conditionally permitted in the zone and the off-street parking section only applies to new buildings in the C-4 zone. As an existing structure the applicant is not required to provide one space for each guest room plus one space for the manager or owner as it would be for a new building.
3. If the off-street parking provisions did apply to the request, it would allow the applicant to provide the required parking within 200' of the building measured in a straight line from the building.

4. The applicant has not indicated where trash receptacles will be provided in conjunction with the use if the space at the rear of the building is converted to a handicapped parking space.

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

The proposed remodel of the third floor of the existing building will conform to the applicable development standards in the ordinance and should not adversely impact the neighboring uses provided the following conditions are attached to the approval.

**Condition 1:** The applicant must maintain a lease agreement that will provide the number of off-street parking spaces equal to the number of guest rooms being provided on the third floor.

**Condition 2:** The applicant must document how trash receptacles will be accommodated for the use if the parking space at the rear of the building is converted to a handicapped parking space.

**Condition 3:** 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.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve the remodel plan that will allow an 8-unit hotel on the third floor of the existing building at 821 Broadway. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

Attachments: Applicant's Submittal



**City of Seaside, Planning Department**

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT <b>AARON FAUSSETT</b>	ADDRESS <b>PO Box 194</b>	ZIP CODE <b>97146</b>
STREET ADDRESS OR LOCATION OF PROPERTY <b>821 BROADWAY, SEASIDE, OR 97138</b>		

ZONE <b>C4</b>	OVERLAY ZONES	TOWNSHIP <b>U</b>	RANGE <b>10</b>	SECTION <b>21 AD</b>	TAX LOT <b>11401</b>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

**USE - (2) story Sports Bar + Grill w/ an (8) Room Hotel on 3RD FLOOR**

**Purpose - To gain ability to remodel 3RD floor of existing building into (8) hotel rooms and operate a fully staffed hotel**

(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>Kirk Faussett</b>	PRINT NAME OF APPLICANT/REPRESENTATIVE <b>AARON FAUSSETT</b>
ADDRESS <b>2911 MARINE DR. Suite A, Astoria, OR 97103</b>	ADDRESS <b>PO Box 194, Warrenton, OR 97146</b>
PHONE / FAX / EMAIL <b>503-338-7270</b>	PHONE / FAX / EMAIL <b>503-298-0224</b>
SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE <b>A-7-7 Air Run construction @ gmail.com</b>

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"/>                       |

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) <b>16-011 CU</b>	
HEARING DATE	P.C. ACTION

<b>OFFICE USE:</b>	
FEE <b>46975 -</b>	RECEIPT <b>14240</b>
DATE FILED <b>3-1-16</b>	BY

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?

SEE ATTACHED

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

SEE ATTACHED

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

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NA

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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.

SEE ATTACHED

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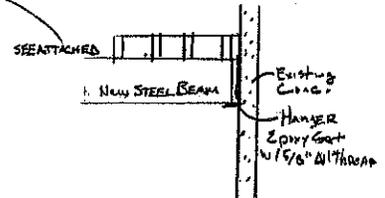
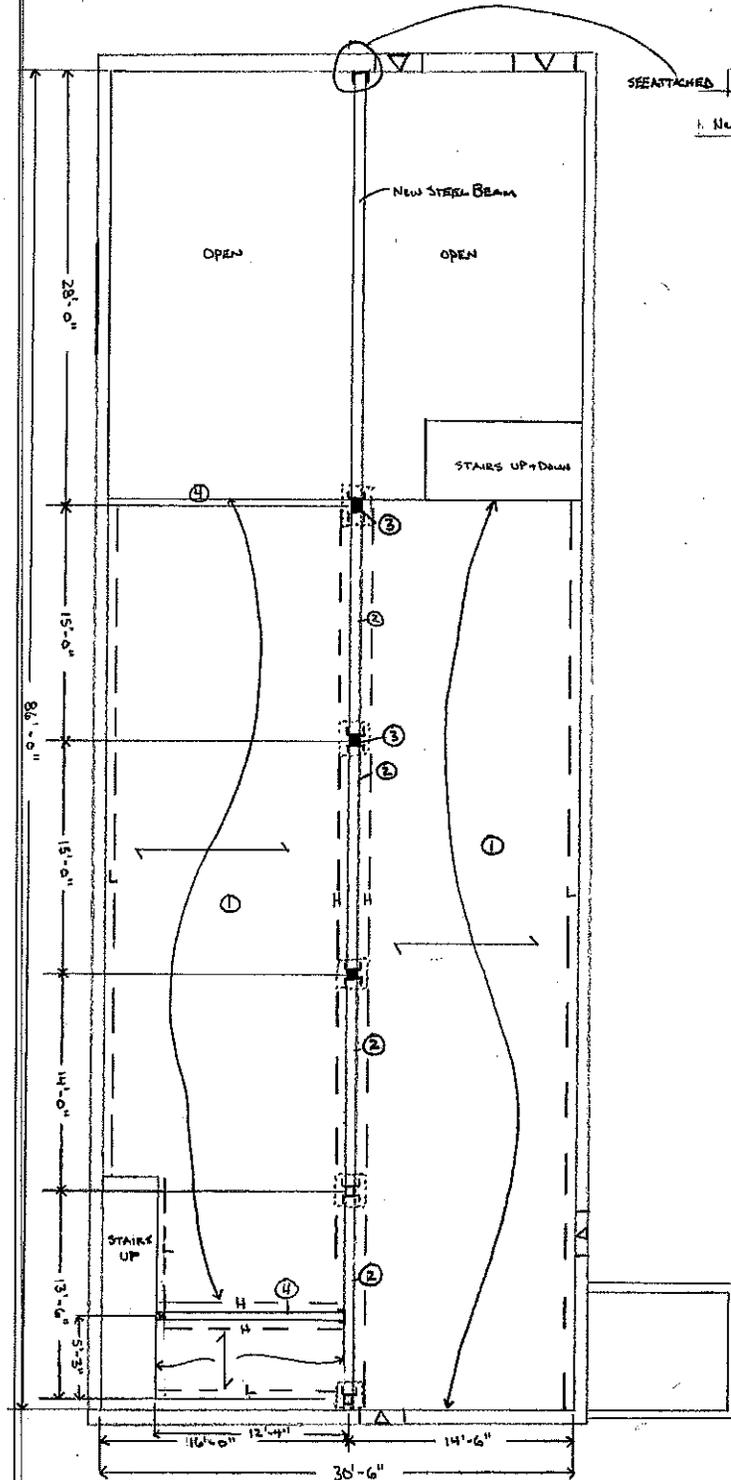
5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine 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

SEE ATTACHED

The purpose of our application is to gain the ability to remodel and operate a two story sports bar/grill with an 8 room hotel on the third level of an existing 3-story building located at 821 Broadway, Seaside. The bar/grill is an outright permitted use for the C-4 zone. The hotel is a conditional permitted use for the C-4 zone. The existing building currently has two off street parking spaces. No standards in Article 6 are applicable. To meet applicable standards in Article 4 we will be leasing seven additional parking spaces within 200' of the property line for hotel guests. Emergency exit routes and a map of the parking location will be posted on the doors inside all hotel rooms. Handouts for earthquake procedures and tsunami evacuation routes will be given to hotel guests at the time of check in at the reception deck on the 3<sup>rd</sup> floor.

821 BRADWAY  
 STRUCTURAL PLAN @ MEZ LEVEL  
 SCALE: 1/8" = 1'-0"  
 FLOOR LOAD: 100 LBS/SF



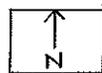
NOTES

- 1) Replace Existing 2XB Joists with 2 3/8" x 11 7/8" I Joist
- 2) Replace Existing 6x12 Beams with 4x10x.250 STEEL BEAM
- 3) Replace Existing 6x6 wood post w/ 5 1/2" x 5 1/2" steel post on existing 36" x 36" x 12" pier pad
- 4) 3/2" x 11 7/8" VERSALAM

LEGEND

- : EXISTING 6x6 POST
- : NEW STEEL POST (SEE ATTACHED)
- - - L - - - : 2x12 Ledge w/ (3) 4 1/2" Ledge Lm Screws @ 16" O.C
- - - H - - - : L/SV
- ↔ : NEW 2 3/8" x 11 7/8" I Joist @ 16" O.C w/ 3/4" Edge/End Sheeting

- L : SEE ATTACHED CONCRETE FLYING HANGER
- △ : ENTRANCE ON MAIN LEVEL



821 BRADWAY - RESTAURANT  
 FLOOR PLAN @ MAIN LEVEL  
 SCALE: 1/8" = 1'-0"

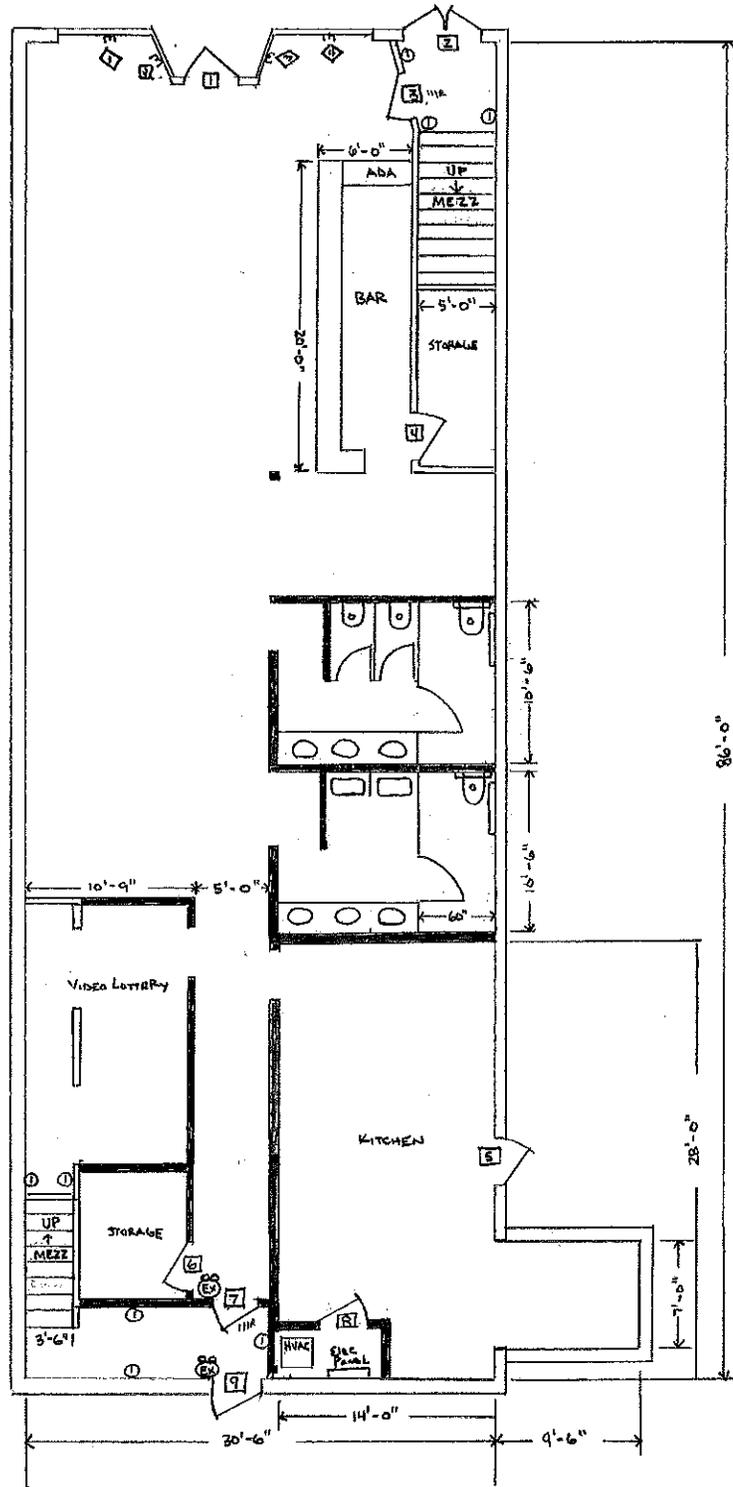


LEGEND

- NEW WALL
- EXISTING WALL
- ⊕ LIGHTED EXIT W/ EMERGENCY LIGHTS
- DOOR DETAIL
- ◇ WINDOW DETAIL

NOTES

- ① 2 HR FIRE RATED WALL



821 BROADWAY - RESTAURANT  
 FLOOR PLAN & MEZZ LEVEL  
 SCALE: 1/8" = 1'-0"

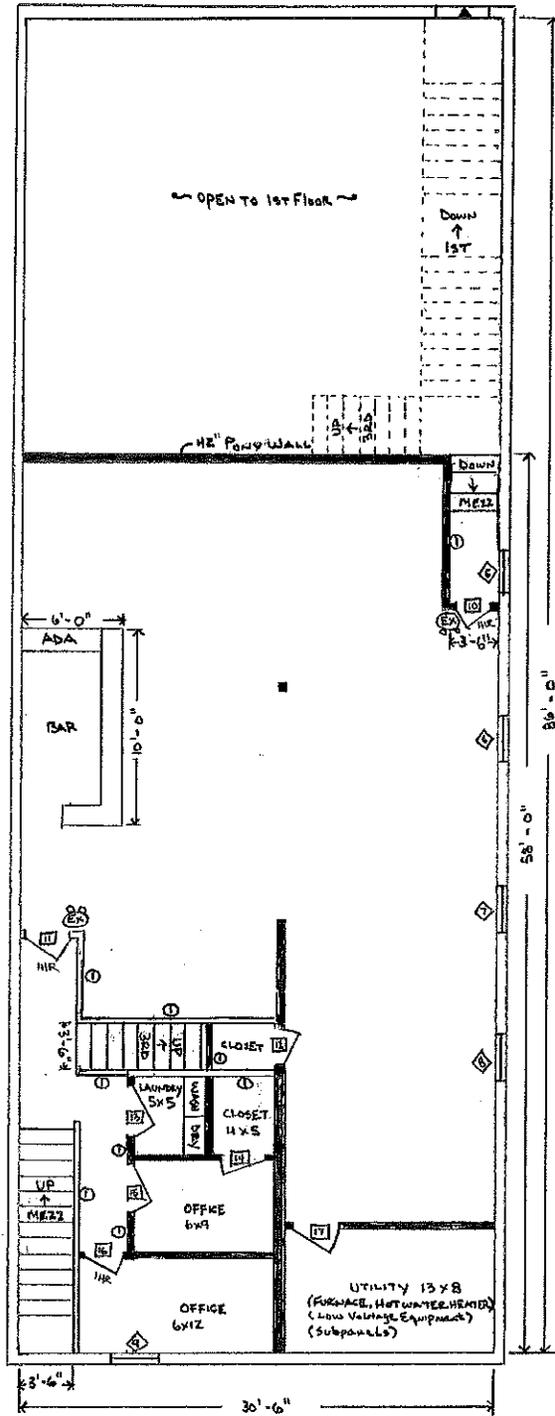


LEGEND

- NEW WALL
- ▭ EXISTING WALL
- ⊕ LIGHTED EXIT w/ EMERGENCY LIGHTS
- DOOR DETAIL
- ◇ WINDOW DETAIL

NOTES

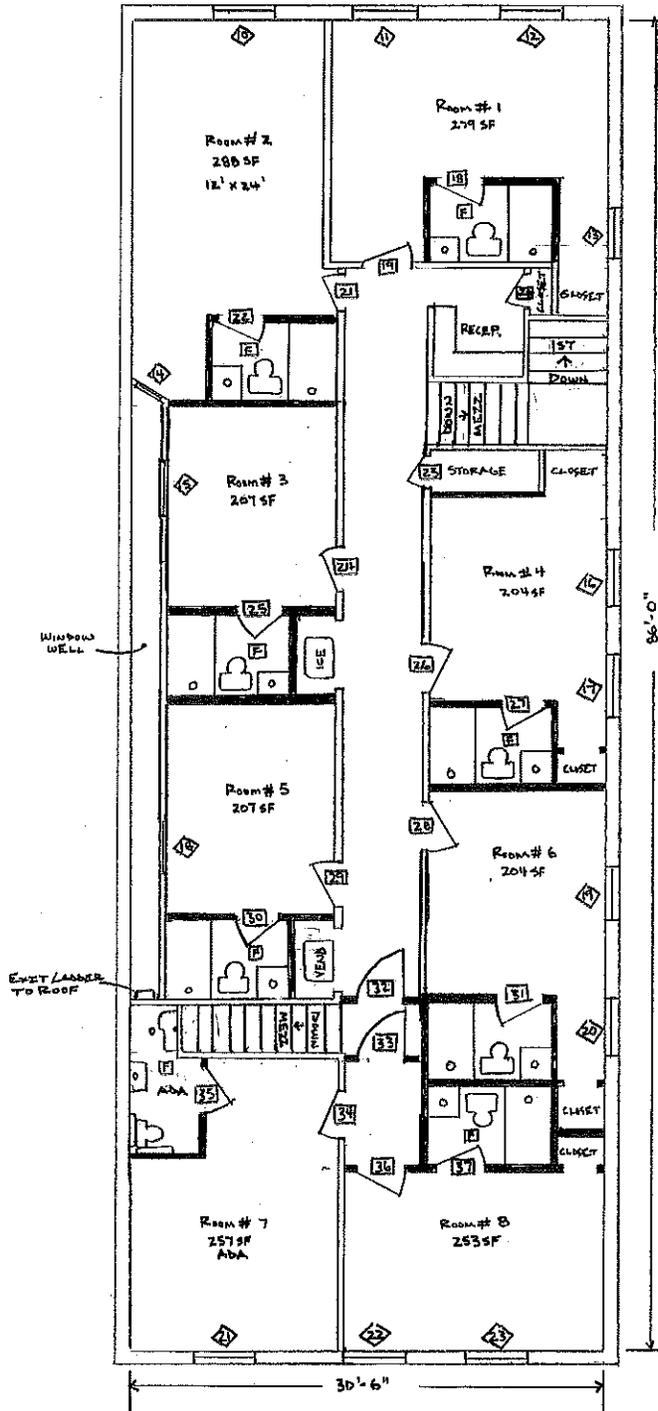
- ① 2HR FIRE RATED WALL



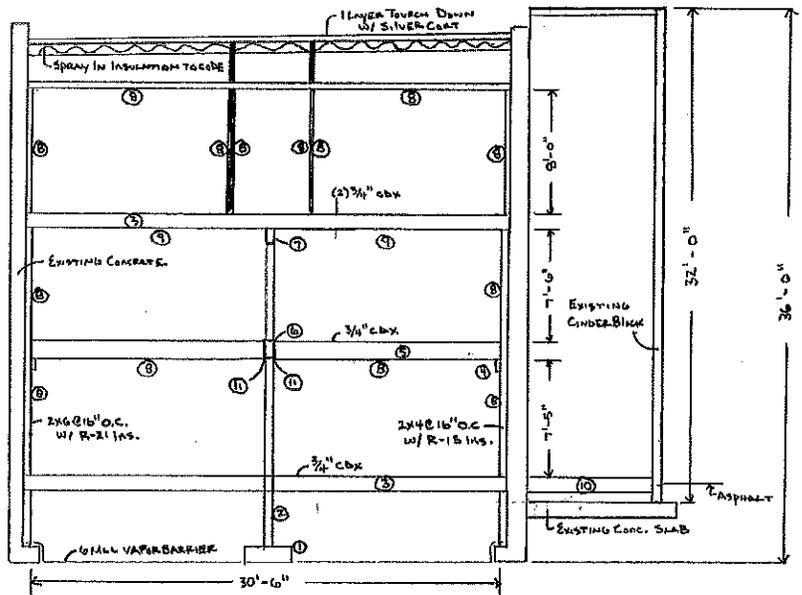
821 BROADWAY - HOTEL  
 FLOOR PLAN @ 3RD LEVEL  
 SCALE: 1/8" = 1'-0"



- LEGEND
- ▬ NEW WALL
  - ▭ EXISTING WALL



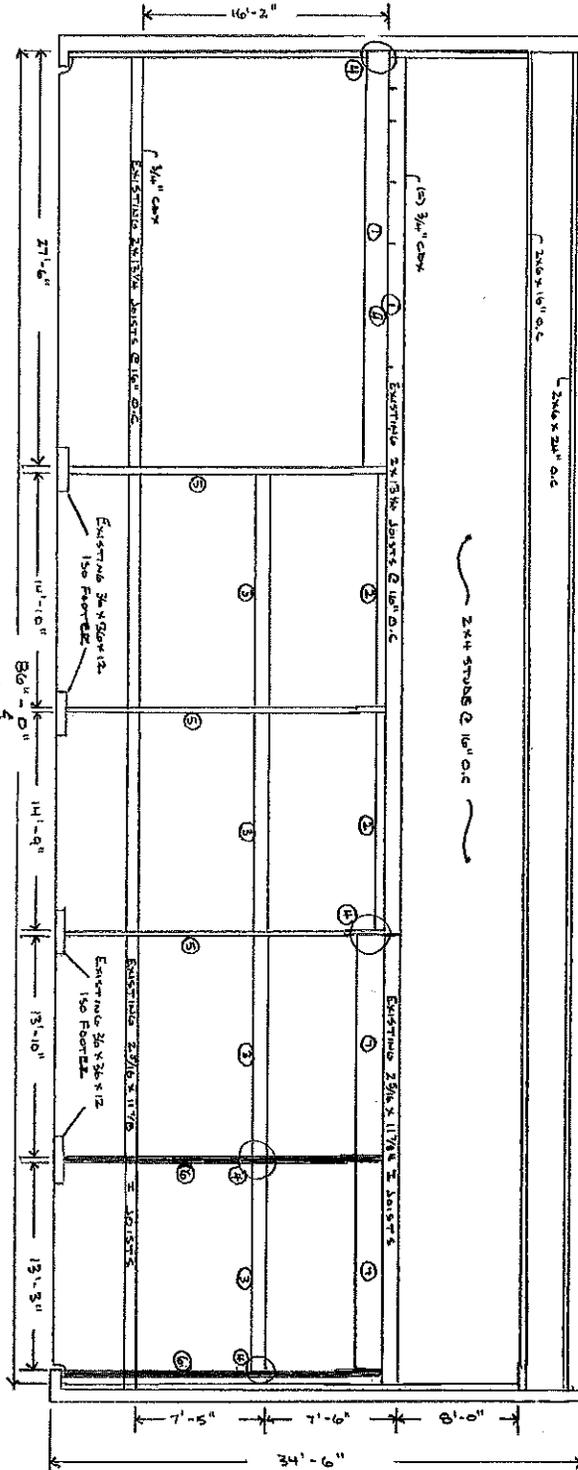
821 BROADWAY  
 CROSS SECTION  
 SCALE: 1/8" = 1'-0"



NOTES

- 1) EXISTING 36" X 36" X 11 1/4" 150 FOOTER
- 2) (2) EXISTING 6X6 POSTS
  - (1) NEW 5X5X.25 STEEL POSTS
- 3) EXISTING 2X13/4 FLOOR JOIST
- 4) NEW 2X12 LEDGER W/ (5) 1 1/2" LEDGER LOCK SCREWS @ 16" O.C.
- 5) NEW 2 3/16" X 11 7/8" I JOIST @ 16" O.C.
- 6) (4) NEW 4X10 X.25 STEEL BEAMS
- 7) • (2) EXISTING 19 1/2" X 6 3/4" GLULAM
  - (2) NEW 6X6 X.375 STEEL BEAMS
  - (1) NEW WFL10 X 31 STEEL BEAM
- 8) (1) LAYER 5/8" TYPE X GYPSUM
- 9) (2) LAYERS 5/8" TYPE X GYPSUM
- 10) NEW 2X12 FLOOR JOIST @ 16" O.C.
- 11) SIMPSON LVL TOP FLANGE I JOIST HANGER

821 BROADWAY  
 CROSS SECTION POSTS + BEAMS  
 SCALE: 1/8" = 1'-0"



NOTES

- 1) NEW WF10x31 STEEL I BEAM
- 2) NEW 6x6x.375 STEEL BEAM
- 3) NEW 4x10x.250 STEEL BEAM
- 4) CONNECTION DETAIL SEE ATTACHMENT
- 5) NEW 5x5x.250 STEEL POST
- 6) EXISTING 6x6 WOOD POST
- 7) EXISTING 1 1/2 x 6 3/4 GLULAM



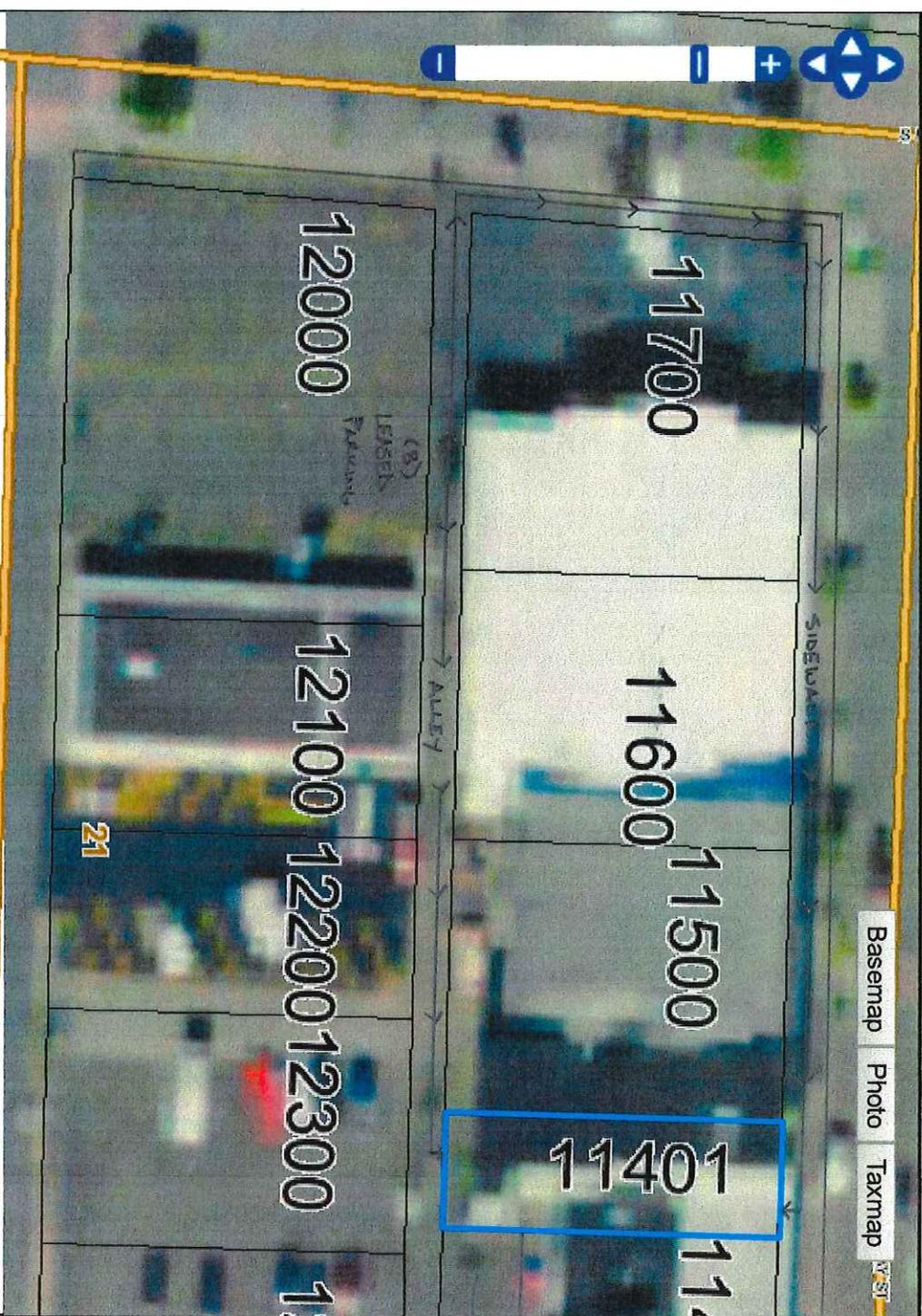
### Route From LEASED Parcels To Buildings

Clatsop County GIS Help FAQ

- Home
- Search Tools
- Sketch Tools
- Advanced
- Print
- Zoom To

Basemap Photo Taxmap

Map Layers Search Taxlots Results



ADA Parking

Home - 2011 Infrared 13000 32629,05985, 866423,07875 Lat, Lon: 45.993, -123.922 Scale 50000

>> Hide Tabs

**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** April 5, 2016  
**Applicant:** North Coast Trail Alliance, Chris Quackenbush, 201 Railroad Ave.; Gearhart, OR 97138  
**Owner:** City of Seaside, 989 Broadway; Seaside, OR 97138  
**Location:** 1821 S Franklin; Seaside, OR 97138 (T6, R10, 21DC TL 101, 5400, & 11401)  
**Subject:** Conditional Use Request 16-013CU, development of a bicycle track as an extension of Cartwright Park

---

**REQUEST:**

The applicant is requesting a conditional use that will allow the establishment of a bicycle track (also called a pump track or skills park) as an improved extension of Cartwright Park. The track would be developed behind the School Administration Building located at 1821 S Franklin (T6, R10, 21DC TL: 101, 5400, & 11401).

Development of the track is being supported by the North Coast Trail Alliance, and as proposed, it will be broken down into two separate tracks. One small loop will be for beginners and the other longer loop will be more advanced. The property is currently zoned Medium Density Residential (R-2).

Since this will add a new feature the developed portion of the park, the Planning Commission is being asked to review the proposed expansion of the park's facilities.

**DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compatibility with the surrounding area or 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 example drawings are adopted by reference. The applicant's proposal is summarized as follows:
  - The applicant plans to develop a bicycle track (also called a pump track or skills park) as an improved extension of Cartwright Park.
  - The track would be developed behind School Administration Building adjacent to the Necanicum River.
  - Development of the track is being supported by the North Coast Trail Alliance, and as proposed, it will be broken down into two separate tracks. One small loop will be for beginners and the other longer loop will be more for advanced riders. It is intended to allow people of all ages and abilities to enjoy biking.
  - The track will consist of a dirt surface and 50% will be native material and the other 50% will be from outside sources.
  - The existing park facilities (parking & restrooms) are sufficient to accommodate the extension of the developed park facilities.
  - The track will remain outside of the riparian area adjacent to the Necanicum River.
  - Limited natural, native vegetation will be included in the design and it will meet DEQ standards.
2. Parks are a conditionally permitted use in the R-2 zone. Since this is a newly developed extension of Cartwright Park, the use is being reviewed by the Planning Commission.
3. The proposed facility has been reviewed and supported by the Seaside Parks Advisory Committee.
4. Erosion control provisions (silt fencing, gravel berms, storm water ponds, etc.) will need to be established prior to working on the track and once completed, some form

of long term methods will be needed to prevent soil laden run-off from entering the river. It may be possible to create stabilized swales within the interior of the tracks but a final design is not yet available.

5. The eastern edge of the track will be very close to the floodway boundary (approximately 75' east of the Admin Building). Although any excavated portions of the track could take place within the floodway, no outside fill would be permitted in this area and a no rise certification from an engineer would be required to maintain compliance with the Flood Damage Prevention Ordinance.
6. The number of short term bike racks is to be set by the Planning Commission under conditional use permit review. Although a lockable rack may be available at the Admin. Building, it is not a formalized rack for the new track. The City is in the process of providing some racks in various locations throughout town and the Public Works Director may be able to work with the applicant's to determine an appropriate number of stalls and location for additional short term bike racks.

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

The proposed bike track will be a reasonable expansion of the developed portion of Cartwright Park provided the following conditions are attached to the approval.

**Condition 1:** The applicant must develop a long term method to prevent erosion of the site once the track is completed.

**Condition 2:** The applicant must avoid filling within the floodway unless a balanced method of cuts & fills will support submittal of a no rise certification.

**Condition 3:** The appropriate number of short term bike rack(s) for the park and their location within the park must be determined in consultation with the Public Works Director. No fixed number is being required at this time; however, the installation of bike facilities is encouraged by the Commission within each of the City's developed parks.

**Condition 4:** 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.

### **FINAL STAFF RECOMMENDATION**

Conditionally approve the new bike track within Cartwright Park at 1821 Broadway. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.

- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

Attachments: Applicant's Submittal



**City of Seaside, Planning Department**

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT <i>Chris Quackenbush &amp; North Coast Trail Alliance</i>	ADDRESS	ZIP CODE
STREET ADDRESS OR LOCATION OF PROPERTY <i>behind 1821 S. Franklin</i>		

ZONE <i>R2</i>	OVERLAY ZONES	TOWNSHIP <i>Ce</i>	RANGE <i>10</i>	SECTION <i>21DC</i>	TAX LOT <i>100-101 5400 5600 11400</i>
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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)

<b>OWNER:</b>	<b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>
PRINT NAME OF PROPERTY OWNER <i>City of Seaside</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>Chris Quackenbush in accordance w/ Trail Alliance</i> <span style="float: right;"><i>North Coast</i></span>
ADDRESS	ADDRESS <i>201 Railroad Ave Gearhart OR 97138</i>
PHONE / FAX / EMAIL	PHONE / FAX / EMAIL <i>(503) 440-2827</i>
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>Chris Quackenbush</i>

**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"/>                       |

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE <i>3-15-16</i>	BY <i>DK</i>
CASE NUMBER (S) <i>16-013</i>	<i>CU</i>
HEARING DATE	P.C. ACTION

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

## 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?

An extension of Carwright Park. A bicycle "pump track" or "skills park" will be built as a

park feature to allow people of all ages and abilities to enjoy biking. It is made of dirt and rock by weighting and unweighting their bike to generate speed.

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

This property would be utilized as an extension of a current City park. It is currently zoned R-2. To meet DEQ regulations, 50% of material used to build features will be from the site and 50% from outside sources.

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

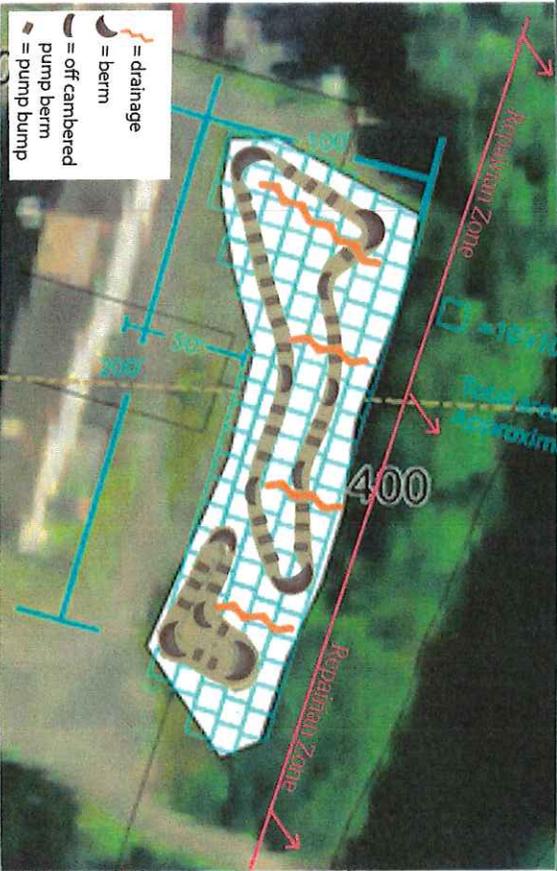
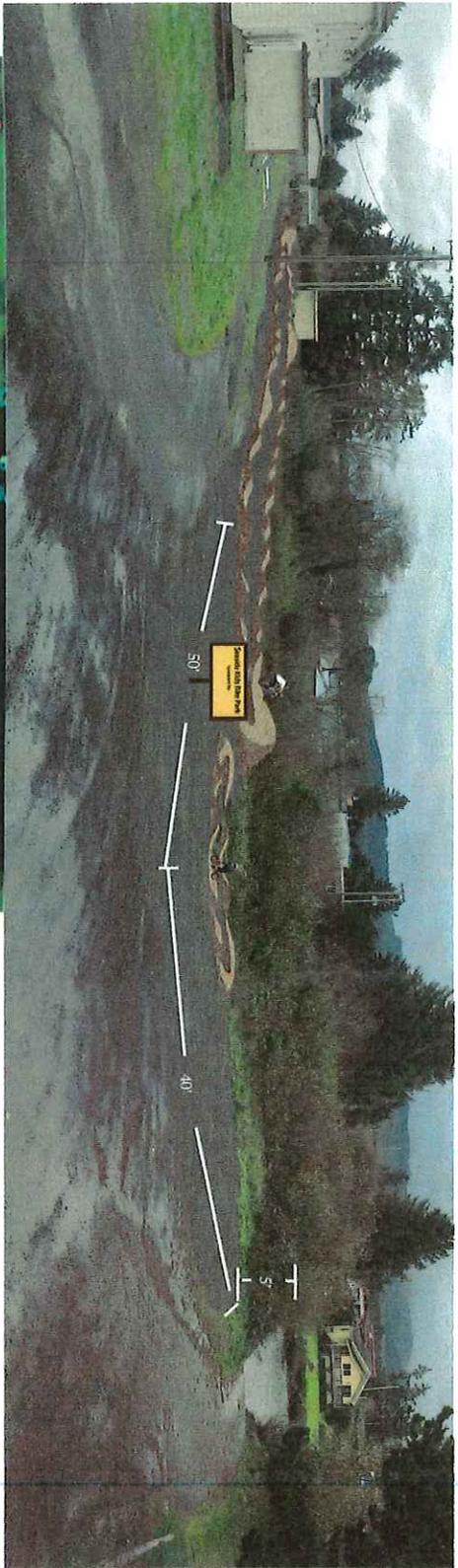
This pump track area will have adequate parking. There are restroom facilities already on site at Cartwright Park. The impact to the area will not be greater than the land is zoned for (R-2)

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.

The project will remain out of the adjacent riparian area. Limited natural, native landscaping will be included in the design. The project will meet the DEQ standards as stated above for imported material.

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.)

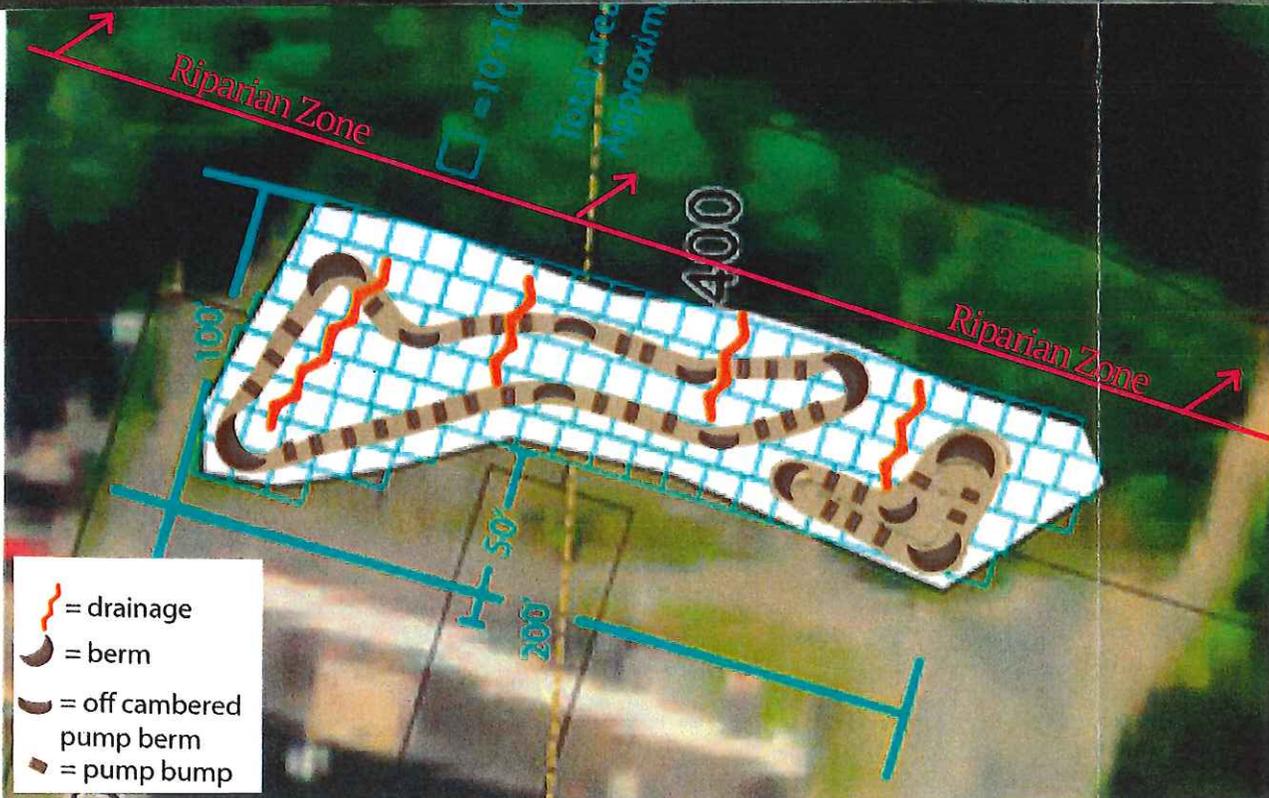
ATTACH EXTRA SHEETS IF NEEDED



Material Needed:  
 Berm: 3 yd. Off Cambered Pump Berm: 2 yd Pump Bump: .75 yd  
 Phase One: 1 berm, 4 pump bumps = 6 yds  
 Phase Two: 3 berms, 5 ocpb, 26 pump bumps = Appx. 38 yds  
 Total Clean Fill/Material Needed: 44 yards mixed w/native material.

These plans have been designed by:





Material Need:  
Berm: 3 yd. 0

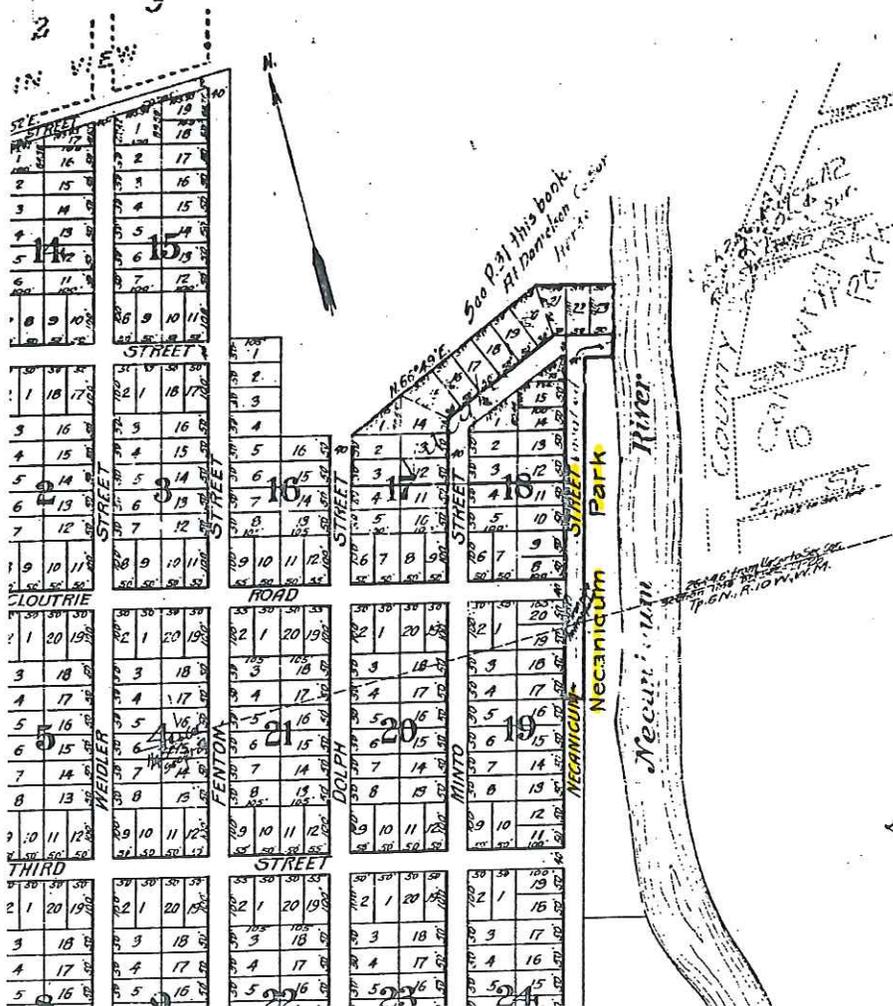
Phase One: 1  
Phase Two: 3  
Total Clean Fill/

These plan

# Plat of artwright Park

Clatsop Co. Oregon.

Scale 200 ft. to an inch.



Know All Men By These Presents, That Seaside Real Estate & Investment Company and by virtue of the laws of the State of Oregon, which corporation hereinafter which town plat excepting Blocks Ten (10), Eleven (11) and Twelve (12) widow and sole devisee under the Will of George W. Weidler, Deceased being the owners of the property therein described, have caused the same to be and duly platted into town lots, blocks, streets and parks, Blocks Thirteen to Twenty-four (24) inclusive, and lots A, B, C and D of the Donation Land Claim of Elizabeth Lattie, sometimes called Eliza Oregon, as shown upon the map and plat thereof, hereunto attached.

That the initial point of this survey is a proper iron pipe Block 19 and Section line between Sections 21-28 T. 6 N., R. 10 W., W. 1 M. between Sections 21-28 T. 6 N., R. 10 W., W. 1 M.

That the dimensions of all lots, blocks and the width of all city and alley lines to the whole of each street, block, and lot, and to the main and marked out, is correctly delineated on the attached plat.

That all streets within the said Town are hereby dedicated to the public use. There is also dedicated to the public use, as a Park, the land parcel and thereon designated "Necanicum Park." There is also a boulevard, the lands and premises delineated upon the attached plat. There is also dedicated to the public use, as a Park to be enjoyed lying between the West line of Ocean Boulevard and the line of Necanicum River.

In Witness Whereof, the said Mattie L. Weidler, the widow of George W. Weidler, and Laura Glass his wife, and said Seaside Real Estate & Investment Company have caused these presents to be executed, and the said Seaside Real Estate & Investment Company to be hereto affixed, this \_\_\_ day of June A.D. 1909, by its Board of Directors heretofore duly adopted.

Executed in the presence of:  
 J. C. Brown  
 J. V. Hooskett