

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
April 7, 2015
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** March 3, 2015
6. **PUBLIC HEARING:**
A.) **15-006VRD** is a request by **Leslie & Chris Haedinger** 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 **309 4th Avenue** and it is zoned High Density Residential (R-3).
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION

March 3, 2015

CALL TO ORDER: Vice Chair Carpenter 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, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

Absent: Tom Horning & Ray Romine

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Vice Chair Carpenter 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. Vice Chair Carpenter then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: March 3, 2015 Minutes;

Commissioner Perkel made a motion to approve the minutes as submitted. Commissioner Wright seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice Chair Carpenter:

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:

B.) Medical Marijuana Dispensaries: Consideration of potential zoning or use regulations for medical marijuana dispensaries. Although the current Code of Seaside prohibits the licensing of such facilities, the Commission will be taking public testimony concerning any additional zoning or use restrictions that should be considered if the licensing restrictions are lifted by City Council. Oregon State law provides for a number of restrictions for medical marijuana dispensaries; however, City ordinance does not currently recognize any of these use restrictions and the Commission will be hearing public comments concerning any additional regulations that may be appropriate for allowing such use.

Kevin Cupples, City Planning Director, stated that at the last planning commission work session, staff provided the commission with a variety of information concerning potential zoning or use regulations for medical marijuana dispensaries.

Vice Chair Carpenter asked if there was anyone who would like to offer testimony related to this issue. Steve Geiger, owner of Highway 420, he is the current owner of the only state license dispensary in the City of Seaside. He has been licensed since March of last year. They have been operating the store for the last year trying to make ends-meet until the city's moratorium is lifted. It has been a year and a half since patients in Seaside have had safe access to medical marijuana. Mr. Geiger stated that they have spoken to the city council several times and he is willing to work with the city in any way they can to make this transition with the new laws. The reason these dispensaries are so important is that they not only provide cannabis to patients but also the topical and edibles and every different type of medical cannabis. The science of marijuana has gotten so advanced that there are so many different strains now that there is a strain that will help with about every affliction that you can think of. It is less helpful when someone has to rely on a single grower that only has one or two strains to treat their particular condition. A dispensary provides a variety of many different types of marijuana. Some people think that a dispensary is a wink and a nod situation so people can just go get a medical card and that it is easy. The reality, in Oregon, is that you have to have a medical track record. There are very few Doctors that will write a prescription for medical marijuana. There are several steps that you must go

through and a couple of hundred dollars in order to get a medical marijuana card. These fees are due every year. We would really like to move forward with this. The people that come into the store are not the people you would think they are, they're just regular people. Many of the people have to go to Portland or Astoria to get their medicine and they should be able to get it right here in Seaside.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony. Oscar Nelson, 92428 Fort Clatsop Rd, co-owner Sweet Relief in Astoria. They have been operating in the City of Astoria coming up on a year now. They have had zero issues. It's a safe environment. Voters have said they want it and need it. The topicals and edibles really help people and it helps people get off the hard medication that they are currently taking. He understands that this is new to everybody and he asked that the commission please don't throw the baby out with the bathwater. Think this through. The city probably doesn't want this next to the arcade or a place where it will become an attractant to unacceptable activities. If this is done well and done right, it could be a good thing for the City of Seaside.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony. Angela Fairless, 846 10th Avenue, Seaside. She is a patient in the medical marijuana program. She was ten years old when her parents took her to the emergency room for the first time. Migraines were just becoming accepted as a physical condition. From the age of 10 to the age of 23, she went to the ER 5 to 12 times a year. At the age of 23, she learned how to use marijuana as a medicine. Prior to that she did use it for other reasons. Using marijuana as medicine is very different. Now that she uses it in a capsule form, she has only been to the E.R. once in ten years. There are approximately 600 patients here in Clatsop County and most of these patients have to drive to Portland or Astoria to get their medicine to maintain their quality of life. Obviously, Seaside is a little bit behind. They are dragging their feet and City Council is still leaning on Federal Law. When you take a political science class, they talk to you about liberty and about the way government works. It's supposed to be that we have a certain level of freedom and that it only can be given to us more by the government based on their level. Instead we have the opposite of that. The government grants us all these freedoms and then with each level of government, decides to take these freedoms away. This is the very opposite of what our country is supposed to be about. If you, as the Planning Commission, can do anything to urge the City Council to stop restricting freedom and stop denying the voters something that they have already voted for and just open it up with restrictions that you feel necessary, but not to the point where they are restricted outright, please do so.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Sharon Ralston 21027 Laboe, Sherwood. She is a medical marijuana patient herself and was diagnosed with rheumatoid arthritis after her first son was born and it was very debilitating and she found relief with cannabis. She has used it for a number of years and now the arthritis is in remission. It gave her energy, helped her sleep and took away a lot of the pain. It was not something that she shared with her children because of all the stigma associated with it. It was greatly beneficial to her. She stated that there are approximately 86 dispensaries currently in the state of Oregon, maybe more. She has been working with the greater metropolitan area in Portland, Beaverton, Sherwood, Tigard, Tualatin, and Hillsboro. All of them are in the process or have completed drafting their measure for medical marijuana. None of them are currently considering banning it completely. Hillsboro has completed theirs and they are working pretty close to what measure 91 has said. City of Beaverton went totally with measure 91. She believes the City of Tualatin will have some conditions on grow sites but every one of them are working on having medical marijuana stores in their cities. If you have any questions she would be happy to answer them. She also brought in an article that ran in the Oregonian the other day. It stated that marijuana is safer than alcohol and nicotine. Some of the information in the article is very informative. At dispensary sights there is no loitering and you cannot use marijuana in any public place. You can go buy a six pack of beer and go sit on the beach and drink it. There is a lot of stigma about what's going to go around these dispensaries. She has seen dozens of dispensaries. She has spent time in Denver looking at them and talking to grow sites as well. They're all working quite well and blend in to the community and they're within the city limits, next to grocery stores, Starbucks and they are running efficiently. From a standpoint of not knowing much about cannabis, she encourages everyone to read all they can about it. Talk to people about it. She's really hoping that there will be dispensaries in Seaside. It's very difficult to find your medicine when you have to drive great distances for it. It's no different than filling a prescription. There really are a lot of uses for it and people benefit from it. When she's in dispensaries, the people that she sees in there are very ill. The dispensary that she goes to has a clientele of 50 and older. There is a stigma that there are teenage stoners hanging out at these dispensaries but that is not what she is seeing. Please keep an open mind and do all the reading that you can on these sites. She is looking forward to having a dispensary in Seaside.

Commissioner Ridout was not aware that marijuana was so disease specific. He had no idea how the dispensaries handle a prescription. Does a doctor write a prescription for a specific type of marijuana? Shari Ralston responded that unfortunately the medical community, because of the regulations, is not able to do a lot of investigation on cannabis right now. Although the doctors see the benefit, they still don't know a lot about it. There are approximately 784 known strains today. A lot of them have different beneficial properties to them. There is a website that you can go to www.theweeklyweedonline.com. They register the different types of marijuana. On this website you can type in your illness and it will recommend some strains that will help with that. There are two different properties: one is Tetrahydrocannabinol (THC) and the other is Cannabidiol (CBD). The THC is what you get high from and the CBD is for pain. The dispensary's employees can help you because they hear all the reports from other patients on what is helping them and then they can let you know what other patients say help them with their certain afflictions. Once a person purchases their medicine it is placed in a sealed container. Marijuana does not have dangerous side effects, you are not going to make yourself sick if you try a strain that doesn't work. You can simply try another strain.

Commissioner Hoth asked who actually issues the medical card? Ms. Ralston stated currently it is the Oregon Health Authority. Angela Fairless stated that your Doctor will write a recommendation and signs the application to the State of Oregon. You take it to O.H.A and about \$500.00 later, you can get your card. She also stated there are more than 500 compounds in marijuana.

Commissioner Hoth asked Steve Geiger if his facility is operational at this point. Mr. Geiger stated that it is but it is a head shop right now and they sell t-shirts, kites, pipes and glass items.

Commissioner Ridout wanted a follow-up on where the shop is now located. That to a large degree is what the planning commission will end up handling. The commission will not get into the pro's and con's of medical marijuana and the legalization of it. The commission may comment on where the facilities will be located, for example 1000 feet from schools and other facilities. Commissioner Ridout asked if there was something in particular that the audience would like to see the commission do. Mr. Geiger stated the operating hours would be a good start and location of other facilities. Mr. Geiger thinks that Broadway would not be a good location for a dispensary. A dispensary is a place for patients to go, it's not a tourist attraction, if this was for recreational use then there would be a different discussion. Mr. Geiger stated that every person who walks through the door is videotaped. Every transaction is videotaped and everything is documented.

Angela Fairless stated that the Rasta Shop on Broadway has been there for many years and has bright colored marijuana leaves and other paraphernalia in the shop and that has nothing to do with recreational or medical marijuana and just has to do with apparel and the culture becoming more prominent.

Vice Chair Carpenter stated that the city does have a number of commercial zones, and because this is a retail business, the shops should be located in one of those zones. The commission is looking for guidance to determine what zoning would be appropriate for these facilities. This is just for the medical marijuana and not the recreational marijuana. The Broadway corridor is mainly the C2 and C4 zones and then the C3 zone is more along Highway 101. Which of these zones would be more appropriate or less appropriate? Mr. Geiger said that the Oregon Health Authorities site will let you put in the city and then it will do a circle of 1000 feet around a school. Then a big green circle is where the current dispensaries are currently located. There are not too many sites along the highway where you could put a dispensary. Once you lose areas in the vicinity of the High School or the Middle School, there is very limited space for a dispensary.

Commissioner Hoth asked Mr. Cupples if tonight's talk is just about medical marijuana dispensaries and if recreational facilities will come up for review once we get to that point. Mr. Cupples said that is correct. There are so many things up in the air right now for recreational marijuana that the OLCC doesn't even know what they are going to be doing. Commissioner Hoth stated that right now the commission just needs to figure out what zones they should be in. Mr. Cupples stated that with the zoning and the schools, the number of facilities will be limited. Three additional is probably the maximum that can be within the city. Because we just don't have the space for more than that. Mr. Cupples stated that he could put a map together and then the commission could visually see where these dispensaries could go. Vice Chair Carpenter said that would be great so the planning commission can present that to the city council.

Shari Ralston states that most of the cities are doing what the planning commission is doing now. Most are in a retail area. Lincoln City has several dispensary and you can't even tell that they are dispensaries. These dispensaries are very low key, people go in and come out. They don't loiter. They do their business and leave.

Commissioner Wright stated that Mr. Cupples laid out everything pretty clear at the last work session. The rules for medical marijuana are already set. The final rules are about the siting of such facilities. The commission's main goal is where are the dispensaries going to go?

Commissioner Perkel also stated that a map is a great idea.

Shari Ralston stated that the one thing that has not been brought up tonight is the grow facilities and asked if that is a different discussion. Vice Chair Carpenter stated at this time it is not part of the conversation. And he doesn't yet understand personally the amount of land needed for a grow site and within the city limits of Seaside we have very limited available land. Ms. Ralston stated that grow sites can be a very interesting conversation. She also stated that you can grow in a garage and as long as your product is tested for mold and mildews and passes the testing properly, you can sell your product to a dispensary. Measure 91 will probably change that. Some cities say in the industrial part of the cities. Other cities say they should be located on farm land. Most cities are thinking about putting grow sites in agricultural zones or in industrial zones and not within the city limits. Vice Chair Carpenter stated that we really have very limited industrial lands within the city limits. Angel Fairless stated that you can grow marijuana in a closet or as big as a warehouse.

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

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

Vice Chair Carpenter closed the public comment on Medical Marijuana Dispensaries.

A.) 15-001V: A request by Sunset Empire Park & Recreation District (SEPRD) to expand the permitted sale items associated with the Seaside Farmers Market outdoor merchandising variance. The original approval allowed the number of sales to exceed the limits in Section 5.100, 4, B and permit three hour sales on Wednesdays for 16 consecutive weeks during the summer months. Sale items were restricted to unprocessed or minimally processed, natural foods such as meats, cheeses, breads, fruits, and vegetables, in a farmers' market style setting. Products had to be unique to the outdoor, open market style setting and not simply duplicate prepackaged products regularly offered for sale in conventional grocery retailers in Seaside. SEPRD is asking that vendors now be allowed to sell prepared food cooked on site and no more than 20% of the vendors able to sell arts & craft items at the event. The event will be located at 1315 Broadway at the American Legion's west parking lot & landscaped area (6 10 22BC TL 1400, 1500, 1600). The property is zoned Medium Density Residential (R-2).

The review will be conducted in accordance with Article 7, of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a variance.

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

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Justin Cutler, Sunset Parks and Recreation, Mr. Cutler asked if there were any questions. Commissioner Wright asked why they want to add prepared foods to the farmers market? Mr. Cutler stated the market has been going on for a couple of years but the first location at the TLC site was not a good location. The first time the market was open there were about 600 people, then after that, about 300 people. The reason they want to add prepared food is because people are requesting it. People want to see the popcorn vendor, the taco truck vendor and the falafel vendor. Is this going to be like the Sunday Market in Astoria? No. That's not the goal. That's why they want to limit the arts and crafts to 20%.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Oscar Nelson stated that he is the owner of Astoria Indoor Garden Supply. They have the Thursday farmers market and host the Falafel truck and other eateries. It is something that doesn't seem to have any issues. Food carts are set with state regulated sinks and they just plug into power and make their food people happy. There haven't been any issues. This would be logical.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Barbara Hasson, 2270 Skyline Dr. Seaside. They are down to two volunteers to keep this market going, plus one market manager. They are trying to get this going and it really ties in nicely to the counties "Way to Wellville" program. We need more locally grown fresh and organic fruits and vegetables available to patrons. The patrons would like to see more variety and the vendors would like to see more patrons. The way to do that is to have more variety. She has also asked some of the local restaurants and local business to show up and post their menu and wares. She plays local tourist quite

often and plans her days around going to other local markets. If she does this, there are probably a lot of other people that do it to.

Justin Cutler stated that they also reached out to the SDDA and asked them about their feelings on adding food vendors. They did not get any feedback.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in favor of the request. Lila Wickham, 4001 Hemlock, Cannon Beach. She just retired as the Environmental Health Director of Multnomah County where they oversaw all the food carts. There are 750 in Multnomah County. They are a real safe venue and people really like them. The reason she supports the market in Seaside is because she supports the Masters Home Gardeners. A critical component of a vibrant farmers market is the diversity of vendors and products. One of her prior colleagues is the Director of the Farmers Market in Beaverton and mentioned that a lot of the local businesses should get an uptick in their business because the people who visit the farmers market also visit other local establishments being as they are already in town.

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

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

Vice Chair Carpenter close the public comment on variance for the Farmers Market.

Commissioner Hoth asked if they will have a limitation for the number of food carts, and will there be enough space? Mr. Cutler stated that they do not have a set limit on vendors because they don't want to limit the market. The more vendors that come hopefully more people will come to the market. What the market doesn't want is two berry vendors or two salad vendors. We don't want to see redundancy. This is a great location. Commissioner Hoth stated that he just wants to make sure that there's not one vendor that will be taking over the whole farmers market. Mr. Cutler stated that this is a farmers market and wants to keep it as a vibrant farmers market. People are coming to the market to buy produce and the market is struggling to get some other types of business because the market is not big enough, yet. Skipanon Brand Seafood won't be a part of the farmers market because it doesn't have a critical mass yet. The food carts help with getting more people at the market.

Commissioner Hoth asked if there have been any complaints or has he received any feedback. Mr. Cutler stated that the only thing that he has heard was one post on facebook that they didn't like the smell. Mr. Cutler stated that it's like someone roasted a roast in their backyard. It's only for three hours.

Commissioner Wright asked if the SDDA had time to discuss this. Mr. Cutler stated that he spoke with them in February regarding this and Commissioner Perkel was at that meeting. Commissioner Wright stated that he moved here from Gresham and they have a very vibrant farmers market and all the businesses seem to enjoy it, because it brings more business to the brick and mortar stores.

Commissioner Perkel stated that the farmers market that we currently have is OK, but we need more.

Commissioner Ridout asked if the Legion had enough parking. Mr. Cupples stated there is a lot of parking at the Legion and then people can also park at Broadway Park or at the Skate Park. Mr. Cutler stated that this is a great location because of all the apartments right across the river and it's really a centrally located place to hold the market. They also accept food stamps.

At the end of the Commissioners discussion, Vice Chair Carpenter closed the public hearing and Commissioner Ridout made a motion to approve the variance under the guidelines that staff has presented.

Commissioner Perkel seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:17 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: March 31, 2015
Applicant: Leslie & Chris Haedinger
8380 SW Garden Home Rd
Portland, OR 97223
Subject: Location: 309 4th Avenue, T6-R10-S 21AB TL#2900
Conditional Use 15-006VRD; Vacation Rental Dwelling
Permit

REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **309 4th Avenue**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **nine (9)** people over the age of three (not 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 **continued** authorization of a Vacation Rental Dwelling (VRD) at **309 4th Avenue**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **nine (9)** people over the age of three (not more than 10, regardless of age) within the existing **three** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **three** off-street parking spaces that are available on the site. **Three cars can be stacked in the driveway and there is a garage available for parking.**
- b. The existing **three** bedroom residence will have a limited occupancy of **nine 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. **Mac Rooke, 315 4th Avenue, Seaside, OR 97138 will be the local contact for the VRD and he can be reached at (503) 738-5329.**

- e. The applicant, **Leslie & Chris Haedinger** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings, townhomes, & tourist courts. Currently **22%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3) or Resort Residential (R-R)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received written comments about the applicant's request.
4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
5. The property has undergone a preliminary compliance inspection. **All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.**
6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 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 (**15-006 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 a final inspection has not been completed.

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.
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: Mac Rooke, 315 4th Avenue, Seaside, OR 97138** will be the local contact for the VRD **and he can be reached at (503) 503-738-5329.**

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 450 lumens, the equivalent of a 40 watt bulb.

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

should be used to report alleged violations that are not being addressed by the local contact or property manager.

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

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

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

FINAL STAFF RECOMMENDATION

Conditionally approve application **15-006VRD** 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 **309 4th Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT <i>Leslie + Chris Haedinger</i>	ADDRESS <i>8380 SW Garden Home Rd.</i>	ZIP CODE <i>Portland OR 97223</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>309 4th Ave. Seaside OR 97138</i>		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
<i>R3</i>		<i>6</i>	<i>10</i>	<i>21AB</i>	<i>2900</i>

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

Second residence and vacation rental.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>Leslie + Chris Haedinger</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>8380 SW Garden Home Rd POX OR 97223</i>	ADDRESS
PHONE / FAX / EMAIL <i>503 953 2090 lweidoff@yahoo.com</i>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>Leslie Haedinger</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) <i>15-006VRD</i>	
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: Leslie + Chris Haedinger
2. Mailing Address: 8380 SW Garden Home Rd. Portland OR 97223
3. Telephone #: Home ⁵⁰³ 953 2070, Work ⁵⁰³ 494 8017, 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: 309 4th Ave Seaside OR 97138
6. Tax Map Ref.: Township __, Range __, Section ____, Tax lot # ____
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 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

ORIGINAL

VRD Application updated 5-5-11

1

CC
20
100
130

550

9658

CITY OF SEASIDE

FEB 13 2015

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:

Mac Rooker Phone # 503 738 5329 Address:
315 4th Ave Seaside OR 503 738-5329. 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? R3. 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: *Janet Haedinger* Date: 2-15-15

-----For Office Use Only-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$75.00, 6-10 occupants ~~\$100.00~~*, 11+ occupants 150.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 11) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: _____ Amount Paid: _____

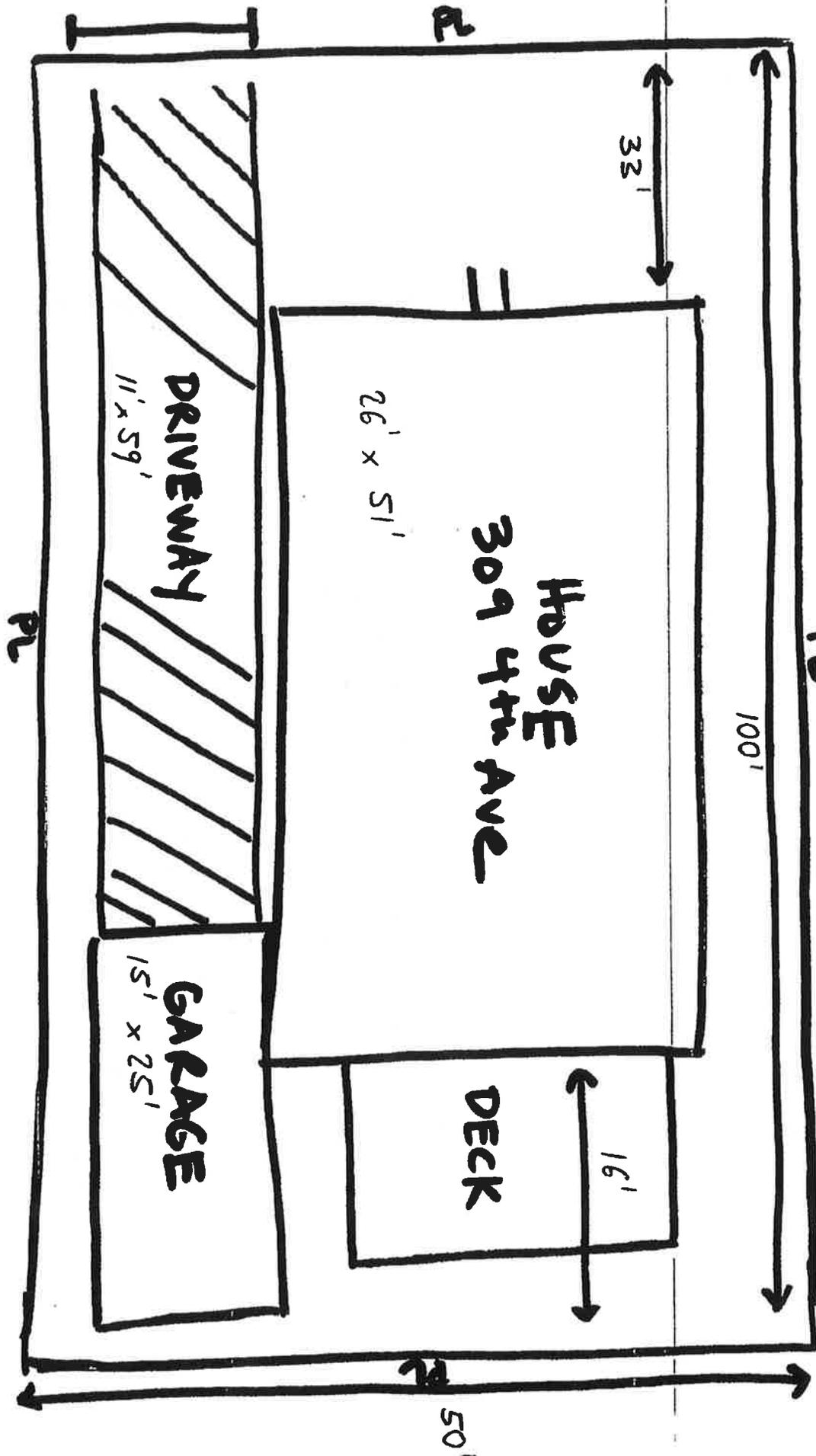
----- For Community Development Use -----

Date application was received at Community Development: _____

File Reference # _____ Date determined to be complete: _____

If applicable, date for Planning Commission Hearing: _____

11TH AVE



AREA:

Lot size
Footprint

4791 sq ft
1326 sq ft
375 sq ft

residential
garage

699 sqft - Driveway

Lot/Landscape coverage

21%

PL

100'

33'

R

50'

HOUSE
309 4th Ave

26' x 51'

DECK

16'

DRIVEWAY

11' x 59'

GARAGE

15' x 25'

PL