

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
May 5, 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:** April 7, 2015
- 6. PUBLIC HEARING:**

A.) **15-013VRD** is a request by **David & Candice Remer** 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 **2249 S Columbia** and it is zoned Medium Density Residential (R-2).

B.) **15-014VRD** is a request by **Bryce McCall** 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 **2341 S Columbia** and it is 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

April 7, 2015

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Ray Romine, Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Tom Horning, 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. There was no response.

APPROVAL OF MINUTES: March 3, 2015; Commissioner Perkel stated that there was a typo on the second page second paragraph. Vice Chair Carpenter made a motion to approve the minutes with the noted correction. 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.) 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).

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. Chris Haedinger, owner of the property. Mr. Haedinger stated that they bought the property back in October and would like to use it as a vacation home for themselves and then also rent it out. They have done the inspection and are working on the corrections.

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 Horning asked if there was enough room in the driveway for three cars. Mr. Cupples stated that yes there is.

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.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Bill Lutz, 310 N Holladay Drive. Mr. Lutz would like to do a mural on the wall at 9 N Holladay. Mr. Lutz has a letter from the owner of the building giving him authorization to do the mural on their building, he also has certificate of liability from his insurance company. Chair Romine asked if Mr. Lutz has talked with anyone in the planning department before this meeting. Mr. Lutz stated that Mary Blake has talked with Mr. Cupples. Mary told him that it was on the docket for tonight's meeting. Mr. Cupples stated that murals are pretty easy to address because the ordinance says that murals need planning commission approval. It's not usually a major item. Mr. Cupples told Mary that the planning commission would need to know beforehand what it is, where it's going, and what it's going to look like. Staff was going to send out a letter once Mary submitted the paperwork because she wanted to show movies on the wall at night to help fundraise for the mural, but no paperwork has been submitted. As far as the mural goes all the sign ordinance says is that murals have to be reviewed by the planning commission and approved. It could be difficult because you are not supposed to have content based regulations, and you are not supposed to see trademarks in a mural. Commissioner Hoth asked if this was similar to the mural that is on the Ace Hardware building. Mr. Cupples stated that yes this is the same type of authorization. The planning commission also approved the one on the convention center and the one on the old theater. The only thing that the planning commission has done is say yes you are approved or yes it is approved with the provisions that you are going to maintain it for a period of years and if you don't maintain it the commission can ask that it goes away. Chair Romine asked being as this is not on the agenda can we take a look at it tonight without previous review. Mr. Cupples stated that as long as we make a motion and a second to put it on the agenda then you can go forward. Commissioner Horning made a motion that the commission reopen the docket and insert Mr. Lutz under comments from the public. Commissioner Perkel seconded the motion was carried unanimously. Mr. Lutz handed out a packet of information for the mural. Mr. Lutz stated that he has done lots of murals over his lifetime and the murals last a good long time. He is prepared to give this mural a 10 year maintenance agreement and for the type of paint he is using this should not be a problem. The mural is of Tillamook Head. This one speaks of the connectedness to nature. The mural will be in concert with the beautiful parks and nature parks that are being revitalized within the city. The mural will be done in acrylic paints. First the building is power washed with a mild muriatic acid so that the paint will stick to the building. The only thing that will damage the mural after this process is moisture from within the building. On top of the mural will be a UV sealant which will help with removing graffiti. Commissioner Hoth asked who is currently in the building. Mr. Lutz stated that it is currently occupied by Shamouses Rock Shop. The Besset's own the building and he has been given permission to do the mural. Commissioner Hoth asked if when the approval was done for the Mural on the Ace Hardware building were there conditions applied to that. Mr. Cupples stated that the only thing that was stated was that the mural be maintained by the applicant or it will need to be removed. Mr. Lutz stated that he was the one that did the mural on the back of the convention center and they were having problems with the water coming through the roof and into the cinder blocks there was nothing that could be done. On the north face of the building this shouldn't need much maintenance, because the weather mainly comes from the south. There is a good view of the mural if you are driving south on Holladay. Chair Romine stated that this is really just a review to see if this is a good location for a mural. Commissioner Wright asked how does it work regarding the content. Mr. Cupples stated that we just work with it. Mr. Lutz stated that the original painting is in the coffee shop just a few doors down from where the mural will be placed.

At the end of the Commissioners discussion, Commissioner Horning made a motion to approve the request for a mural at this site (9 N Holladay) as presented subject to the planning director submitting a letter explaining the obligations to the artist. Vice Chair Carpenter seconded and the motion was carried unanimously.

Commissioner Hoth asked what if the content had been offensive or some horrible thing, how would that work. Mr. Cupples stated that it would work with great difficulty. In all honesty, he wouldn't hurry it along and we would need to have comments back from our legal counsel to determine our limitations and capabilities are in regards to regulating the mural. For example, does a mural of a mermaid need to be covered or can she be exposed. Vice Chair Carpenter stated that is the power of continuance.

COMMENTS FROM COMMISSION/STAFF: Chair Romine asked Mr. Cupples how things were going with the City Council regarding the medical marijuana dispensaries. Mr. Cupples stated that during the last week he

pulled everything together and prepared a draft ordinance that will be heard on Monday April 13th. The owners and people in charge of the facilities will need a personal back ground check, we added a statement that all employees and anyone working at the facilities will need to have a background check. They cannot operate between the hours of 8p.m. and 8a.m. At the end of the meeting there was a discussion whether or not dispensaries will be restricted around the arcade and also around parks. It didn't get put into the ordinance but it may be added later. If that does get added, it will significantly limit everything in the C2 zone. The Broadway core would be consumed because you have Quatat Park and then the beach. It would also likely take out all of the RC zoned property that was just rezoned down by the golf course and also the C1 zone corner on Avenue U. If that amendment goes through it could jeopardize Gieger's facility, but with that being separated by natural water feature and with the river there you have to basically go ½ mile out of the way in order to get there. That would probably be recognized as a limit to the setback. It would probably eliminate the property where the old 12th Avenue grocery was because it wouldn't be separated access wise from Goodman Park. If the council adopts the 1000 foot setback from parks it is going to really narrow down locations, it seems like there may be space available for three dispensaries within the city. Vice Chair Carpenter asked if the ordinance is chained to the licensing or is the licensing chained to the zoning. Mr. Cupples stated that it is not chained to the zoning. It's only to the licensing. The regular business license part requires a change since it states you cannot do anything that violates federal law. That provision itself would keep the city from issuing a business license. The city worded around that and said except for, medical marijuana dispensaries. This really is a new licensing provision that sets up a fee schedule for the application and a fee schedule for a criminal background check. One of the things added was that local law enforcement would be able to have access to the stores. Chair Romine asked about a provision that wouldn't allow a dispensary from opening within 1000 feet of a daycare. Mr. Cupples stated that if that provision went in, then it would be the same as the arcade and he did give the ordinance to Mr. Van Thiel for review. Mr. Van Thiel made some minor adjustments and the mayor may recommend some additional restrictions.

Commissioner Horning asked about disaster preparedness and working with DLCD. Is there a proposed schedule or is it sitting waiting for someone to order some type of action by the Planning Commission or City Council? Is it just sitting in the background? Mr. Cupples stated because that is such a new document, that is something that the council would decide. When the council did the goal setting session he thinks there was language about emergency preparedness. Being a resiliency item, his guess is that the council will probably move forward with that in some way. The county has a branch for emergency preparedness and each city has an annex in the natural hazard mitigation plan that is different than the county. The county has a blanket over the whole program. We are still trying to get that plan authorized through FEMA.

Commissioner Horning stated that there are uncompleted sections of the comprehensive plan that should be looked at. He was wondering if the planning commission would like to consider this. For example, the logging in the watershed. Mr. Cupples stated that would not be in the comp plan, we should talk with council to see what they really want to see in a watershed management plan geared to looking at the timber. The timber is outside the city and our urban growth boundary and not in the city's comp plan.

Just prior to adjournment, a gentleman came forward and said he thought he was on the agenda for tonight's meeting so Chair Romine stated he could go to the podium and we could discuss the issue under Comments from the Public.

ADJOURNMENT: Adjourned at 7:47 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: April 22, 2015
Applicant: David & Candace Remer
2929 1st Ave PH8
Seattle, WA 98121
Subject: Conditional Use 15-013VRD; Vacation Rental Dwelling @
2249 S Columbia, T6-R10-S 28BA TL#3900

REQUEST:

The **applicants are** requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2249 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for 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 **applicants are** requesting a conditional use that will allow the authorization of a Vacation Rental Dwelling (VRD) at **2249 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for 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 in front of the single car garage.**
- 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. **Bobbie with Rogers Inn, 436 S Downing, Seaside OR will be the local contact for the VRD and he can be reached at (503) 738-7367.**

- e. The applicants, **Candace & David Remer have** read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood that is **immediately adjacent to commercially developed property**. Currently **23%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3) or Commercial Neighborhood (C-1)**.
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 (**15-013 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 but it cannot be rented for transient occupancy until it has passed a final inspection.

- 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: **Bobbie, Rogers Inn, 436 N Downing, Astoria, 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 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 **15-013VRD** 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 **2249 S Columbia**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision 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>David & Candace Remer</i>	ADDRESS <i>2929 1st Ave PHB Seaside WA</i>	ZIP CODE <i>98121</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>2249 S. Columbia Seaside OR 97138</i>		

ZONE	OVERLAY ZONES	TOWNSHIP <i>6</i>	RANGE <i>10</i>	SECTION <i>28BA</i>	TAX LOT <i>3900</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

vacation rental

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>David & Candace Remer</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>2929 1st Ave PHB Seaside WA 98121</i>	ADDRESS
PHONE / FAX / EMAIL <i>706-979-3511 Candace.remer@yuboo.com</i>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>Candace Remer</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 <i>5-31-15</i>	BY <i>DIC</i>
CASE NUMBER (S) <i>15-013VRD</i>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

MAR 20 2015



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 and Candace Remer
2. Mailing Address: 2929 1st Ave #113 Seattle, WA 98121
3. Telephone #: Home 206 979 3511, Work 206 979 3511, 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: 2249 S. Columbia 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? 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? ____ 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

CC

20
100
1450
550

9668

CITY OF SEASIDE

MAR 20 2015

PAID

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: Carndace Remer Date: 3.13.15

-----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: 3.13.15 Amount Paid: \$100.00

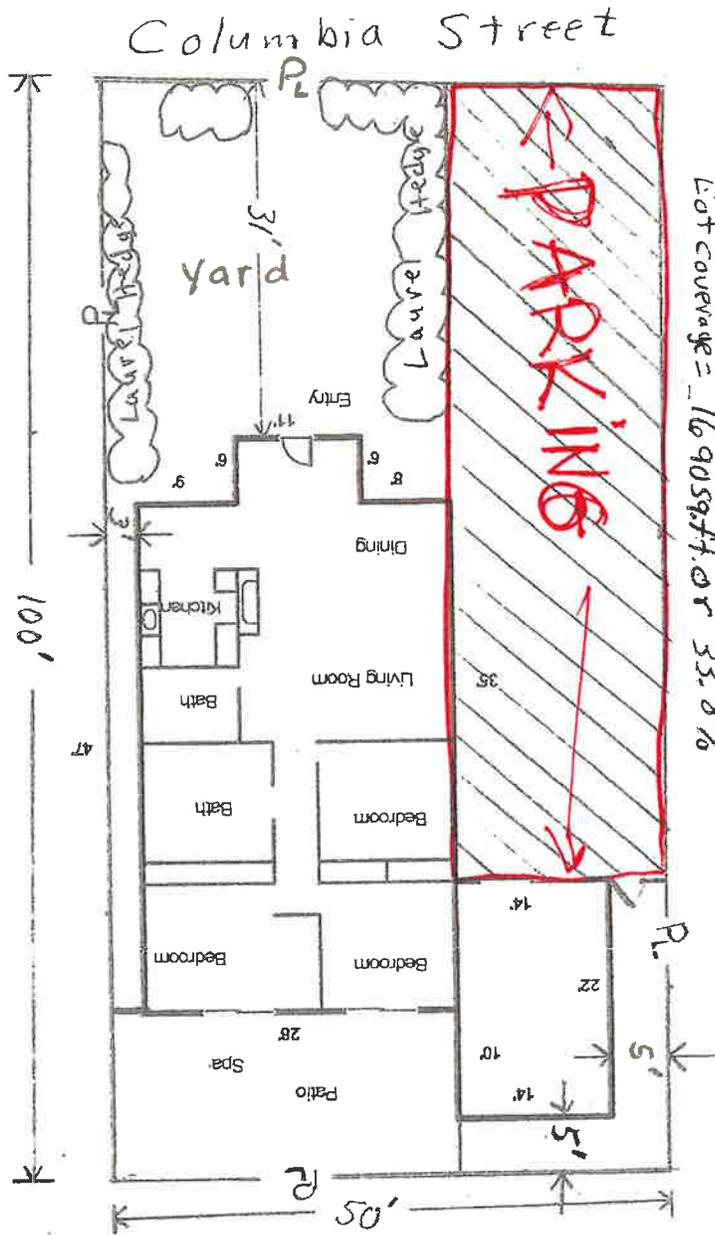
~~~~~ For Community Development Use ~~~~~

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

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

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

2277 South Columbia Street



AREA  
Lot Size = 5000 sq.ft (50'x100')  
Foot Print  
Residential = 1382 sq.ft  
Garage = 308 sq.ft.  
Lot coverage =  $\frac{1690 \text{ sq.ft.}}{5000} \text{ or } 33.8\%$



1/16" = 1ft

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** April 29, 2015  
**Owner:** Rex Mitchell  
**Applicant:** Bryce McCall  
1475 5<sup>th</sup> Street  
Astoria, OR 97103  
**Subject:** Location: 2341 S Columbia, T6-R10-S 28BA TL#10500  
Conditional Use 15-014VRD; Vacation Rental Dwelling  
Permit

---

**REQUEST:**

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **2341 S Columbia**. 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 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 a Vacation Rental Dwelling (VRD) at **2341 S Columbia**. 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 residence 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. **Bryce McCall, the new owner, 1475 5<sup>th</sup> Street, Astoria, OR 97103 will be the local contact for the VRD and he can be reached at (503) 741-0816.**

- e. The applicant, **Bryce McCall** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **25%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2) or Resort Residential (RR)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has** received two written comment about the applicant's request. The neighbors are concerned about adding one more VRD in their neighborhood and they are already having problems with the tenants from another VRD using on-street parking.
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 **(15-014 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 but it cannot be rented for transient occupancy until 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 for the VRD tenants.**

**The map must clearly indicate "ON-STREET PARKING CANNOT BE USED BY RENTERS. ONLY USE THE TWO SPACES PROVIDED ON SITE. Rental contracts must clearly indicate that vehicle parking is limited to only two off-street spaces and remote parking for any additional cars must be pre-arranged with the property owner/manager prior to any rental.**

- 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: Bryce McCall, the owner, 1475 5<sup>th</sup> Ave, Astoria, OR 97103 will be the local contact for the VRD and he can be reached at (503) 741-0816.**

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 **15-014VRD** 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 **2341 S Columbia**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision 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<br><i>Bryce McCall</i>                                                | ADDRESS<br><i>1475 5th St, Astoria, OR, 97103</i> | ZIP CODE<br><i>97103</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>2341 S. Columbia St Seaside, OR, 97138</i> |                                                   |                          |

|                   |               |                      |                    |                         |                         |
|-------------------|---------------|----------------------|--------------------|-------------------------|-------------------------|
| <i>61028BA</i>    |               |                      |                    |                         |                         |
| ZONE<br><i>R2</i> | OVERLAY ZONES | TOWNSHIP<br><i>U</i> | RANGE<br><i>10</i> | SECTION<br><i>28 BA</i> | TAX LOT<br><i>10500</i> |

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

*Vacation Rental*

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

| OWNER:                                                 |                                                          | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):                        |                                                              |
|--------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------|
| PRINT NAME OF PROPERTY OWNER<br><i>Rex A. Mitchell</i> | ADDRESS<br><i>2341 S. Columbia St. Seaside OR. 97138</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE<br><i>Bryce McCall</i>       | ADDRESS<br><i>1475 5th St, Astoria, OR, 97103</i>            |
| PHONE / FAX / EMAIL<br><i>503-314-8855</i>             | SIGNATURE OF PROPERTY OWNER<br><i>Rex A. Mitchell</i>    | PHONE / FAX (EMAIL)<br><i>503-741-0816 Astoria driver@gmail.com</i> | SIGNATURE OF APPLICANT/REPRESENTATIVE<br><i>Bryce McCall</i> |

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

**CHECK TYPE OF PERMIT REQUESTED:**

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

| PLANNING DEPARTMENT USE:                    |                 |
|---------------------------------------------|-----------------|
| DATE ACCEPTED AS COMPLETE<br><i>3-31-15</i> | BY<br><i>DK</i> |
| CASE NUMBER (S)<br><i>15-014 VRD</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: Bryce McCall
2. Mailing Address: 1475 5th St Astoria, OR, 97103
3. Telephone #: Home <sup>503</sup> 741-0816, Work <sup>503</sup> 741-0816, 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: 2341 S Columbia St, 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? 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? \_\_\_\_\_ 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

V/1116  
20  
100  
430  
-----  
550<sup>00</sup>

9664

1  
CITY OF SEASIDE

MAR 20 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: Bryce McCall Phone # (503) 741-0816. Address: 1475 5th St, Astoria, OR 97103. 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: [Signature] Date: 3/20/15

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

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

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

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

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

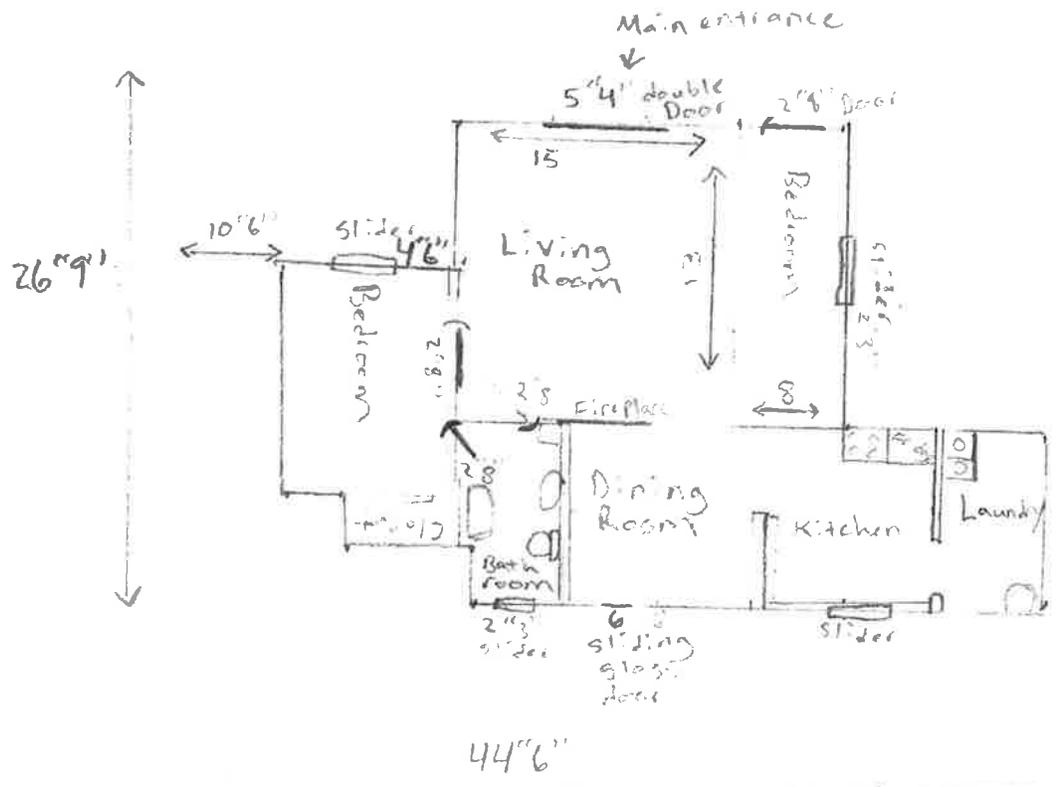
~~~~~ For Community Development Use ~~~~~

Date application was received at Community Development: _____

File Reference # _____ Date determined to be complete: _____

If applicable, date for Planning Commission Hearing: _____

Floor Plan

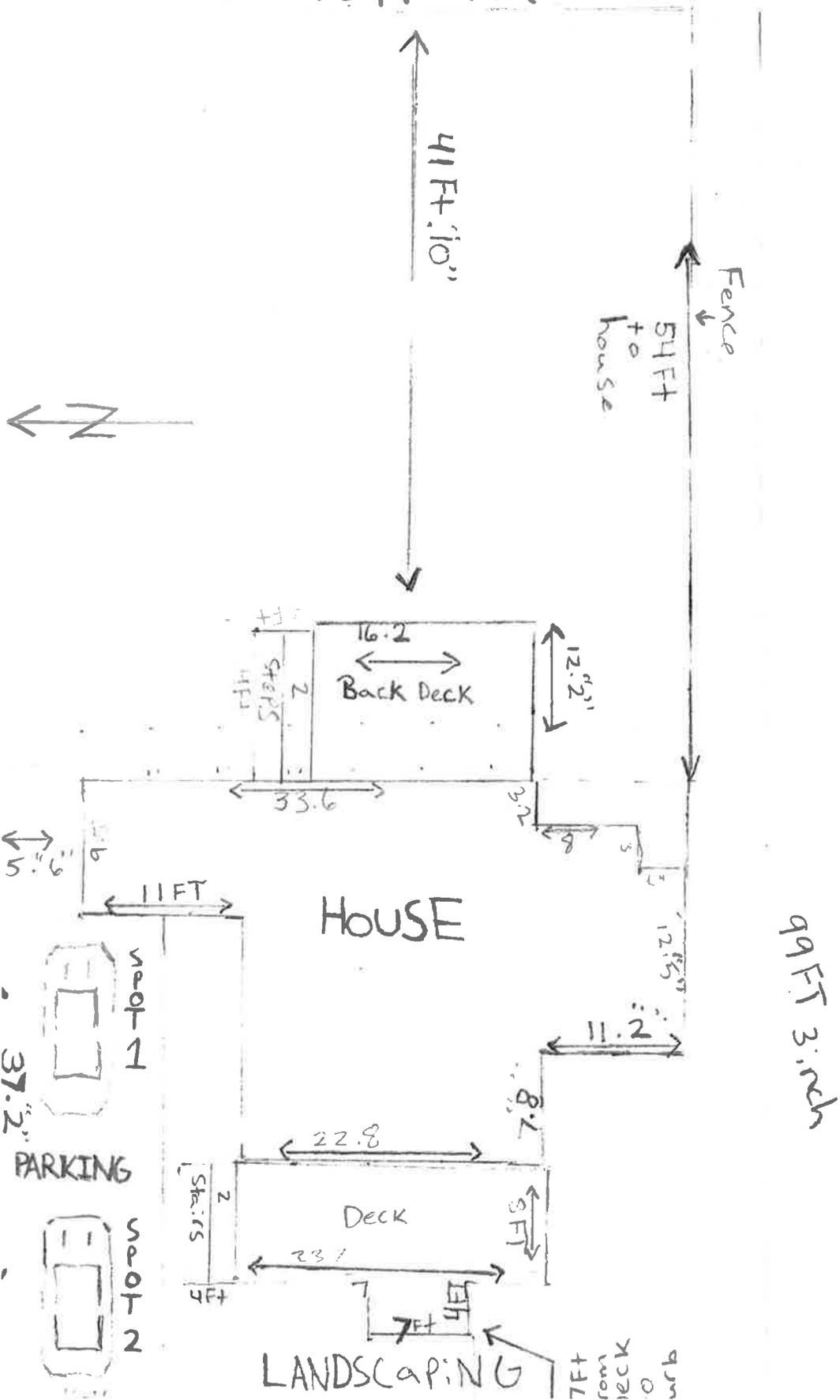


Lot size 4,772 sqft
 Residential 810 sqft
 Decks 420 sqft

Scale
 = 3/32 in

Lot coverage 1,230 or 25.6%

48 FT 11 in



Jamie Bue
2321 S Columbia
Seaside, Oregon 97138

04-15-15 09:35 RCVD

April 10 2015

Community Development Department
Seaside Oregon
1387 Ave U
Seaside, Oregon 97138

Dear Planning Commission:

This letter is a response to letter received stating another vacation rental wants to be in our neighborhood. A request by Bryce McCall at 2341 S Columbia - 15-014VFD. I am totally against another vacation rental in our neighborhood. Just as was against one located at 2325 S Columbia. That location always has vehicles parked in front of my home and other neighbors property also. Have called the rental company in the past with complaints. I know this letter is probably waste of time as you approved the Surrmeyers request at 2325 S Columbia even when both neighbors requested it not to be given. But I wanted it on record that I oppose it.

Thanks,



Jamie Bue

William G. AND Lois A. Fitzpatrick
2335 S. Columbia
Seaside, OR 97138
April 23, 2015

Kevin Cupples
Director, Seaside Planning
989 Broadway
Seaside, OR 97138

04-28-15 08:35 RCVD

RE:15-014VRD Bryce McCall
2341 S. Columbia (6 10 28BA TL 10500

This letter is to protest allowing Bryce McCall to have a conditional use permit for a two bedroom vacation rental dwelling permit.

In 2011, the City allowed our neighbor immediately to our north to become a vacation rental. We were assured that ALL the requirements would be followed, noise, number of people in the house, parking. This has NOT been the case. We have spoken to the owner and to the vacation rental agency about the parking problems, it still exists. Now, there is a request to allow the house immediately to our south to become a vacation rental.

We are concerned with the parking or rather lack of parking. The rental to the north is not to have street parking, yet many weekends that the house is rented, the space in front of our house is taken, leaving no room for our guests, nor to move our cars so that my husband can work in the garage.

The request by McCall, allows no more than 6 people over the age of 3, however, this could mean 6 different cars. There is not enough driveway at 2341 S. Columbia to park 6 cars.

Seaside is a tourist town, however, tourists do not support our merchants 7 days of the week, 52 weeks of the year. We live here full time. We pay our taxes. We support local businesses. We feel like Seaside would rather have part time support than full time support. We would like to see Seaside friendlier to full time residents and to listen to their concerns.

Yours truly,

William G. Fitzpatrick

Lois A. Fitzpatrick

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