

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
May 6, 2014
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** April 1, 2014
6. **PUBLIC HEARING:**

A.) 14-015VRD is a request by **Lindemann Enterprises, Ruth Lindemann and Diana Lindemann** 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 **1321 N Prom** and it is zoned Medium Density Residential (R-2).

B.) 14-016VRD is a request by **Cheng Tung & Siu Hui** for a **four** (4) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten** (10) people over the age of three. The property is located at **471 13th Avenue** and it is zoned Medium Density Residential (R-2).

C.) 14-017CU is a request by **Warrenton Christian Church – Pam Morimoto** would like to conduct weekly Sunday worship services, and in time, they may add mid week gatherings or special activities. The property is located at **580 Avenue U** and it is zoned Neighborhood Commercial (C-1).

D.) 14-018VRD is a request by **Anita Kelsey** for a **four** (4) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten** (10) people over the age of three. The property is located at **1615 N Prom** and it is zoned Medium Density Residential (R-2).

E.) 14-019CU is a request by **Sharon Roper**. She is asking to modify her existing RV Park's approval so it can remain open all year instead of closing during the winter months. The property is located at **85658 Highway 101** and it is zoned Exclusive Farm Use (EFU).

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

MINUTES SEASIDE PLANNING COMMISSION

April 1, 2014

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Virginia Dideum, Ray Romine, Chris Hoth, Bill Carpenter, Bob Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Commissioner Horning was absent.

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the March 4, 2014 minutes;
Commissioner Dideum made a motion to approve the minutes as submitted. Commissioner Perkel 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.) 14-008VRD & 14-013V is a request by **Adam and Laura Schmidt** 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 owners are also requesting a variance to the 50% side and rear yard landscaping requirement based on pre-existing development of the site. The property is located at **832 N Holladay** 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. Laura Schmidt, the owner, was present and she's hoping that the commission would accept the application for a vacation rental and the variance to the landscaping.

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.

Chair Romine stated that the parking is hard to understand and asked if Laura could explain the parking arrangement. Laura stated the way the parking is set up there is 1 parking spot along the home and one in the back. When the property was paved they measured out the property to make sure there was room for fire access even with cars parked in the parking spots.

Commissioner Hoth asked Mr. Cupples if 50% of the landscaping means that it's 50% of all yards, front, sides and rear. Mr. Cupples stated yes.

Vice Chair Dideum asked if there was any way to stop a home owner, right now, from paving the whole front yard and turn it into parking and then market the home to sell it as a VRD? Mr. Cupples stated that anyone can pave their yard, but if they want to turn it into a vacation rental it would still have to meet the landscaping requirement and there are a few ways that they can do that and one of them would be a variance.

Commissioner Ridout asked if the driveway needed to be that wide for safety? Mr. Cupples stated Bob, the Building Official, and he went out and measured the parking area and the driveway. As far as the fire department is concerned, one must be able to drag a 150 foot hose to all points around the structures on the site. Based on the site plan, the Schmidts meet that minimum standard.

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

Commissioner Perkel seconded and the motion was carried unanimously.

B.) 14-011HOZ is a request by the South County Community Food Bank for the relocation of their facility within the Highway 101 Overlay Zone. The Food Bank is also requesting a variance (**14-012V**) to the 10' building setback based on the configuration of the existing parcel. The building will have a gross area of approximately 2,120 square feet. The property is located at 2041 N Roosevelt and it is zoned General Commercial (C-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. Neal Wallace 881 S Edgewood, President of the South County Community Food Bank (SCCFB) spoke on behalf of the SCCFB and explained the request.

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 Hoth asked why the two options on the site plan. Mr. Wallace stated that with option two it moves the food bank up into the 10 ft. set back area. The problem with option two is the food bank shares an entrance with the bus barn and that area is a pinch point. School buses taking that turn are going to crowd the entrance and that is why option one is the best option. There will be too many vehicles trying to occupy the same area at the same time. Commissioner Hoth asked about the ramps to the building, it seems the best option is to have the ramps start at the east end of the building so they won't protrude into the public sidewalk.

Commissioner Perkel asked Mr. Wallace what is the option he would like to see pass. Mr. Wallace stated he would like to see option one pass.

Vice Chair Dideum asked about the firewall and why is one necessary. Mr. Wallace stated with option two the building is only 5 feet off the property line and in option one, they are 10 feet off the property line. At 5 feet they will need to have a firewall. Vice Chair Dideum asked with option one being further back on the property would that interfere with the river? Mr. Wallace stated the lot is quite deep and if we use option 2 there would be room for more parking but option 1 works better for the ingress and egress to the property. Mr. Wallace also stated the building will be close to the river. They want to propose to put fill on the developed area of the lot and then apply to FEMA for a L.O.M.A. (Letter of Map Amendment) to have the building out of the flood plain. They also plan on doing some substantial landscaping so the people coming into the food bank won't be on public display. The landscaping crew from Tongue Point will be doing the landscaping along with help from Pam Flemming.

Commissioner Hoth asked why are we not doing a Landscape and Access review? Mr. Cupples stated it is now called a Highway Overlay Zone and if you would like to request them to bring in a landscaping plan then you can.. There is a requirement that 10 feet must be landscaped along the road, but if they put in a sidewalk that counts as part of the landscaping. Mr. Wallace stated they will put in the landscaping and the sidewalk. There is also a side walk to the North of the property that they will hook up to.

Commissioner Carpenter stated that some of the people using the Food Bank use public transportation will the bus stop there? Mr. Wallace stated he is not sure exactly where the bus will stop but they do have a stop behind the Theater and they could pull into the Food Bank parking lot. Commissioner Hoth asked Mr. Cupples about buildings being within 10 feet of the property line, is that because the city doesn't want people parking in front of the building? Mr. Cupples stated yes. Commissioner Hoth asked if that was something new that came along with the TSP and Mr. Cupples stated yes, that is one of the standards. Vice Chair Dideum stated moving the building back allows the people using the food bank some privacy. Vice Chair Dideum mentioned that maybe the hours could be changed so that people aren't fighting the bus barn traffic. Commissioner Perkel stated that option one would work best for that location.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Perkel made a motion to approve the conditional use under the guidelines that staff has presented and to go forward with option one.

Commissioner Carpenter seconded and the motion was carried unanimously.

C.) 14-014SV: A sign code variance request that will allow the Coming Attractions Theater additional sign area so that decorative lighting features can be incorporated into their exterior building facade. The subject property is located at 1026 12th Avenue (6 10 15CA TL: 7900, 8000, 8100, 8600, 8700, 8800, 9000, 9100) and is zoned General Commercial (C-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. Patrick Tiland, 3611 SW Hood, Portland, OR; and Al Lane with the Coming Attractions Theater was also present.

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

Chair Romine asked how it was determined that lights and stripes are part of the sign? How did we get to signage? Mr. Cupples stated that based on the ordinance, historically the city has regulated lighting on a building as part of the sign area. That's why with Christmas lights there is a provision that states how long you will have them up and then if they are up longer they can be counted as sign area. Historically it has been treated that way. You could treat these as wall graphics. If you are attaching something to the wall, it would not be considered a mural but could be wall graphic; however, is this going beyond that because it's lighted. You can go the way of a variance and address it that way or because murals and wall graphics are suppose to be reviewed by the planning commission. You can decide which ever way you wish to categorize them.

Chair Romine indicated the issue was opened for Commission discussion.

Vice Chair Dideum was wondering if the light was going to be blinking or on continually. Mr. Tiland stated that it will have a real subtle glow. Vice Chair Dideum asked why the stars and stripes? Mr. Tiland stated that from an entertainment value it brings the customers to us, it says we are a movie theater and we are here to entertain. We don't want it to look like Las Vegas with the lights going over the top.

Chair Romine stated now they have firsthand knowledge of what the coastal environment can do to a building with lack of maintenance. Mr. Tiland mentioned that they also own the Coming Attractions Theater in Astoria.

Commissioner Perkel asked if they were going to remodel the interior of the building. Mr. Tiland stated yes, they already have the building permits.

Commissioner Hoth stated that the problem he has right now is when he reads the definition of a sign it says any permanent identification, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land, that directs attention to a product, place, activity, person institution or business that is designed to be seen from a public street or walkway. This may include banners, flags, balloons or other devices. Commissioner Hoth stated that anything that attracts you to a business is a sign. Across the street from the theater is Compass Bank and they have a triangle design that looks like a decorative device to him. According to the definition of a sign, it too is a sign. That means putting wall graphics up is a sign. A variance is not appropriate for this particular request, any business owner

could come in and say that they want to draw attention to their business. What makes them unique and another business not eligible? So giving coming attractions a variance and calling this a sign is inappropriate. But calling it a decorative device and forget about the variance altogether makes the most sense.

Commissioner Dideum stated with her marketing background they are putting up a sign, it is a marketing thing, it draws people in. If it is flashing and it draws people's attention it is a sign. If it is decorative it's a sign. In order to be a wall sign or mural it should not be lit up. The mural on Broadway is a mural not a sign. Commissioner Dideum stated they have two new signs with the word cinema on them. They will be placed on the tower and one will be facing north and one will be facing south. Those are considered signs that go into the maximum square footage. Mr. Cupples stated with their reader board sign and all other signs they may be over maximum sign coverage but we don't have all the numbers at this time to get a grand total of the signage. No matter how you work the wall graphic part of this, and recognizing the fact that the theater has a reader board, a variance should be included. Mr. Tiland stated that the portion of the pylon sign that says Seaside Cinema's is considered a sign, the portion of the pylon sign that says what movies are playing is not considered a sign.

Chair Romine asked, how bright are these lights? Mr. Tiland stated the light is fiber optics and is 20% less than a neon light and you won't be able to see the lights. It would just be a very low glow. Mr. Cupples stated that there are state highway requirements for signage along the highway.

Chair Romine stated that we do need a variance and the discussion will be centered around meeting the criteria for a variance and the special circumstances relating to that needs to be outlined by the document we received. Mr. Cupples stated there are a few ways that this could go, if you want to say the reader board is incidental signage and the plates on the pylon sign are signage and the signs up on the building are signage and the lighting is wall graphics, that would be one way it could work and they wouldn't need a variance. You could say that with all the signage and you want to call the wall graphic signage then they do need the variance. Commissioner Hoth stated that the best way he thinks that this could work is to say that the stars and stripes on the building are wall graphics and not a sign and in this case they do not need the variance, because he would never think of going to a car dealership and counting the balloons as signage.

Commissioner Perkel stated that he feels comfortable calling the stars and stripe a wall graphic and the Cinema signs would be a sign, no variance needed.

At the end of the Commissioners discussion, Chair Romine closed the public hearing. Commissioner Hoth made a motion that they do not grant the variance and consider the decorative features just that. The signs that say cinema or advertising in general and meet the 200 square foot requirement and the reader board be considered incidental and not subject to those calculations.

Commissioner Carpenter seconded the motion.

Chair Romine asked if there were any questions. Vice Chair Dideum stated from a marketing position anything that draws attention to your business is advertising and is a sign. The concern is that this is a wall graphic and the next person to come in wants to put up wall flowers or a spaceship, is that also going to be labeled as a wall graphic? Chair Romine stated that had already been done with a building that was a space ship, so would you call the entire building a sign? Vice Chair Dideum stated the point was well taken, but that would be architectural design and not a sign.

The vote was taken and the motion was carried with Vice Chair Dideum voted No.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Hoth stated the reason he asked for the policy on the feather flag was because while he was at the theater, he noticed across the street at Compass Bank there were 6 feather flags and he thought that the limit was one per business.

Mr. Cupples stated that only applies to the downtown core area and that has not been sent out to the business owners yet. The signage that they have with the feather flags is way over the allowed sign area. They can be classified as a banner type sign.

Commissioner Perkel asked about the development on Avenue S and Wahanna and wondered why it hasn't been developed? He has heard stories regarding sewage and other issues. Mr. Cupples stated that it is Bruce Ritchie's development and there are some issues with the infrastructure of the development.

ADJOURNMENT: Adjourned at 8:45 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: May 6, 2014
Applicant: Lindemann Enterprises – Ruth Lindemann Trustee
Diana Lindemann-Representative
PO Box 80775
Portland, OR 97280
Owner: Lindemann Enterprises
Location: 1321 N Prom, T6-R10-S 16DA TL#03000
Subject: Conditional Use 14-015VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1321 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants are** requesting a maximum occupancy of **nine (9)** over the age of three, within the existing **three** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

- A. Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- B. Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the

front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

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

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

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

1. The use of the property as a VRD will be compatible with the surrounding land uses.
2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1321 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant** is requesting a maximum occupancy of **nine (9)** over the age of three 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. **Two cars in garage and one car parked parallel to the home.**
- b. The existing **three** bedroom residence will have a limited occupancy of **nine (9) people.**
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas provided additional landscaping is provided at the northeast corner of the property.

- d. Oregon Seaside Vacation Rentals (PO Box 197, Seaside, OR 97138) will be the manager for the VRD. Randy Harris will be the 24 hour contact person and can be reached at (503) 738-6078 and after hours number is (503)-739-3150.
 - e. The owner/applicants, **Diana Lindemann** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **50%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
 3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received 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 **(14-015 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.

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. **Additional landscaping must be added to the front yard area in order to meet this condition of approval.**
6. **Local Contact: Randy Harris (PO Box 197, Seaside, OR 97138) will be the local contact for the VRD and can be reached at (503-739-3150).**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.

- 8. Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
- 9. Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- 13. Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision

and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.

15. Time Period for Approval, Required Re-inspection: This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 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 **14-015VRD** 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 **1321 N Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal



City of Seaside, 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>Diana Lindemann</i>	ADDRESS <i>P.O. Box 80775, Portland, OR 97280</i>	ZIP CODE <i>97280</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>1321 N Prom, Seaside, OR 97138</i>		

ZONE	OVERLAY ZONES	TOWNSHIP <i>6</i>	RANGE	SECTION <i>16 DA</i>	TAX LOT <i>03000</i>
------	---------------	----------------------	-------	-------------------------	-------------------------

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

Vacation Rental

diana2504@msn.com

(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>Ruth Lindemann</i>	ADDRESS <i>P.O. Box 80775, Portland, OR 97280</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>Diana Lindemann</i>	ADDRESS <i>same</i>
PHONE / FAX / EMAIL	SIGNATURE OF PROPERTY OWNER <i>Ruth Lindemann</i>	PHONE / FAX / EMAIL <i>503-312-2530</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>Diana Lindemann</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	BY
CASE NUMBER (S) <i>14-015 V RD</i>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE <i>430</i>	RECEIPT
DATE FILED <i>3-10-14</i>	BY
<i>14-015 V RD</i>	

**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: Lindemann Enterprises - Ruth Lindemann Trustee
2. Mailing Address: PO Box 014, Troutdale, OR 97100
3. Telephone #: Home (700) 218-7782 ^{CELL} Work (503) 312-2530 ^{Rep. Diana Lindemann} 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: 1321 N. PROM, SEASIDE, OR 97138
6. Tax Map Ref.: Township U, Range 10, Section 10DA, Tax lot # 03000
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 5 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

20
100
430

550

9635

CITY OF SEASIDE
MAR 10 PAID
PAID
503-312-2530

up more than 50% of the property's yard areas? _____. 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:

Randy Harris Phone # 503-739-3150 Address: Oregon Seaside Vacation Rentals

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

11. What is the zone designation of subject property? R2. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

12. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and off street parking spaces (existing & proposed). In addition to the site plan, a floor plan(s) must be included which clearly indicates the intended use of all interior areas (e.g. bedrooms, kitchen, living room, storage etc.).

13. The following is a list of standard conditions that apply to VRDs:

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days

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

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

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

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: Diana Federman Date: 3-10-2014

-----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 ~~~~~

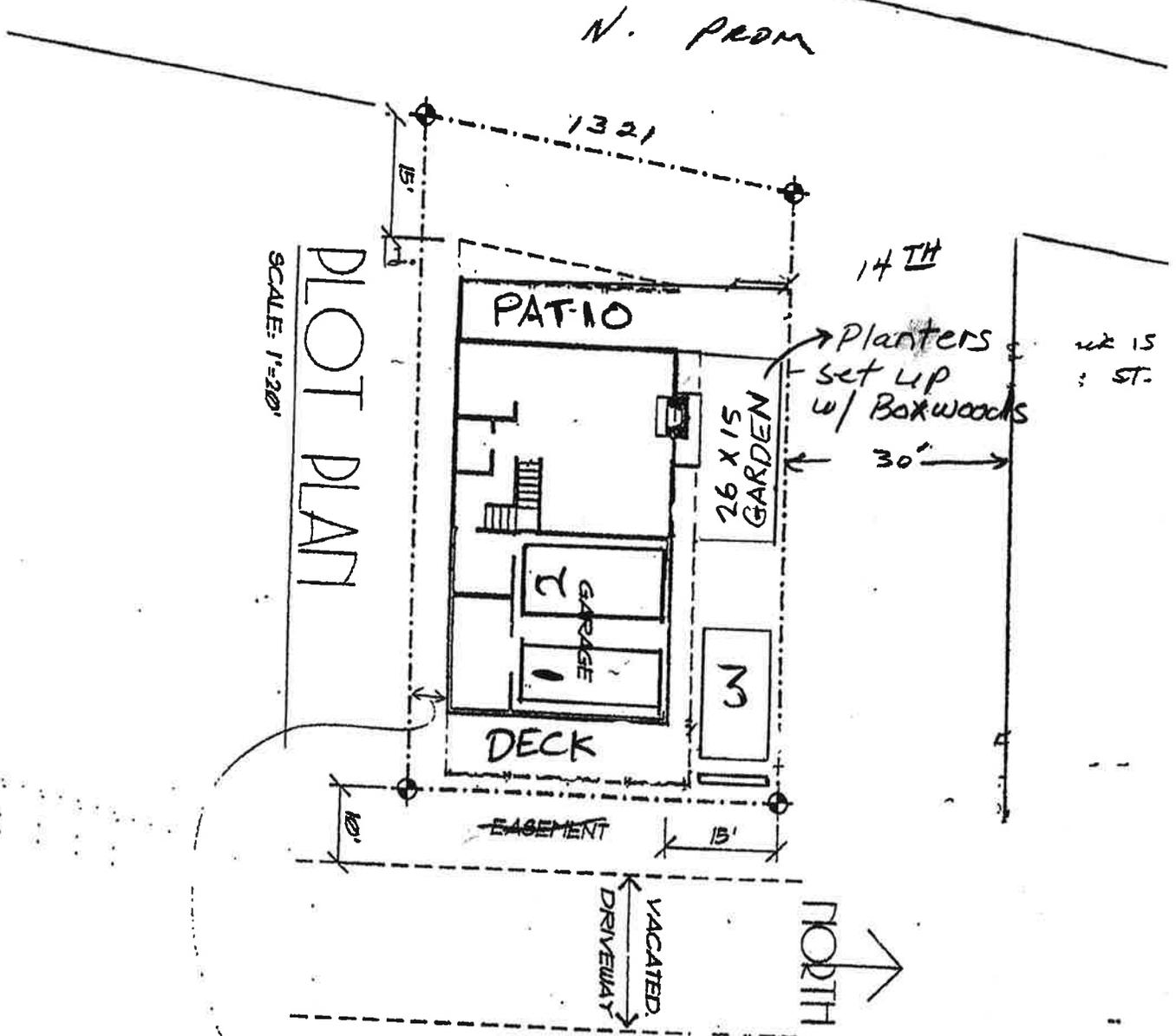
Date application was received at Community Development: \_\_\_\_\_.

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

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

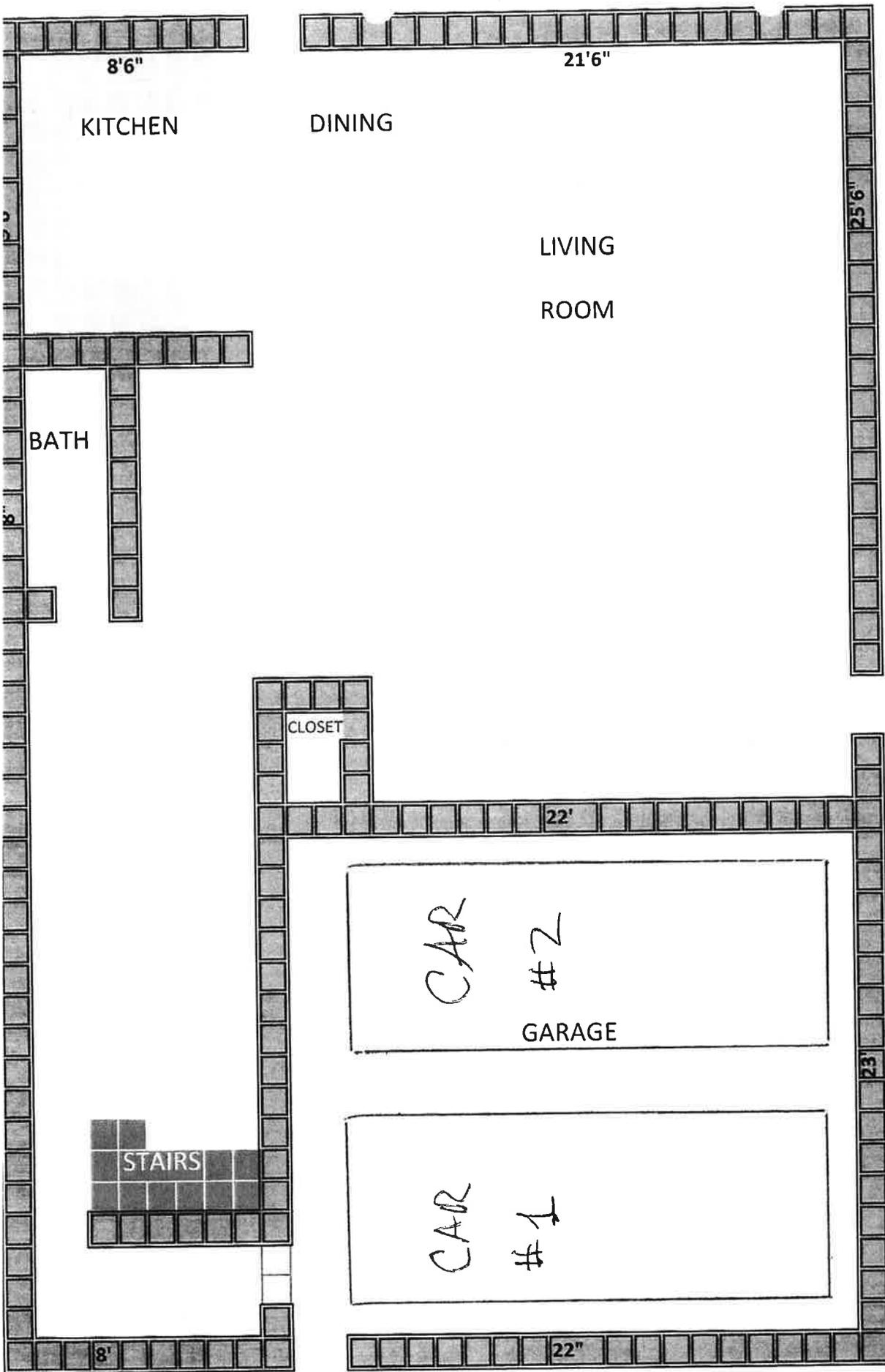
Lindemann's  
Randy Harris  
(503) 739 3150

Lot 80 x 50  
House = 48 x 30  
S. Setback = 5'  
N. Setback = 15'  
Top Deck = 6'

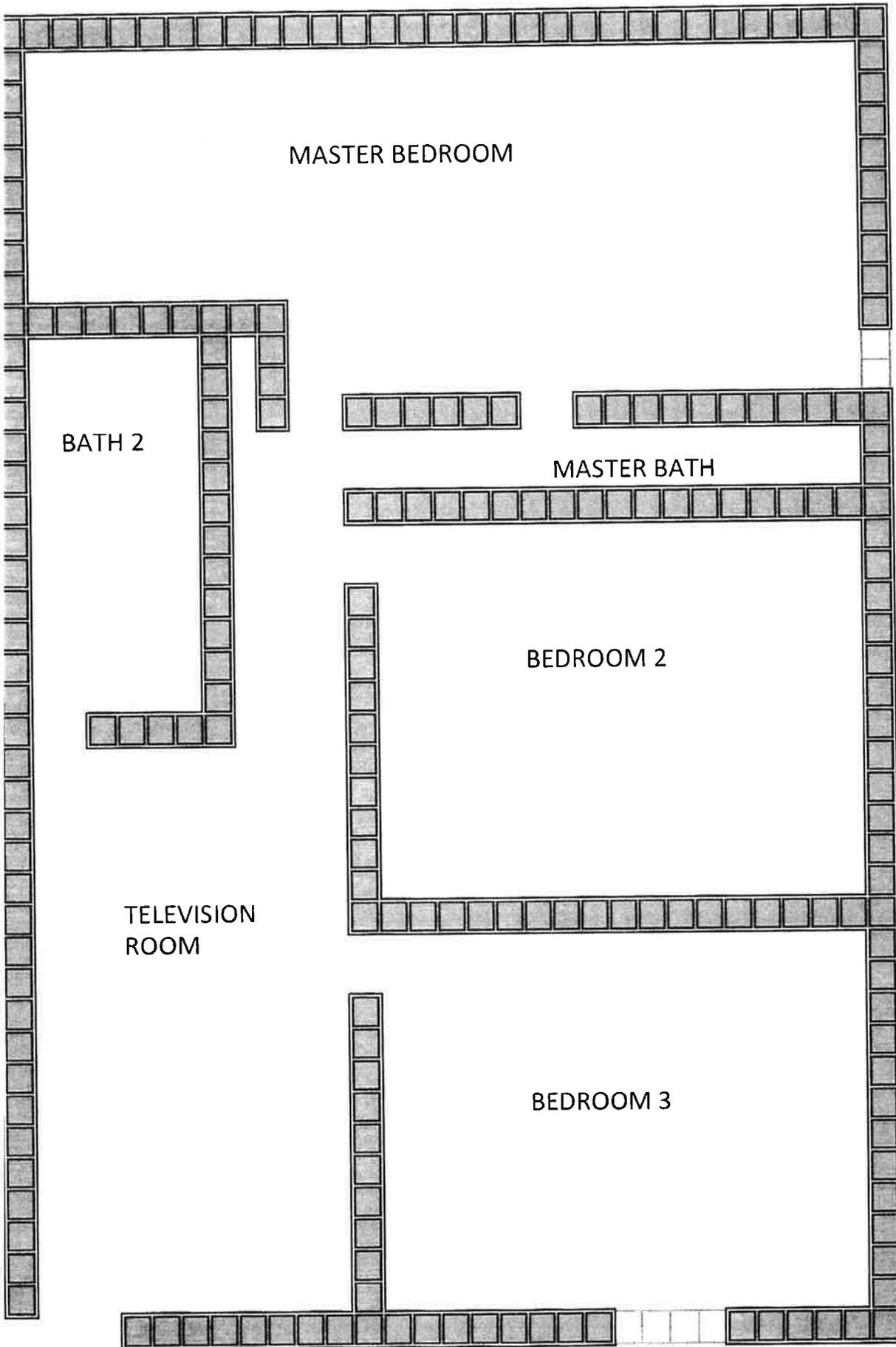


LINDEMANN'S RESIDENCE  
SETBACK REDUCTION  
APPROVED BY PLANNING COMMISSION  
SEPT. 1991

TM 61016DA  
TL 3000



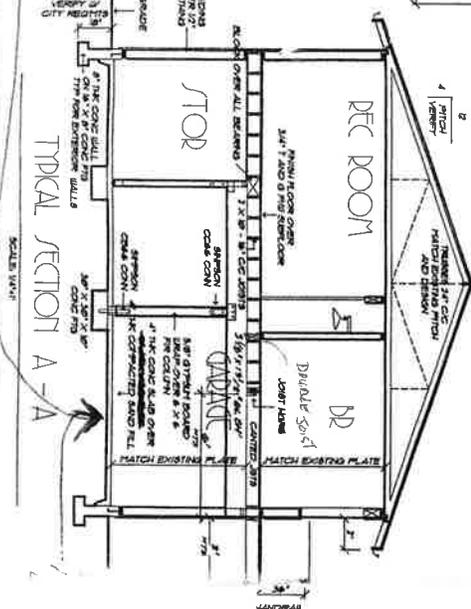
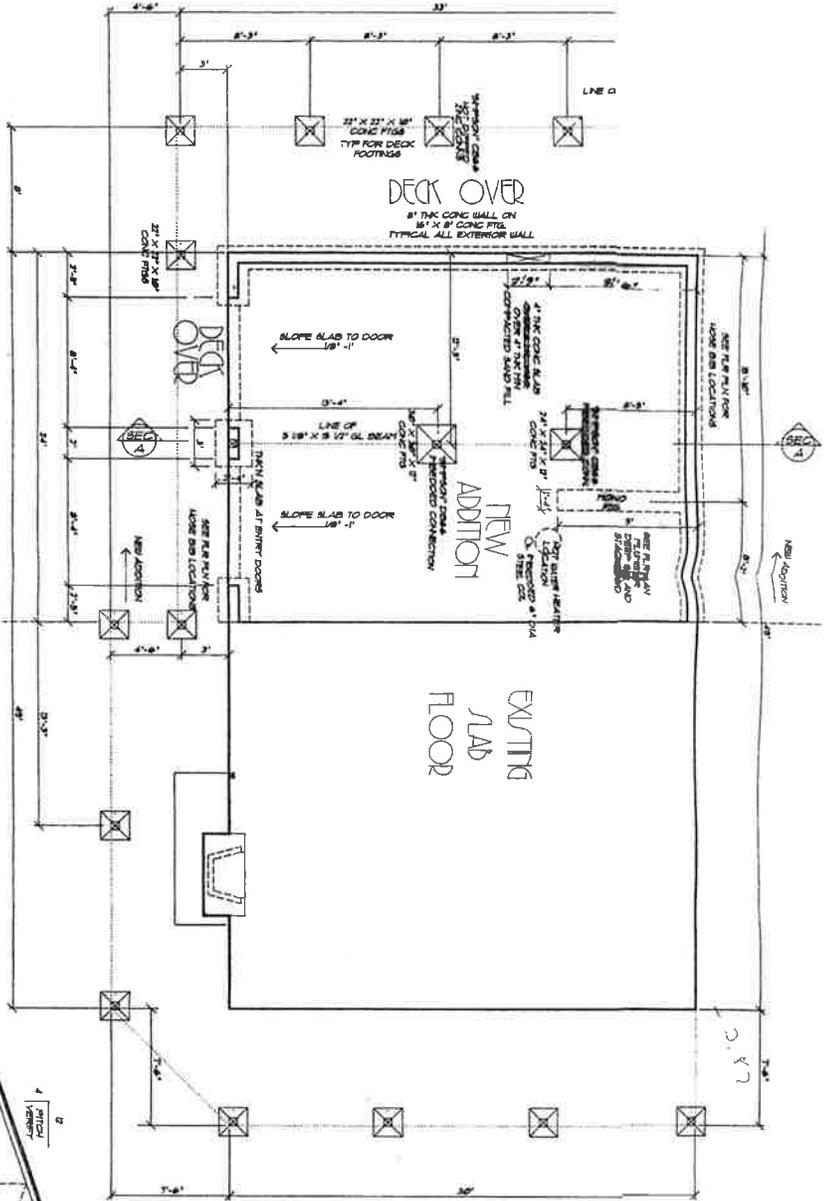
CAR #3



# FOUNDATION PLAN ADDITION TO EXISTING RESIDENCE

SCALE: 1/4" = 1'-0"

EST. (RATED) ROOFING  
ON EXISTING  
WOODEN SLABS



SCALE: 1/4" = 1'-0"

- ### TYPICAL FOUNDATION NOTES
1. FOOTINGS ARE TO BE ON UNDISTURBED LEVEL. SOIL TO BE EXCAVATED TO THE REQUIRED DEPTH AND REINFORCED WITH 2# BARS.
  2. SOIL BEHIND PRESSURE APPLIED TO ALL WALLS.
  3. ALL TELL LAYOUT AND ELEVATION TO BE CHECKED BY THE ARCHITECT.
  4. CONCRETE TO BE PLACED IN 4\"/>
  - 5. CONCRETE SLABS TO HAVE 3/4\"/>
  - 6. CONCRETE REINFORCEMENT TO HAVE 3/4\"/>
  - 7. REINFORCING STEEL TO BE A-48 UNLESS OTHERWISE SPECIFIED.
  - 8. EXCAVATE THE SITE TO PROVIDE A MINIMUM OF 18\"/>
  - 9. ALL WORK IN CONTACT WITH CONCRETE TO BE PRESSURE TREATED OR PROTECTED WITH 50# MESH REINFORCING.

1321 N PLYM  
N

← IS Required  
IN SLABS

CONCRETE 2000  
**SUNTEL**

THIS PLAN IS FOR CONSTRUCTION OF ONE SLAB ONLY - NOT TO BE COPIED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. CONTRACTOR IS RESPONSIBLE TO VERIFY ALL DIMENSIONS AND CONDITIONS AND TO REPORT ANY DISCREPANCIES TO THE OWNER PRIOR TO START OF CONSTRUCTION. WRITTEN PERMISSION ALWAYS HAS PRECEDENCE OVER ANY ORAL STATEMENTS OR ACTIONS.

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** April 17, 2014  
**Applicant:** Cheng Tung, Siu Hui  
3619 N Ravensood Ave  
Chicago, IL 60613-3510  
**Owner:** Cheng Tung, Siu Hui  
**Location:** 471 13<sup>th</sup> Avenue, T6-R10-S 16DA TL#10991  
**Subject:** Conditional Use 14-016VRD; Vacation Rental Dwelling Permit

---

**REQUEST:**

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **471 13<sup>th</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants are** requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) within the existing **four** bedroom dwelling.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

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

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

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

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

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

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

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

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **471 13<sup>TH</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the applicant is requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) within the existing **four** 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. **Two in the driveway and two in the garage.**

b. The existing **four** bedroom residence will have a limited occupancy of **nine (9) people.**

c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.

d. **VACASA Vacation Rentals (200 N Roosevelt, Seaside, OR 97138) will be the manager for the VRD Crystal will be the 24 hour contact person and can be reached at (503)-388-5165.**

- e. The owner/applicants, **Cheng Tung & Siu Hui** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **31%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received 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 parking area inside the garage is limited to one space.
7. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
8. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
9. The management company has not provided a local contact number that can be reached without having to call long distance.

#### **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 **(14-**

016 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.

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: VACASA Crystal (200 N Roosevelt, Seaside, OR 97138) will be the local contact for the VRD and can be reached at (503) 388-5165). The manager must provide a local contact number that does not require calling long distance.**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting

would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.

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

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

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

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

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

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **14-016VRD** 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 **471 13<sup>th</sup> Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

**Attachments:** Applicant's Submittal



**City of Seaside, Planning Department**

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

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

60613-3510

Chicago, IL ✓

|                                                                       |                                   |                        |
|-----------------------------------------------------------------------|-----------------------------------|------------------------|
| NAME OF APPLICANT<br>Cheng Tung Siv Hui                               | ADDRESS<br>3619 N. Ravenswood Ave | ZIP CODE<br>60613-3510 |
| STREET ADDRESS OR LOCATION OF PROPERTY<br>471 13th Ave Seaside Oregon |                                   |                        |

|            |               |               |             |                  |                  |
|------------|---------------|---------------|-------------|------------------|------------------|
| ZONE<br>R2 | OVERLAY ZONES | TOWNSHIP<br>6 | RANGE<br>10 | SECTION<br>16 DA | TAX LOT<br>10991 |
|------------|---------------|---------------|-------------|------------------|------------------|

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

Vacation Rental Permit

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

|                                                     |                                                                        |
|-----------------------------------------------------|------------------------------------------------------------------------|
| <b>OWNER:</b>                                       | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>                    |
| PRINT NAME OF PROPERTY OWNER<br>Paul Brent Designer | PRINT NAME OF APPLICANT/REPRESENTATIVE<br>Barbara Scott ✓              |
| ADDRESS<br>P.O. Box 2209                            | ADDRESS<br>P.O. Box 1052                                               |
| PHONE / FAX / EMAIL<br>Panama City, Fl. 32402       | PHONE / FAX / EMAIL<br>503-791-3802 oceanfrontbarb@gmail.com           |
| SIGNATURE OF PROPERTY OWNER                         | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE<br>Barbara Scott |

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

**CHECK TYPE OF PERMIT REQUESTED:**

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

|                                  |             |
|----------------------------------|-------------|
| <b>PLANNING DEPARTMENT USE:</b>  |             |
| DATE ACCEPTED AS COMPLETE        | BY          |
| CASE NUMBER (S)<br>14-0116 V.R.D |             |
| HEARING DATE                     | P.C. ACTION |

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

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

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

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

**SUBMITTAL INFORMATION**

1. Applicant's Name: Cheng Tung & Sic Ho, Chicago, Ill.
2. Mailing Address: 3619 N. Ravenswood Ave 60613-3511
3. Telephone #: Home 773-965-9347, Work \_\_\_\_\_, Fax \_\_\_\_\_
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 471 13th Ave Seaside OR, 97138
6. Tax Map Ref.: Township 6, Range 10, Section 16 DA, Tax lot # 10991
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? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? yes Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 10. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

up more than 50% of the property's yard areas? no. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

10. Who will be acting as the local responsible party for the VRD owner? Name:

Emma Poulsen Phone #                     . Address: 200 N. Roosevelt  
Va Casa Vacation Rentals 425-802-7514 The VRD Seaside

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: Chong T Tsang / 3/20/2014      DocuSigned by: Siu L. Hui      Date: 3/20/2014

2D31371DBC08428...      3B252E95E5C147E...

**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.

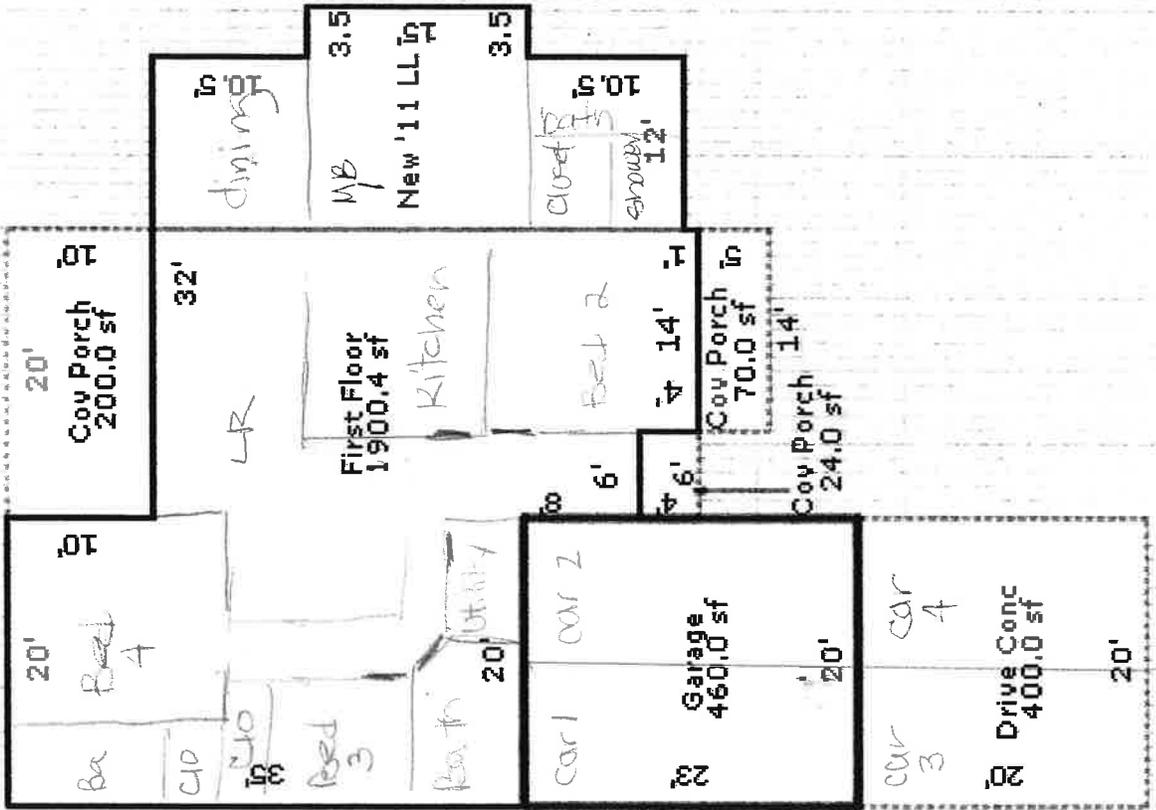
Submittal Date: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

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



75'  
Property line

Lot size - 7500 sqft  
Residence - 1420 sqft  
garage - 440  
Lot coverage - 1860 sqft.

20'

40'

Yard

sliding door

Deck

sliding door

Property line

100'

Two car  
Garage

front door

concrete porch

N

3/32 in

Property line

Yard

20'

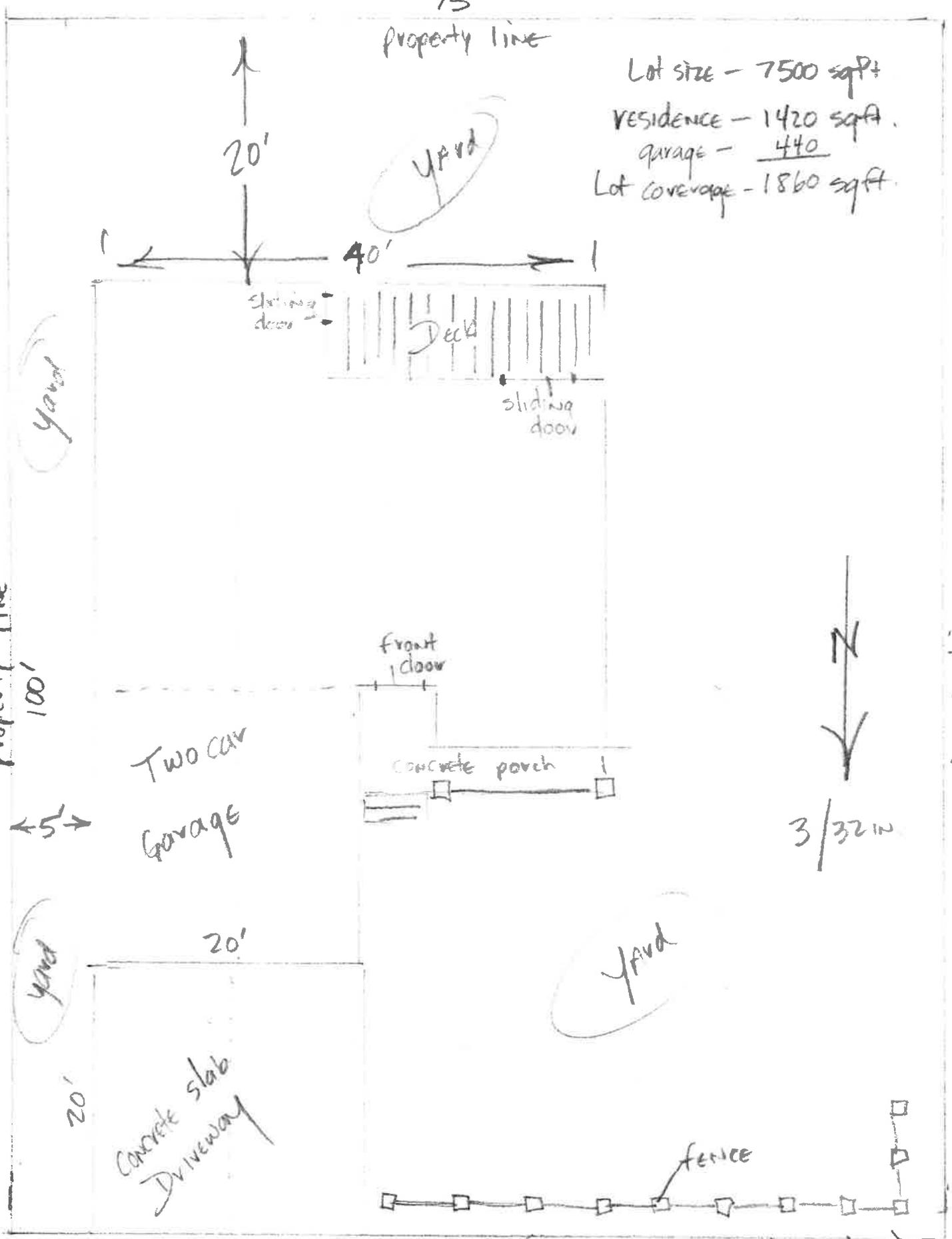
Yard

20'

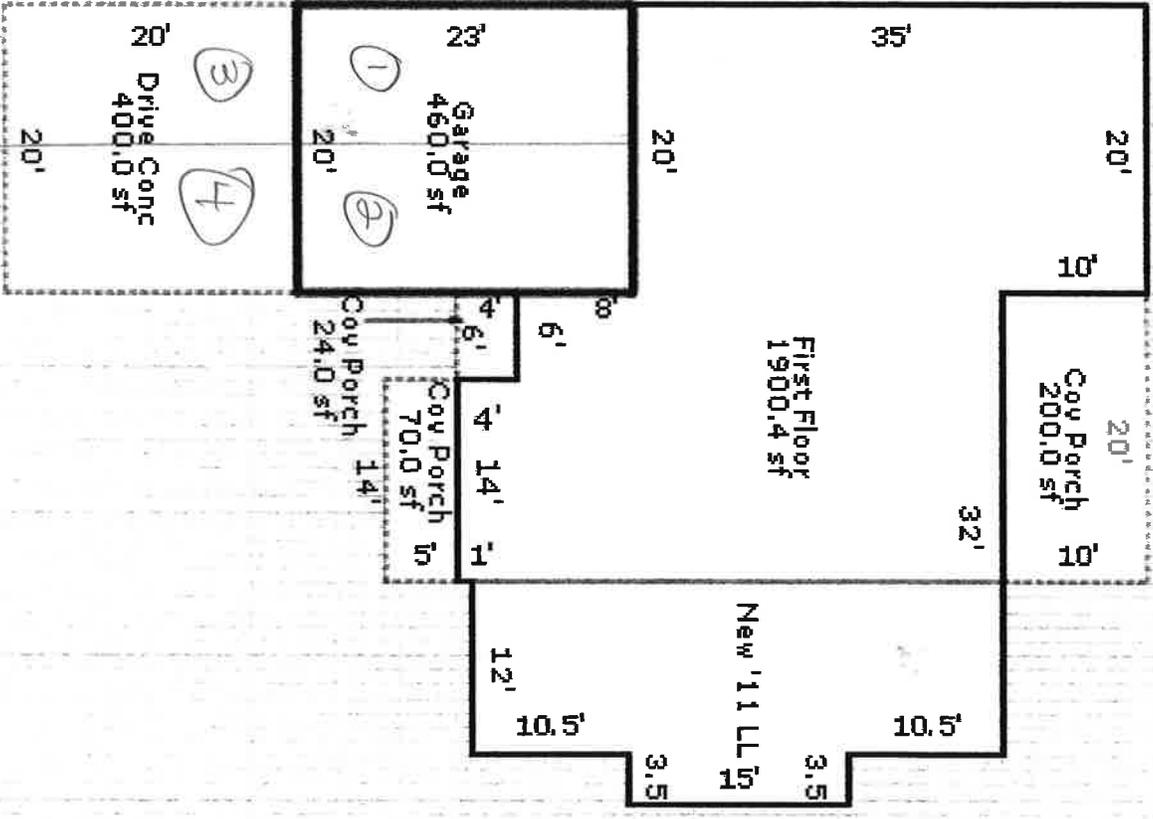
Concrete slab  
Driveway

fence

← (Approx 50' off street parking) →  
13th Str.



Parking Map



**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** May 6, 2014  
**Applicant:** Warrenton Christian Church, Pam Morimoto, 1376 SE Anchor, Warrenton, OR 97146  
**Owner:** Sunquest LLC, Donn Bauske  
**Location:** 580 Avenue U, Seaside, OR 97138; (T6, R10, 28AB TL 11300  
**Subject:** Conditional Use 14-017CU Church Services as Similar Use

---

**REQUEST:**

The applicant is requesting a conditional use to conduct weekly Sunday worship services, and in time, perhaps add mid week gatherings or special activities. The proposed use would occupy the building previously used as the O'Donovan Clinic. Although the use is not specifically permitted in the zone, the applicant is requesting approval under the similar use provisions in the Neighborhood Commercial (C-1) zone.

The proposed use of the building will require interior modification to the building; however, no changes to the exterior of the building are being planned.

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

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

**DECISION CRITERIA # 1:** Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.

4. **Increasing the street width.**
5. **Increasing the number of required off-street parking spaces.**
6. **Limiting the number, size, location and lighting of signs.**
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

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

1. The applicant's submitted justification, site plan, and development rendering is adopted by reference. The applicant's plan calls for the following:
  - The applicant plans to utilize the existing building for church worship.
  - They will be utilizing the existing building and parking for the facility.
  - Restaurants are a permitted use in the zone and the proposed use would have similar impacts to the site and the surroundings.
  - Services are planned to start at 10:30 a.m. with preparations beginning at 9:00 a.m. They would not go later than 1:00 p.m.
  - Evening group meetings would probably be from 7:00 p.m. to 9:00 p.m.
  - Music will be contained within the building and it is currently limited to a single guitarist.
  - We will only be utilizing the northern portion of the building.
  - The applicants will work with the neighbors if there are any unforeseen problems.
2. The subject property has an extensive parking lot that was utilized for the Odonovan Clinic. The thirteen (13) off street parking spaces on the north side of the building would allow services for up to fifty-two (52) people based on the ordinance standards. They are proposing to have seating for 46 people.
3. Although this is an existing parking lot, the required handicapped space will need to meet current code requirements. With the potential loss of one space, their parking facilities would be sufficient for 48 seats.
4. A site obscuring fence can be required along the north property line in accordance with Section 4.128, 2. The ordinance is not clear if this is a requirement for the use of an existing facility.
5. The structure and site development are existing so the yards that would normally be applied to new development are not being required for the proposed change in use.

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

The proposed use of the existing building will satisfy the applicable development standards and be compatible with the surrounding area provided the following conditions are attached to the approval.

**Condition 1:** The parking lot must be modified in order to accommodate a handicapped parking space pursuant to code.

**Condition 2:** If requested by the neighboring property owner to the north, a site obscuring fence not less than 5' in height must be installed along the northern portion of the vehicle parking area. The height of the fence would need to be reduced in the visual clearance areas to avoid creating a hazard at the access to Grove Street.

**Condition 3:** .The applicant must provide a detailed exterior lighting plan. The plan must documents that all exterior lighting fixtures will be designed so that glare will not adversely impact the neighboring property owners, public streets, or the riparian area adjacent to the buildings. All exterior lighting must be shielded, screened, or otherwise provided with cut-offs in order to prevent glare or direct lighting that will adversely impact the adjacent street or the neighboring properties in accordance with the City's Outdoor Lighting Ordinance.

**Condition 4:** A bike rack with space for two bikes must be provided outside along with similar accommodations inside the facility.

**Condition 5:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

## **REVIEW CRITERIA #2: Section 6.250 SIMILAR USE**

**The Similar Use process is intended to only allow those uses or activities that are similar to uses or activities specifically listed in the zone. This process is not intended as a means of bypassing the text amendment process when such process is appropriate nor is it intended to allow uses or activities that are not compatible with the Purpose of the zone. A similar use must comply with the following:**

- 1. The proposed use or activity is similar in nature to a specific use or activity listed in the zone.**
- 2. The impact of the proposed use or activity is not greater than what would likely be created by the specific use for which the proposed use or activity is similar.**
- 3. The proposed use is consistent with the Purpose statement of the zone.**

**The reviewing body may impose conditions deemed necessary to assure the use or activity complies with the purpose of the zone and is compatible with adjacent uses and activities.**

## **FINDINGS & JUSTIFICATION STATEMENTS:**

6. The purpose statement in the C-1 zone recognizes use within the zone for small businesses and services. The zone does not specifically list churches; however, it does allow for a variety of retail businesses as a permitted use.

7. The applicant has stated she believes their use would be similar to a restaurant. Staff agrees the impacts should not be greater than those caused by other permitted retail businesses that would be allowed in the zone.

**CONCLUSION TO CRITERIA #2:**

The characteristics of the proposed use is similar to other uses permitted in the C-1 zone.

**FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed church at 580 Avenue U. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

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

Attachments:

Applicant's Submittal





# City of Seaside, Planning Department

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

## Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                                 |                                             |                          |
|---------------------------------------------------------------------------------|---------------------------------------------|--------------------------|
| NAME OF APPLICANT<br><i>Warrenton Christian Church</i>                          | ADDRESS<br><i>1376 Anchor Warrenton, OR</i> | ZIP CODE<br><i>97146</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>580 Avenue U Seaside, OR 97138</i> |                                             |                          |

|                        |                                        |                      |                    |                        |                         |
|------------------------|----------------------------------------|----------------------|--------------------|------------------------|-------------------------|
| ZONE<br><i>C-1 A-2</i> | OVERLAY ZONES<br><i>Flood Plain AE</i> | TOWNSHIP<br><i>6</i> | RANGE<br><i>10</i> | SECTION<br><i>28AB</i> | TAX LOT<br><i>11300</i> |
|------------------------|----------------------------------------|----------------------|--------------------|------------------------|-------------------------|

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

*We would like to conduct weekly Sunday worship services. In time we may also add mid week gatherings, or special activities and events.*

(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 | PRINT NAME OF APPLICANT/REPRESENTATIVE<br><i>Warrenton Christian Church Inc DBA Christian Church of Seaside</i> |
| ADDRESS                      | ADDRESS<br><i>1376 SE Anchor Warrenton, OR</i>                                                                  |
| PHONE / FAX / EMAIL          | PHONE / FAX / EMAIL<br><i>pam.maximato@cconline.cc 503-861-1714 Phone 503-861-3392 Fax</i>                      |
| SIGNATURE OF PROPERTY OWNER  | SIGNATURE OF APPLICANT/REPRESENTATIVE<br><i>Pam Maximato</i>                                                    |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

**CHECK TYPE OF PERMIT REQUESTED:**

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

| PLANNING DEPARTMENT USE:  |             |
|---------------------------|-------------|
| DATE ACCEPTED AS COMPLETE | BY          |
| CASE NUMBER (S)           |             |
| HEARING DATE              | P.C. ACTION |

| OFFICE USE: |         |
|-------------|---------|
| FEE         | RECEIPT |
| DATE FILED  | BY      |

**CONDITIONAL USE - ARTICLE 6**

**TYPE 2 - PLANNING COMMISSION DECISION**

**FEE: \$ 675.00**

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Commission may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Commission will make a determination concerning a conditional use based on the applicant's justification of the following statements:

1. What is the proposed use in the zone?

*Holding weekly worship services - later to add additional activities.*

---

---

---

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

*We will use existing facilities*

---

---

---

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

no changes to current facilities, other than those done by the owner of the building.

4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

Work with neighbors in all matters.

5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

ATTACH EXTRA SHEETS IF NEEDED

Document in Support of Conditional Use Permit for  
Warrenton Christian Church Inc. DBA as Christian Church of Seaside

Address of User: Warrenton Christian Church Inc. DBA Christian Church of Seaside  
1376 SE Anchor  
Warrenton, OR 97146  
Phone 503-861-1714 Fax 503-861-3392  
[pam.morimoto@cconline.cc](mailto:pam.morimoto@cconline.cc)

Address of Property: 580 Avenue U Seaside, OR 97138

**Purpose:**

We plan to hold weekly worship services on Sunday mornings, and perhaps, in time, mid-week meetings, which we call Growth Groups.

Worship consists of people coming together to sing, pray, participate in communion and listen to a prepared message.

Growth Groups are a time when people can meet to discuss the past Sunday's message, or other course of study as decided by the group, as well as share a time of prayer. This is also a time of the congregation growing together and learning to care for one another.

At either gathering, we would use the off street parking which is on site currently, so as not to interfere with the usual traffic flow on the neighboring streets. One could anticipate that we would have about the same impact on the area as a restaurant which features a breakfast or dinner special.

A core group will arrive on Sunday mornings to prepare for the services around 9:00 am. Current plans call for services beginning at 10:30 am and lasting no later than 1:00 which includes a time following the services for cleanup. On rare occasions, we may have a small lunch or special event following services which could last an additional couple of hours. These events are purposefully kept to a minimum and are a part of our overall church calendar.

When Growth Groups begin, they would probably be from 7:00-9:00 pm, again using existing off street parking to have as small an impact on the streets as possible. Dependent on the needs of the congregation we will determine how often we hold evening meetings.

We hope that our location will allow people from the neighborhood to join us, perhaps walking on good weather days. Should we outgrow existing parking facilities, we will form a plan of action to deal with the situation well before it becomes a problem. Our Warrenton location has additional services to accommodate parking and that is an easy solution should the parking area become full.

Currently we have a single guitarist leading our worship music, and the volume is at normal limits, with the music not leaving the room. Our Seaside minister currently does not see this growing much larger than adding perhaps one more guitar. But should we grow this ministry larger than that, we will be mindful and will ever be looking for ways to keep the music within the confines of the building-it is our intention to be a good neighbor and not have our music or singing impact the neighborhood. This may be as simple as always keeping the doors leading to the parking lot closed as a sound barrier, but we may have to go to additional means of soundproofing should we notice a need.

As Growth Groups are discussion based, we are anticipating there should be no noise from the building to impact the community.

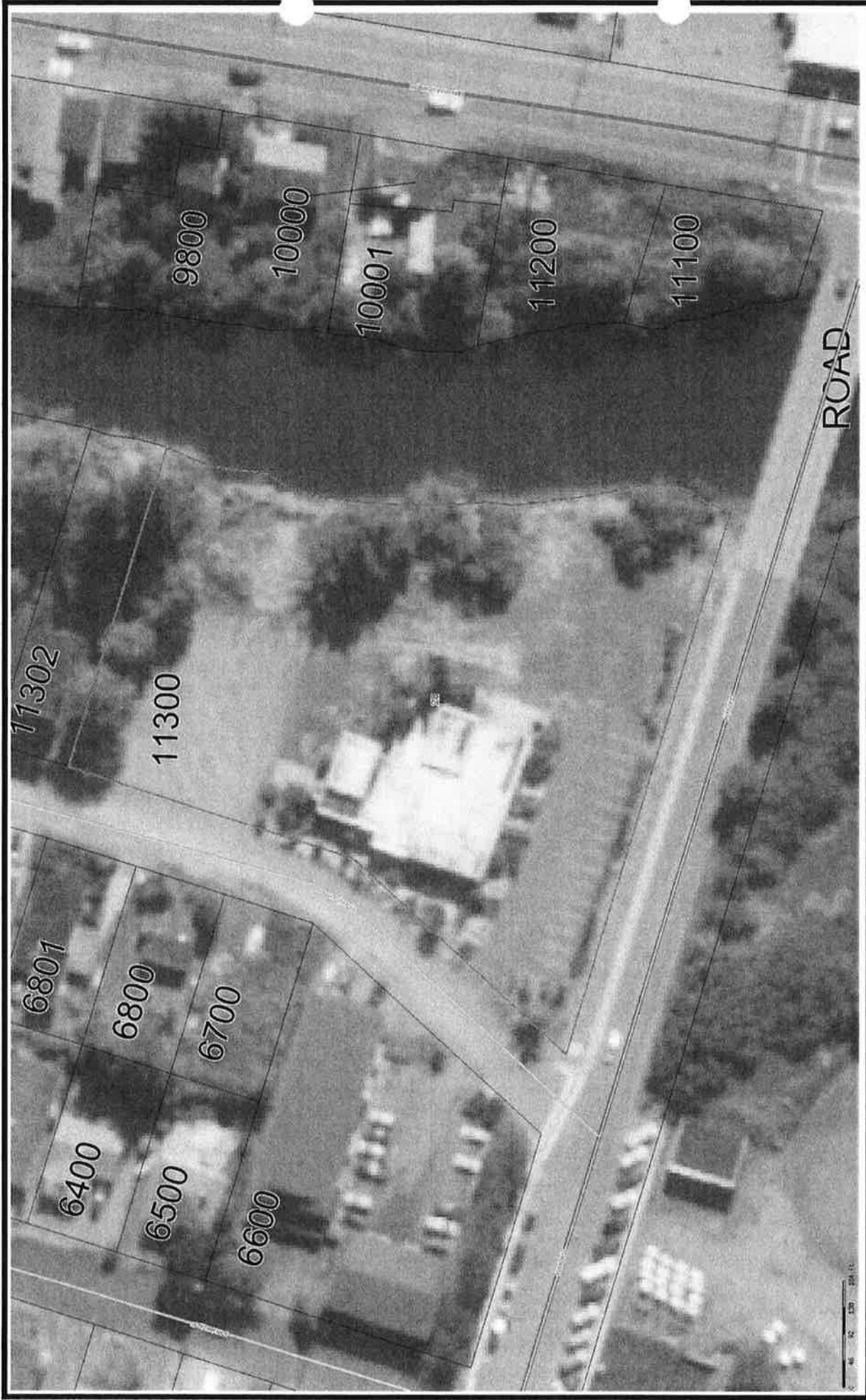
Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



The only portion  
of the building  
we will be using

# 580 Avenue U, former O'Donovan Clinic



## Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



Floor

West

Bathroom

11' 11"

9' Entrance

North

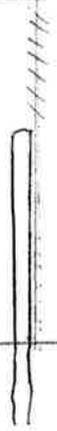
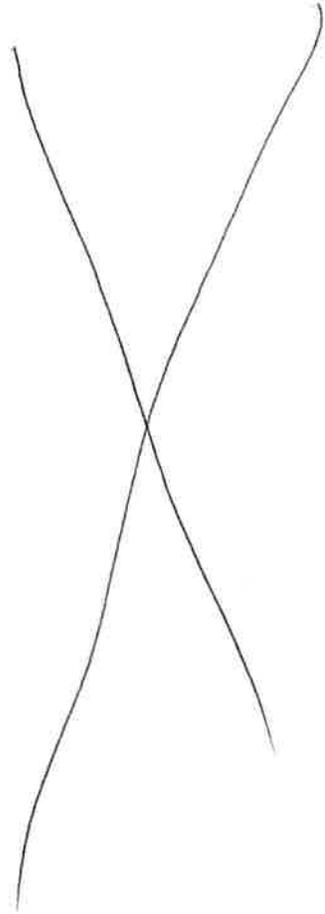
22'

East

18'

10'

South



**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** April 25, 214  
**Applicant:** Anita Kelsey  
1615 N Prom  
Seaside, OR 97138  
**Owner:** Anita Kelsey  
**Location:** 1615 N Prom, T6-R10-S 16DA TL#2100  
**Subject:** Conditional Use 14-018VRD; Vacation Rental Dwelling Permit

---

**REQUEST:**

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1615 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) within the existing **four** bedroom dwelling.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

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

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

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

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

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

1. The use of the property as a VRD will be compatible with the surrounding land uses.
2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1615 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the applicant is requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) within the existing **four** 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. **Two cars in driveway and one car in the garage. One additional space was indicated at the SE corner of the property; however, the applicant is aware that space will not comply with ordinance standards.**
- b. The existing **four** bedroom residence will have a limited occupancy of **nine (9) people** (no more than 10 regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.

- d. **Beach House Vacation Rentals (800 N Roosevelt Ste#20, Seaside, OR 97138) will be the local manager for the VRD. Erin Barker will be the local contact for the VRD and she can be reached at (503) 738-9068.**
  - e. The owner/applicant, **Anita Kelsey** 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)**.
  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 gravel parking area does not meet current standards and as a new use, the applicant would normally be required to pave their off street parking area to keep rock from entering the street. This concern is not applicable to this request because North Columbia Street is not currently paved.
  7. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
  8. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.

#### **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 **(14-018 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.

2. **Parking spaces: Three (3) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. The owner must pave the off street parking area if North Columbia is paved in the future.
3. **Maximum number of occupants: Nine (9) persons over the age of three (no more than 10 regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact: Beach House Vacation Rentals (800 N Roosevelt Ste#20, Seaside, OR 97138) will be the local manager for the VRD. Erin Barker will be the local contact for the VRD and she can be reached at (503) 738-9068. Erin's after hours number is (503)-440-1168.**

The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

Local contact information is available at the Community Development Department (503) 738-7100, City Hall (503) 738-5511, or after business hours at the Seaside Police Department (503) 738-6311.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
13. **Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the

applicant's part to meet the standards or conditions will result in modification or denial of the permit.

- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.
- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD. In addition, a NOAA weather radio, with automatic alert capabilities, must be permanently affixed in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **14-018VRD** 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 **1615 N Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

**Attachments:** Applicant's Submittal



**City of Seaside, 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>Anita Kelsey</i>                                        | ADDRESS<br><i>1615 N. Prom</i> | ZIP CODE<br><i>97138</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>1615 N. Prom Seaside, OR 97138</i> |                                |                          |

|                   |               |                      |                    |                         |                        |
|-------------------|---------------|----------------------|--------------------|-------------------------|------------------------|
| ZONE<br><i>R2</i> | OVERLAY ZONES | TOWNSHIP<br><i>6</i> | RANGE<br><i>10</i> | SECTION<br><i>16 DA</i> | TAX LOT<br><i>2100</i> |
|-------------------|---------------|----------------------|--------------------|-------------------------|------------------------|

**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)

|                                                     |                                                       |
|-----------------------------------------------------|-------------------------------------------------------|
| <b>OWNER:</b>                                       | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>   |
| PRINT NAME OF PROPERTY OWNER<br><i>Anita Kelsey</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE                |
| ADDRESS<br><i>1615 N. Prom Seaside</i>              | ADDRESS                                               |
| PHONE / FAX / EMAIL<br><i>503-738-7200</i>          | PHONE / FAX / EMAIL                                   |
| SIGNATURE OF PROPERTY OWNER<br><i>Anita Kelsey</i>  | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE |

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

**CHECK TYPE OF PERMIT REQUESTED:**

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

|                                     |             |
|-------------------------------------|-------------|
| <b>PLANNING DEPARTMENT USE:</b>     |             |
| DATE ACCEPTED AS COMPLETE           | BY          |
| CASE NUMBER (S)<br><i>14-018VRD</i> |             |
| HEARING DATE                        | P.C. ACTION |

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

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

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

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

**SUBMITTAL INFORMATION**

1. Applicant's Name: Anita Kelsey
2. Mailing Address: 1615 N. Prom
3. Telephone #: Home 503-738-7200, Work \_\_\_\_\_, Fax \_\_\_\_\_
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 1615 N. Prom
6. Tax Map Ref.: Township 4 Range 10 Section 16 A D, Tax lot # 2100
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? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 12. 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

CC

20  
400  
430  
550

9637

CITY OF SEASIDE

MAR 28 2014

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:

Brookside Vacation Rentals Phone # 503-470-1168 Address:

\_\_\_\_\_. 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? \_\_\_\_\_. 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: Anita Kelsey Date: 3-26-14

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

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

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

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

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

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

Date application was received at Community Development: _____

File Reference # _____ Date determined to be complete: _____

If applicable, date for Planning Commission Hearing: _____

832
100
430
20
550
550
240
790

Section 6.137 VACATION RENTAL DWELLING (VRD)

1. **Purpose.** The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short term basis. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.
2. **Standards.** In all zones allowing Vacation Rental Dwellings, a permit shall be issued as an accessory use in accordance with the administrative conditional use provisions provided the applicant can demonstrate by written application that all of the following standards are met:
 - A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
 - B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of Inspection for valid code reasons.
 - C. **Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
 - D. **Local responsible party.** A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
 - E. **Spatial distribution requirements.** Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review.

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

4. **Appeals.** Within fifteen (15) days of the administrative decision, the decision may be appealed in accordance with the provisions in Section 10.037 and 10.040 of the Ordinance
5. **Planning Commission review.** The Planning Commission will review VRD's which do not conform with the provisions of Subsection 2.E., in accordance with the conditional use procedures in Section 6.030 through 6.050 of the Ordinance. The applicant must address the following criteria in addition to the standards in Subsection 2.A-D of this Section. A decision by the Commission to approve a VRD request may include conditions that would restrict the number of renters or total occupants in the VRD.
 - A. The use of the property as a VRD will be compatible with the surrounding land uses.
 - B. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.
6. **Approval conditions.** All approval must include the following conditions:
 - A. Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
 - B. Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
 - C. It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
 - D. Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with this Section.
 - E. A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
 - F. Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be

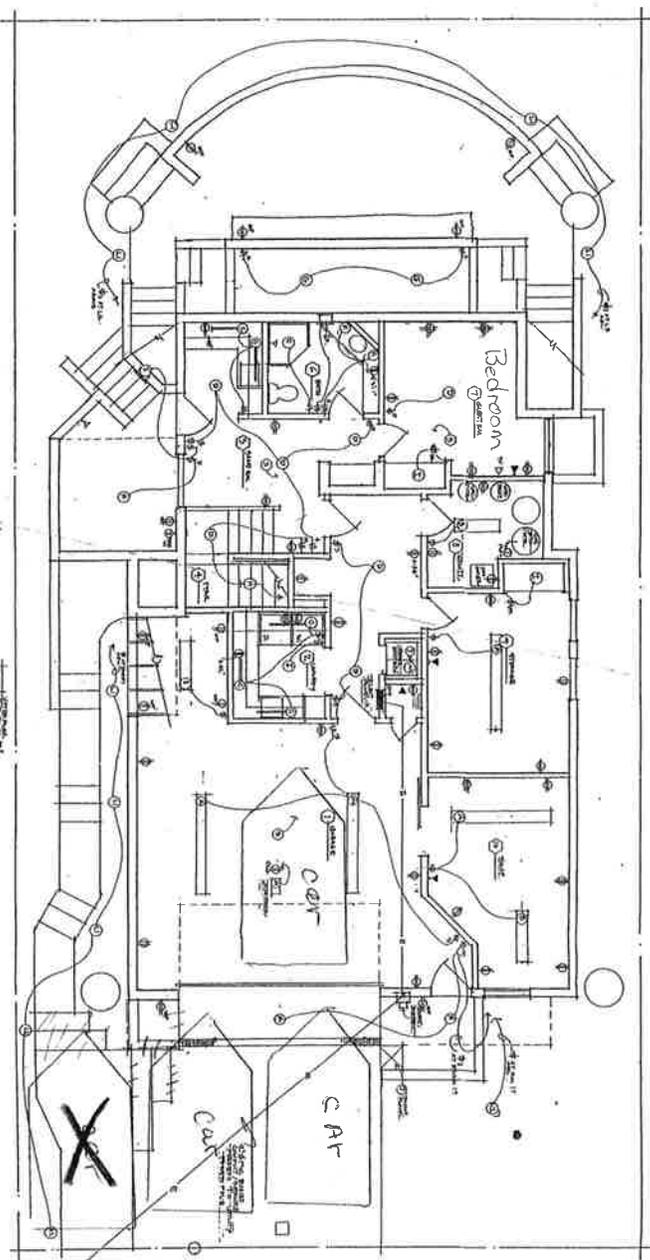
reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in denial of the application

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

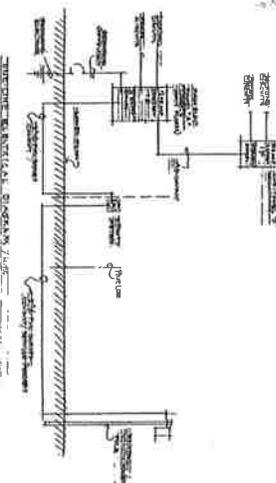
(Amending Ordinance No.,2000-09, adopted 11-27-2000)

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

LOWER FLOOR ELECTRICAL PLAN



- 1. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 2. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 3. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 4. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 5. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 6. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 7. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 8. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 9. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 10. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 11. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 12. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 13. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 14. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 15. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 16. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 17. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 18. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 19. 100' 0" x 100' 0" (100' 0" x 100' 0")
- 20. 100' 0" x 100' 0" (100' 0" x 100' 0")



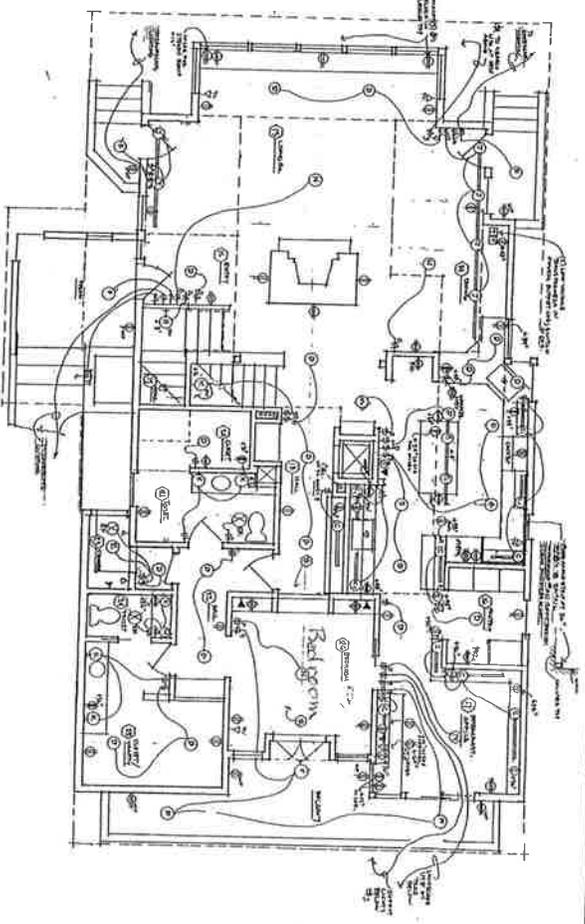
LIGHTING FIXTURE SCHEDULE

| NO. | TYPE | DESCRIPTION | QUANTITY | REMARKS |
|-----|----------|-------------|----------|-------------|
| 1 | RECESSED | 4" SQUARE | 10 | KITCHEN |
| 2 | RECESSED | 4" SQUARE | 10 | BEDROOM |
| 3 | RECESSED | 4" SQUARE | 10 | LIVING AREA |
| 4 | RECESSED | 4" SQUARE | 10 | BATH |
| 5 | RECESSED | 4" SQUARE | 10 | HALL |
| 6 | RECESSED | 4" SQUARE | 10 | STAIRS |
| 7 | RECESSED | 4" SQUARE | 10 | ENTRY |
| 8 | RECESSED | 4" SQUARE | 10 | CORRIDOR |
| 9 | RECESSED | 4" SQUARE | 10 | CL. ROOM |
| 10 | RECESSED | 4" SQUARE | 10 | TOILET |
| 11 | RECESSED | 4" SQUARE | 10 | POW. ROOM |
| 12 | RECESSED | 4" SQUARE | 10 | STORAGE |
| 13 | RECESSED | 4" SQUARE | 10 | LAUNDRY |
| 14 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 15 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 16 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 17 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 18 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 19 | RECESSED | 4" SQUARE | 10 | SCREENED |
| 20 | RECESSED | 4" SQUARE | 10 | SCREENED |

REGISTERED ARCHITECT
KEISEN RESIDENCE
 1015 NORTH PROM STREET
 SEASIDE, OREGON
 P. L. WATERBURY ARCHITECTS
 E1

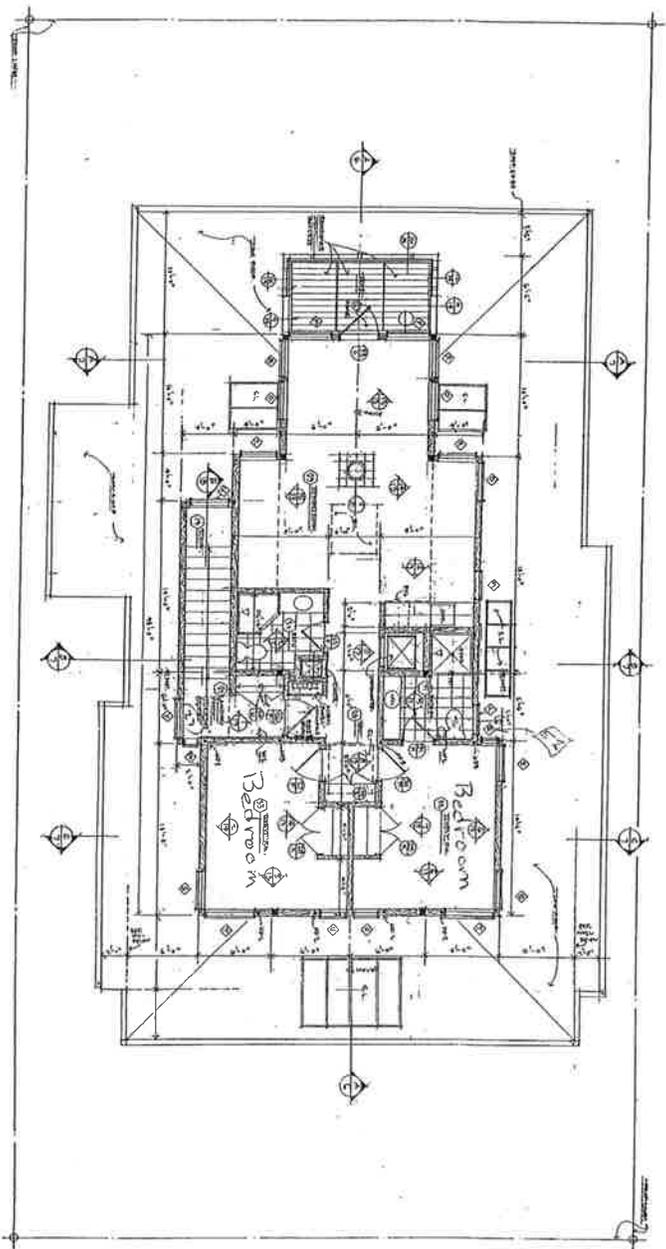
(3-2)

MAIN FLOOR ELECTRICAL
PLAN



REGISTERED ARCHITECT
KEISEY R. SIDENCE
1833 NORTH FROM ST. ST. CHARLES, MO.
E. E. WATERBURY ARCHITECTS
1111 BROADWAY, ST. LOUIS, MO.

132



UPPER FLOOR PLAN

DATE: 10/1/11
 PROJECT: 1415 NORTH PINE STREET
 ARCHITECT: JAMES W. ATHERTON ARCHITECTS



EXISTING LIGHTS

LEGEND:
 - WALLS TO REMAIN
 - WALLS TO BE DEMOLISHED
 - WALLS TO BE RECONSTRUCTED
 - FLOOR FINISHES TO REMAIN
 - FLOOR FINISHES TO BE DEMOLISHED
 - FLOOR FINISHES TO BE RECONSTRUCTED

EXISTING WALL

EXISTING WINDOW



KELSEY RESIDENCE
 1415 NORTH PINE STREET
 SEASIDE, OREGON
 JAMES W. ATHERTON ARCHITECTS
 101 WEST THIRD AVENUE, SEASIDE, OREGON 97138
 TEL: 503.738.1111 FAX: 503.738.1112

SA. DATE
3

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 6, 2014
**Applicant/
Owner:** Sharon Roper; 85658 Highway 101; Seaside, OR 97138
Location: 85658 Highway 101, Circle Creek Campground; T6 R10 S33, TL 100, 201, & 1002.
Subject: Conditional Use 14-019CU Modification to Prior Campground Condition of Approval

REQUEST:

The applicant is requesting a conditional use that will modify her existing RV Park's approval so it can remain open all year instead of closing during the winter months. The request is based on the recently completed flood mitigation measures that kept the park from being seasonally flooded this year. The Circle Creek Campground was originally approved on May 6, 1986. The approval included a condition that stated the park's operation would be "seasonal and only during the summer when flooding does not occur." The official limits were later recognized from November 1 to March 15th.

The subject property is located zoned Exclusive Farm Use (EFU) and the property borders the floodway and portions of the property are within the 500 year floodplain.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

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

DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:

- 1. Increasing the required lot size or yard dimension.**

2. **Limiting the height of buildings.**
3. **Controlling the location and number of vehicle access points.**
4. **Increasing the street width.**
5. **Increasing the number of required off-street parking spaces.**
6. **Limiting the number, size, location and lighting of signs.**
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's submitted justification is adopted by reference and summarized as follows:
 - The owner would like to keep the park open year round because it is no longer flooding during the winter season.
 - They would continue to monitor river levels and flood warnings to insure the safety of the customers.
 - They believe year round operation would be a benefit to their customers, the business, and the City of Seaside.
2. Staff has reviewed the prior approval and a letter from the Seaside City Manager (see attached) which stipulates the authorized time period for operation of the campground. It indicated the park would be closed from November 1 to March 15th in order to avoid operation during the flooding season.
3. A flooding mitigation project was completed in the summer of 2013 and it has drastically reduced the flooding of Highway 101 in the Circle Creek Campground area this winter.
4. Staff does not believe flooding has been completely eliminated from the site based on only one year; however, the consistent annual flooding did not occur this winter.
5. The campground owner could develop protocols for operation that would detail the measures they would take to vacate the park in case of heavy rains that could flood some or all of the campground.

CONCLUSION TO CRITERIA #1:

The proposed year round operation of the campground can be extended to year round operation by modifying the current condition of approval provided the following condition is adopted in place of the current limit:

Condition 1: The owner must submit operational protocols that will be used whenever there is a risk of flooding due to periods of heavy rainfall. These would need to include a notice to customers that they need to be ready to vacate sites by connecting trailers to tow vehicles, identify when customers will be asked to disconnect from the onsite utilities and ultimately be advised to vacate the campground.

These would be reviewed and approved by the Planning Director and the owner would need to provide these to customers whenever the campground is open during the previously identified flooding season November 1 through March 15. These protocols could still be used any time there is a risk of flooding due to heavy rainfall events.

Any conflicts over the adequacy of the proposed protocols would be subject to a review by the Planning Commission.

FINAL STAFF RECOMMENDATION

Conditionally approve the modification to the seasonal operation of the Circle Creek Campground at 85658 Highway 101. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated condition.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

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

Attachments:

Applicant's Submittal
Letter from Seaside City Manager