

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
June 2, 2015
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** April 7, 2015
6. **PUBLIC HEARING:**
 - A.) **15-027VRD** is a request by **Booth Brothers LLC** for a **two** (2) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six** (6) people over the age of three. The property is located at **221 N Downing #300** and it is zoned High Density Residential (R-3).

 - B.) **15-028CU:** A conditional use request by E3 Holdings LLC that will allow the development of a 26 unit apartment complex on the vacant property former utilized by Western Oregon Waste (WOW). The subject property is located on the SW corner of S Jackson St. & Avenue M (a compilation of tax lots 8300, 8301, 8500, & 8600 of T6, R10, 21DA). The residential development would consist of two apartment buildings three stories in height. The property is currently zoned General Commercial (C-3) and the apartments are conditionally permitted in the zone. A highway overlay zone request (**15-029HOZ**) has also been submitted in conjunction with the applicant's conditional use application.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
May 5, 2015

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Tom Horning , Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

Absent: Ray Romine

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Vice Chair Carpenter asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Vice Chair Carpenter then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Perkel stated that when he was at 2341 S. Columbia he spoke with the neighbors regarding the parking and they are here tonight to testify regarding the VRD.

APPROVAL OF MINUTES: April 7, 2015 Minutes;

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

AGENDA:

PUBLIC HEARING REQUIREMENTS:

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

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

A.) 15-013VRD is a request by **David & Candice Remer** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The property is located at **2249 S Columbia** and it is zoned Medium Density Residential (R-2)

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

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Dana Weston. 33292 Surf Pines, Seaside, OR. Dana is the real estate agent the owners used when they purchased the property. The Remer's were not able to make it tonight.

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

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

Vice Chair Carpenter close the public comment and opened it for discussion.

Commissioner Ridout asked how this will be operated and if the property is contingent upon approval of the VRD. Dana stated the Remer's have already purchased the property and it is not contingent upon the sale and the property was a vacation rental before the Remer purchased it.

Commissioner Wright asked the last name of the person from Rogers Inn. Debbie stated that is Bobbie Murphy with Rogers Inn.

Commissioner Ridout asked if there were any complaints with the previous vacation rental. Mr. Cupples stated there were no complaints in the land use file.

Commissioner Horning stated when he went to the property there looked like there was enough room for parking. Commissioner Ridout stated that just because it looks like there is plenty of room for parking doesn't mean people will use it. Vice Chair Carpenter asked if Dana knew anything about Rogers Inn and how they manage the parking requirements. Dana stated she really didn't know but the requirements state that they have to have off street parking and a map showing where people could park on the property. As far as the enforcement of that goes Dana wasn't sure.

Commissioner Horning made a motion to approve the vacation rental under the guidelines that staff has presented. Commissioner Perkel seconded and the motion was carried unanimously.

B.) 15-014VRD is a request by **Bryce McCall** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **2341 S Columbia** and it is zoned Medium Density Residential (R-2).

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

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Bryce McCall, 1475 5th St. Astoria. Bryce is partial owner of the property and will be the property manager.

Commissioner Hoth asked Bryce if he had any experience with property management. Bryce stated he works for a guy that has two vacation rentals now and he manages them.

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

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in opposition. Bill Fitzpatrick, 2335 S Columbia. He purchased his property 8 years ago and has been living there fulltime, retired for the past 6 years. It was a quiet neighborhood until about two years ago. He and another neighbor wrote a letter at that time against the Vacation Rental. They listed the normal things like, traffic, noise and parking in front of his house. On the 4th of July he got a little excited when he found bottle rockets on his roof, but again vacation time so things are expected. The thing that is annoying is the parking. That particular property it stated that there are 3 parking spaces, one in the garage and two in the driveway and they would have to shuffle cars if they were going to do that. Now he can guarantee the commissioners that no one has ever parked in that garage. Even if they wanted to they couldn't park in the garage because there is a foosball table in there. Really there is only two parking spaces, so they park on the street. Then you get the sleeping bag crowd that John and Joe have rented and now has invited his friends over because they have lots of floor space. Now they park in the street in front of Mr. Fitzpatrick's home. Why should that bother him? Because now he if he wants to park on the street he has to go hunting for a spot. This house 2341 S Columbia has a driveway where you would have to stack the parking and the only way to do that is bumper to bumper. It's not going to happen they are going to park on the street. In the summer 1 out of 3 weekends there are cars parked in front of his house. Mr. Fitzpatrick is supposed to call the rental agency and say, that there are cars parked on the street. In the letter it says don't call the city, call the property manager. He feels he has nowhere to go. He really doesn't know who the car belongs to, they're not listed at being part of the lease. There should be six or nine people in the house but with the sleeping bag crowd there could be up to twelve to fifteen people in the house. When there is a vacation rental on both sides of him, how is he supposed to determine which property each car goes with. Now he is not going to have any peace. He didn't buy into that. He bought into a residential neighborhood. He paid a lot of money for a beach house and he would like it to be a beach house. He submitted photos of cars parked on the street. His cars are parked in the driveway. How does he know who these cars belong to? The right thing for the planning commission to do is say NO to anymore vacation rentals in this neighborhood.

Vice Chair Carpenter asked if there was anyone else who would like to offer testimony in opposition of the VRD request. Lois Fitzpatrick, 2335 S Columbia, Seaside. When they moved in, in 2009 it was a residential neighborhood, now it's a ghost town. Every other house is empty because it's a vacation rental. She is concerned about crime and the emptiness. She would like to see this returned to a residential neighborhood.

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

Vice Chair Carpenter asked if Bryce would like give a rebuttal to the Fitzpatrick's comments. Bryce stated that when he bought the home they measured the parking spaces. It did come up with the right

amount of parking. The city has come out and did the inspection and confirmed the parking. As far as he is concerned they meet the parking and all other requirements. They spent a lot of money on the home and pay taxes too. He cannot make promises that he will be there every thirty minutes but he will be there mowing the yard twice a week. This home is his baby and this is his job and will do everything he can to make sure it meets all the requirements. Vice Chair Carpenter asked what guidelines does Bryce have to ensure that guest park in the designated parking area? Bryce stated that it is one of the requirements to have a parking map posted inside the residence. Every time they have a renter he will show them the parking and let them know that he will stop by on occasion. On Hood to Coast and 4th of July there is really no way to know who is parking on the street.

Vice Chair Carpenter close the public comment on the vacation rental. Commissioner Perkel stated that he understands the parking situation in the area because he used to live at the Mirage Condo's. He also didn't realize that there were so many rentals in that area.

Commissioner Hoth stated that we are dealing with two separate issues. One is the vacation rentals in the area and the other is enforcement. Unfortunately when the commission makes a decision on these vacation rentals they must use objective criteria and we can't say, "No, you can't have a vacation rental because there may be a problem." It's sort of like saying you can't have a driver's license because you might have an accident. Unfortunately, if he meets the criteria we have to approve unless we can come up with a good reason, like there is no management or they don't have the parking. The other problem is the enforcement because like Mr. Fitzpatrick said, how would you know whose car is parked on the street. We have pushed for having complaints sent to the commission so that we can review them and then maybe eventually revoke the vacation rental license. Mr. Cupples stated that, staff plans on contacting the property owner and the manager letting them know what has come to light regarding the parking issues and what measure are they going to put in place to make sure that issues gets corrected. If it doesn't get corrected, then we need to hear from the neighbors. Vice Chair Carpenter stated that there is a complaint form on the cities website that anyone can fill out and get back to the city as soon as possible so we can address the problem quickly. Mr. Cupples stated that we need to know immediately when there is a violation so that we can take care of it immediately and not try to go back months or sometimes even years. The problem is that when things wait for so long, we can't know if it is the owner staying at the property and they're causing a problem by having a wedding on the beach. The owners can park on the street and have as many cars as they want and we cannot regulate the property owners. Commissioner Wright stated that right now 25% of the homes within 100 feet of this property are vacation rentals. If this one is approved then would that make it 50%. Mr. Cupples stated that with this one it would be 30%. Commissioner Horning stated that being on the planning commission over the last 15 years, he has heard lots of stories and examples of people not being honest to the managers and the owners. There are people who fear the effect of change. Sometimes no matter how many times we ask for detailed information we get the response that everything is being properly taken care, but the complaints keep coming in. The best thing to do is to keep a diary of events and document everything for example dates and photos of the violations and turn it in. If it is not turned in how can staff take care of it. We have also got policies in place that say if you are west of the Necanicum River it is vacation rental territory and we don't generally try to stop it. If you have a home on the east side of Holladay we have a policy not to allow them there. The commission does not have the power to stop something. It gives them the opportunity to restrict them. Commissioner Horning stated that one of his neighbors had a vacation rental and the property manager would lie to them and say there was only going to be 6 people in the home but then it turned out to be 20 people in the home. After a while they just decided not to rent the property at all. Mr. Fitzpatrick ask if he could comment on that. He stated that none of the commissioners live by a vacation rental. Vice chair Carpenter and Commissioner Ridout stated that yes they do live next to vacation rentals and they know exactly what he's talking about. They stated that there are parking problems. Mr. Fitzpatrick stated that when he came here tonight he knew nothing would get done. The city collects a fee and then collects the taxes, so the city is getting something out of these vacation rentals. He is getting nothing from them. He thinks Bryce will do a good job with renting the property out, but then he's going to get bored with it and then hand it over to a rental company. So for a short duration it will be fine but once the other company starts managing it, policing of the property falls on him. The reason nobody gets back to the commission is because they don't expect anything to get done. That is the reason. Vice Chair Carpenter stated in order to deny an application, the commission needs justification. We don't have justification in this case. Mr. Fitzpatrick stated that he realizes what the commission is saying but he's not sure what justification would really be then. Vice Chair Carpenter stated it would be having no parking available, that would be justification. He also stated that sometimes the VRD will not pass through the planning department at the time of the proposal. Commissioner Horning stated that the town has been transforming with the absentee owners who are renting their homes out like little motels. It has caused the price of real estate to go up and now we have more than 350 vacation rentals in Seaside

and we are selling off the affordability issue. It may be good for investors but it's not good for neighborhoods and people who are trying to buy affordable housing. It's a double edged sword and this is a great example of how it's not working very well.

Vice Chair Carpenter asked for any further comments. There was no response.

Commissioner Wright made a motion to approve the vacation rental under the guidelines that staff has presented. Commissioner Hoth seconded and the motion was carried with a 4 to 2 vote in favor of the request. Commissioner Hoth voted yes with reservations, Commissioner Horning and Commissioner Perkel voting no.

ORDINANCE ADMINISTRATION: A development was being proposed within the industrial zone that would have allowed a grow site for medical marijuana. Currently the cities business license ordinance would not allow that use to occur. Just like it didn't allow for the medical marijuana distribution facilities. Under the zoning ordinance, Mr. Cupples was looking to see if that use would be allowed in the zone, and based on the language that is written in the ordinance you could say yes, a grow site is an industrial activity inside an enclosed building. It could be considered the manufacturing of drugs and under the M1 zone designation, you could make the argument it is an allowed use. That said, the City Council still has the provisions in the business license that would prohibit the growing. They currently have a pending ordinance that would deal with the dispensary sale of medical marijuana. If in fact that is going to be a use that can be allowed in the industrial zone, then it's going to be incumbent on the city council if in fact they are going to change the business license ordinance and create another licensing procedure for grow sites. Vice Chair Carpenter asked what other industrial areas does the city have besides the outlet mall? Mr. Cupples stated that the area along Avenue S and then before you get to the river it turns back into residential space. There is a little bit of a mixture and really no clean lines around that area. The city shops and the mill pond are zoned industrial. Manufacturing is a permitted use within the industrial zone. Vice Chair Carpenter stated the only place then for a grow operation would be in the outlet mall and around the area of Avenue S. Mr. Cupples stated that was correct, but you could also have a grow operation in the EFU zone and we do have some of that within the city limits.

Tom Butori, 925 Ave S, Seaside OR. The medical Marijuana designated by the State of Oregon, now are implementing rules that you use scrubbers to control the smell. The other thing, as far as growing medical marijuana, is that you cannot have any animals around. You have to have a sterile operation. You have to wear a gown in order to enter a grow room. Mr. Butori stated that in the industrial zone the fire code is very strict. You have to have a two hour fire wall. There is a limited amount of industrial zone within the city limits. Vice Chair Carpenter asked Mr. Cupples what does he need from the planning commission? Mr. Cupples stated that he just needed confirmation that he is not out in left field on the interpretation of the ordinance. The commissioners stated there was no other way to interpret it and that it is an outright permitted use in the industrial zone.

COMMENTS FROM THE PUBLIC:

Erin Barker, Beach House Vacation Rental asked if it was ok if she spoke about the parking issue. She is a property manager and manages vacation rentals and a full time rentals. She asked how many vacation rentals are there? Mr. Cupples stated that the last time he checked there were approximately 325. Erin stated that she asked that same question back in 2002 and 2003 and the amount was 300 to 310 and she doesn't think there is this big expansion of VRD's, it's just that they are changing hands. Back in that time is when the planning commission decided to zone off certain areas of town to keep the residential feel for certain neighborhoods. Erin used to live on S Downing and they had 3 cars and the neighbors had 3 cars plus a boat and a motorhome and the neighbors would park the motorhome on Erin's side of the street and not in front of their own home. The planning commission came up with the rule that if you were going to have a vacation rental then you had to have off street parking for that rental. Last summer, or the summer before, Erin went and passed out flyers to all the cars parked on Beach Drive between G and K. A policeman stopped her and asked her what she was doing and she said that she was putting flyers on cars that said if you are a vacation rental and parked on the street you are parked here illegally and you need to move your car and if you have a problem with it call the city. The policeman stated that she didn't have a permit to put the flyers on the cars and she had to stop. She spent the day asking people as they pulled up and asked them if they were visiting and she stated that some of the people stated that they were going to a wedding at Our Lady of Victory church. She asked why are you parking way down here and they would say it was the closest parking they could find. Other people would say they are going to the beach. None of the people that she spoke to

said that they were staying at a vacation rental. When people book a vacation home she asked them, how many people are there going to be, how many cars are you bringing? She also asked if they are bringing a boat please let them know because they may not be able to rent a certain house because it doesn't have the parking for a boat. People do ask. You can say take pictures and document it but you can't say that they are with that vacation rental unless you catch them going into a VRD. It's impossible to keep an eye on the parking 24/7. People who complain must let the property manager know while it's happening. Don't call after the fact, because at that point it's too late and then the problem can't be fixed. When it's happening it can. It's frustrating when people call after the fact. When owners use their homes or family members of the owners use the home then there seems to be a lot more attention to them because they don't have to abide by the parking rules and they usually do have a lot more cars than the renters. There is nothing that can be done about that. Erin has discovered vacation rentals that don't have a license and they don't follow the rules. Commissioner Ridout stated that different people have different tolerances and he puts up with a lot more than his wife would. He stated in his neighborhood the street just gets filled. Those people seem to go home at night, but there are those that don't and he knows they are vacation rentals but he's not sure what house they belong to. He asked about the different rules for different vacation rentals and if we are at the point now where the rule of parking on the property is applied to all of them or is there still some that are grandfathered in. Mr. Cupples stated that any of them that were done prior 10-10-10 are still under the old rules. One of the vacation rentals still has no off street parking but we haven't had any complaints either. There are 17 conditions placed on all new vacation rentals.

Commissioner Wright would like neighbors to address the complaints as soon as possible. Mr. Fitzpatrick stated that Seaside Vacation rentals has come and knocked on his door and let him know that they are trying to resolve the issue, but they don't know who the cars belongs to. Mr. Fitzpatrick stated that he would try harder to take care of things immediately. Erin stated the only way to really know who the car belongs to is to sit there and watch. Erin actually called the listing agent of one of the homes for sale and asked if she could sit in the house and watch the house across the street. She sat there all day and nothing happened.

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:27 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: June 2, 2015
Owner: Booth Brothers LLC, PO Box 219, Cannon Beach, OR 97110
Applicant: Christine Grantham, 105105 E Tripple Vista Dr. Kennewick, WA 99338
Location: 221 N Downing #300, T6-R10-S21AB TL#4500
Subject: Conditional Use 15-014VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **221 N Downing**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling unit of a triplex.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **221 N Downing #300**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom dwelling unit of a triplex.

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

- a. The applicant's plot plan indicates there are **two** off-street parking spaces that are available on the site. **Two cars can be stacked in the driveway for this unit and all other units owned and operated by the owners.**
- b. The existing **two** bedroom dwelling unit will have a limited occupancy of **six people** over the age of three (not more than 10 regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
- d. **Kathy Marturano, 820 N Prom, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 738-9524.**

- e. The applicant, **Christine Grantham** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood with a mixture of single family dwellings and apartments. Currently **21%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-3) or Resort Residential (RR)**.
3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received **any** comment about the applicant's request.
4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
5. The property has undergone a preliminary compliance inspection. **All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.**
6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb.

CONCLUSION TO CRITERIA #1:

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

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(15-027 VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has already undergone a preliminary compliance inspection but it cannot be rented for transient occupancy until it has passed a final inspection.

- 2. Parking spaces: Two (2) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. **Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location.** Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. **A parking map shall be posted inside the dwelling unit for the VRD tenants.**

The map must clearly indicate "ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.

- 3. Maximum number of occupants: Six (6) persons over the age of three, no more than 10 regardless of age.** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 4. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
- 5. Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
- 6. Local Contact: Kathy Marturano, 820 N Prom, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 738-9524.**

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

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

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

would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a **40 watt bulb**.

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

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

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

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

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

FINAL STAFF RECOMMENDATION

Conditionally approve application **15-027VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10, regardless of age) at **221 #300 N Downing**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT BOOTH BROTHERS LLC	ADDRESS 820 N. PROM, SEASIDE	ZIP CODE 97136
STREET ADDRESS OR LOCATION OF PROPERTY 221 N. DOWNING # 300		

ZONE R-3	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 21 AB	TAX LOT 4500
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

CONVERT APARTMENT TO VACATION RENTAL

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER BOOTH BROTHERS LLC	PRINT NAME OF APPLICANT/REPRESENTATIVE CHRISTINE GRANTHAM
ADDRESS 820 NORTH PROM SEASIDE OR. 97136	ADDRESS 105105 EAST TRIPPLE VIEW DRIVE KUNNINGHAM WA 99334
PHONE / FAX / EMAIL 503) 734-9524 / 734-9202 / INFO@INNOVATIVEFOURWINGS.COM	PHONE / FAX / EMAIL (509) 845-0820 RRGRANTHAM@LIVE.COM
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

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

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

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

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

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

SUBMITTAL INFORMATION

1. Applicant's Name: CHRISTINE GRANHAM Booth Brothers LLC.
2. Mailing Address: 105105 B. TRIPPHZ VISIA DRIVE KENNEWICK, WA. 99376
3. Telephone #: Home 509) 845-0429 Work N/A, Fax N/A
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: 221 NORTH DOWNING #300
6. Tax Map Ref.: Township __, Range __, Section ____, Tax lot # ____
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 2 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

ORIGINAL

VRD Application updated 5-5-11

cc 20
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✓ 2321-43000

9676

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CITY OF SEASIDE

APR 24 2015

PAID

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

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

CATHY MARTURANO Phone # 736-9524. Address:
620 N. PROM. SEASIDE OR. 97136. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

11. What is the zone designation of subject property? R-3. 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: Christine Brantham Date: 4/24/15

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

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

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

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

Submittal Date: _____ Amount Paid: _____

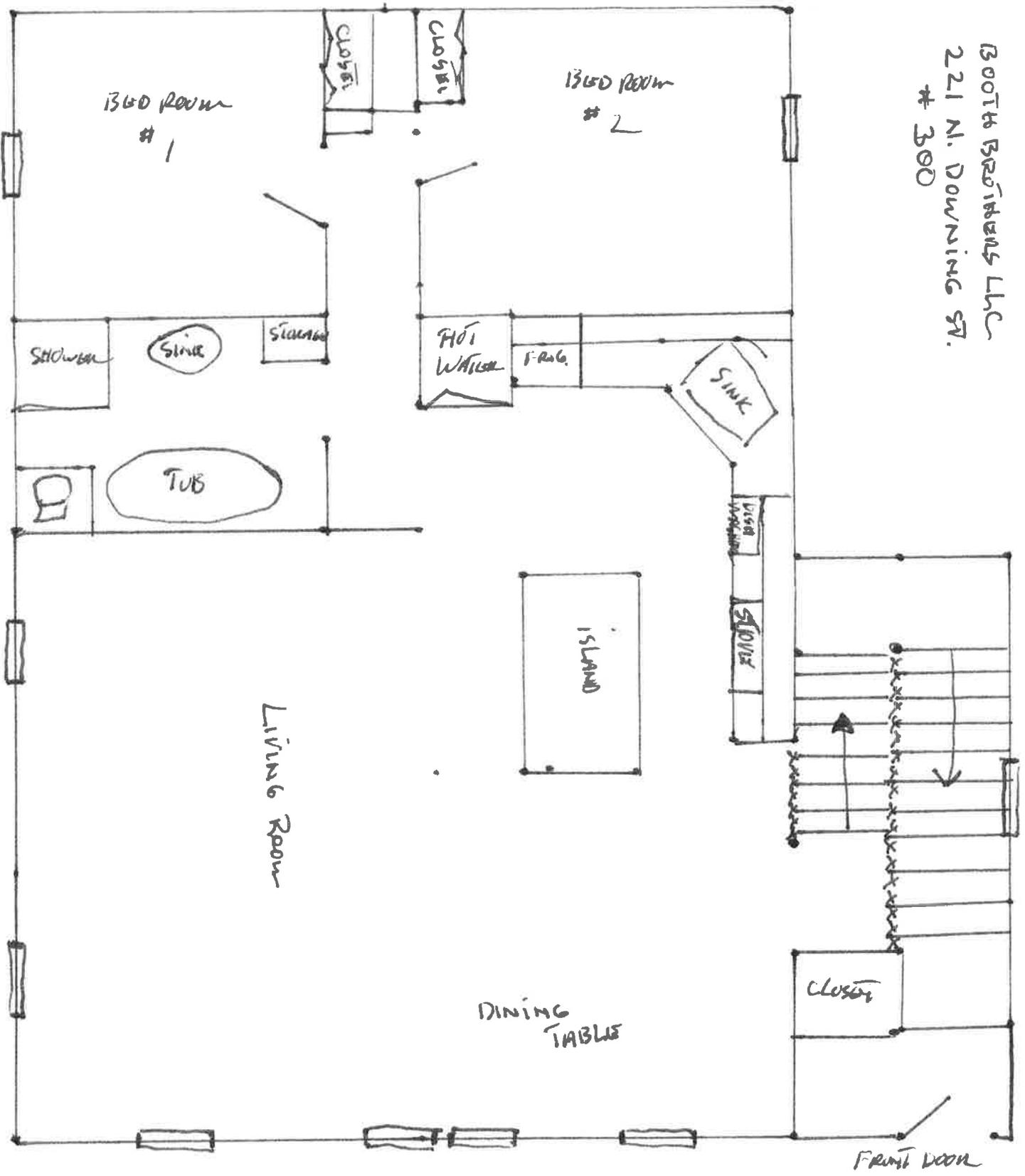
~~~~~ For Community Development Use ~~~~~

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

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

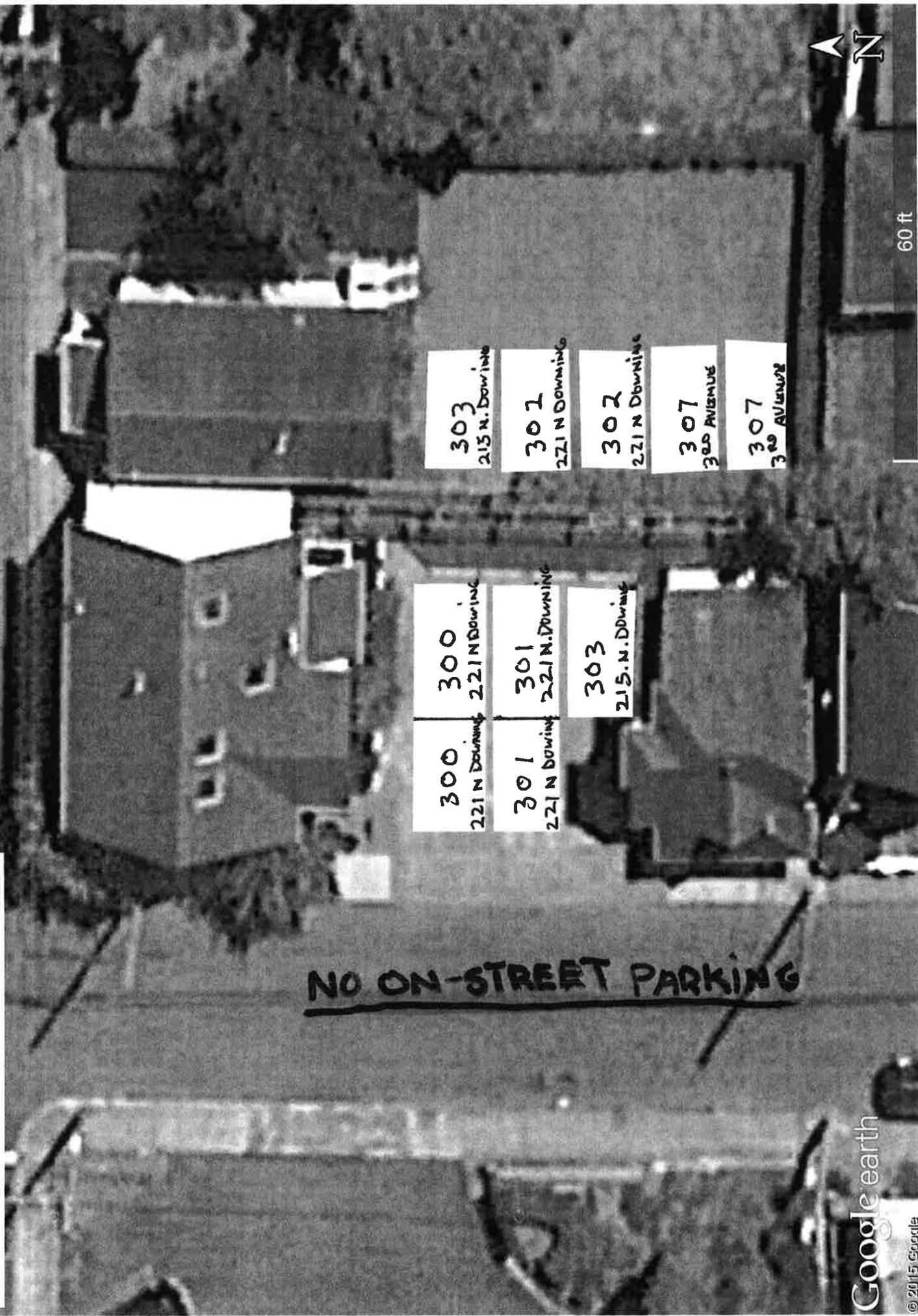
If applicable, date for Planning Commission Hearing: \_\_\_\_\_

BOOTH BROTHENS LLC  
221 N. DOWNING ST.  
# 300



# Parking Map 221 N Downing

Write a description for your map.



April 24, 2015

City of Seaside Planning Commission,

Booth Brothers LLC is applying for a land use application for converting 221 North Downing Street apartment # 300 to a vacation rental. The attached Business Licenses show that the Booth Brothers LLC owns the surrounding properties and uses the off-street parking for all properties. The combined Booth Brothers off-street parking meets the minimum required parking for the existing vacation rentals (221 North Downing B & C, 215 North Downing, 307 3<sup>rd</sup> Avenue). There is additional parking to meet the additional two 9' X 18' required parking spaces for this application. Booth Brothers will not sell any of these properties separately while the permits are active.

Thank you for your consideration of this vacation permit application.

A handwritten signature in black ink that reads "Christine Grantham". The signature is written in a cursive, flowing style.

Christine Grantham, Business Manager

Booth Brothers LLC

Inn of the Four Winds & Vacation Rentals

LICENSE NUMBER 151364

ACCOUNT 9878

TYPE OF BUSINESS VACATION RENTAL DWELLING

OWNERSHIP BOOTH BROTHERS LLC

D.B.A. OCCUPANCY 6 (BOOTH)

ADDRESS 215 N DOWNING

CITY SEASIDE , OR 97138

CITY OF SEASIDE

# BUSINESS LICENSE

NOT TRANSFERABLE

LICENSE YEAR

JANUARY 1ST 15  
TO DECEMBER 31ST 15

BUSINESS LICENSE FEE 100.00

PENALTY

TOTAL AMOUNT 100.00

# 15

CITY OF SEASIDE, OREGON  
LICENSE DIVISION

BY

  
CITY AUDITOR

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE

LICENSE NUMBER 151363

ACCOUNT 9120

TYPE OF BUSINESS VACATION RENTAL DWELLING

OWNERSHIP BOOTH BROTHERS LLC

D.B.A. OCCUPANCY 6 (BOOTH)

ADDRESS 307 3RD AVENUE

CITY SEASIDE , OR 97138

CITY OF SEASIDE

# BUSINESS LICENSE

NOT TRANSFERABLE

LICENSE YEAR

JANUARY 1ST 15  
TO DECEMBER 31ST 15

BUSINESS LICENSE FEE 100.00

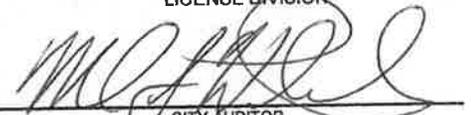
PENALTY

TOTAL AMOUNT 100.00

# 15

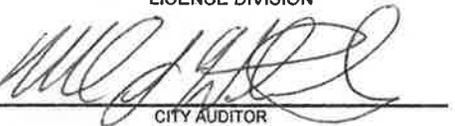
CITY OF SEASIDE, OREGON  
LICENSE DIVISION

BY

  
CITY AUDITOR

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE

|                                                                                                                                                                               |                                                                       |                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LICENSE NUMBER 151361<br><br>ACCOUNT 9030                                                                                                                                     | <b>CITY OF SEASIDE</b><br><b>BUSINESS LICENSE</b><br>NOT TRANSFERABLE | LICENSE YEAR<br>JANUARY 1ST 15<br>TO DECEMBER 31ST 15                                                                                                                                                                                      |
| TYPE OF BUSINESS VACATION RENTAL DWELLING<br><br>OWNERSHIP BOOTH BROTHERS LLC<br><br>D.B.A. OCCUPANCY 3 (BOOTH)<br><br>ADDRESS 221 N DOWNING B<br><br>CITY SEASIDE , OR 97138 | 15                                                                    | BUSINESS LICENSE FEE 75.00<br><br>PENALTY<br><br>TOTAL AMOUNT 75.00<br><br>CITY OF SEASIDE, OREGON<br>LICENSE DIVISION<br><br>BY _____<br>CITY AUDITOR |
| THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE                                                                                                 |                                                                       |                                                                                                                                                                                                                                            |

|                                                                                                                                                                               |                                                                       |                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LICENSE NUMBER 151362<br><br>ACCOUNT 9035                                                                                                                                     | <b>CITY OF SEASIDE</b><br><b>BUSINESS LICENSE</b><br>NOT TRANSFERABLE | LICENSE YEAR<br>JANUARY 1ST 15<br>TO DECEMBER 31ST 15                                                                                                                                                                                       |
| TYPE OF BUSINESS VACATION RENTAL DWELLING<br><br>OWNERSHIP BOOTH BROTHERS LLC<br><br>D.B.A. OCCUPANCY 3 (BOOTH)<br><br>ADDRESS 221 N DOWNING C<br><br>CITY SEASIDE , OR 97138 | 15                                                                    | BUSINESS LICENSE FEE 75.00<br><br>PENALTY<br><br>TOTAL AMOUNT 75.00<br><br>CITY OF SEASIDE, OREGON<br>LICENSE DIVISION<br><br>BY _____<br>CITY AUDITOR |
| THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES OR VEHICLE                                                                                                 |                                                                       |                                                                                                                                                                                                                                             |

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission

**From:** Planning Director, Kevin Cupples

**Date:** June 2, 2015

**Applicant:** Dale Barrett, Otak Inc.; 4253-a Highway 101 N, Seaside, OR

**Owner:** E3 Holdings LLC, 16869 SW 65<sup>th</sup> Ave. #252, Lake Oswego, OR

**Location:** SW corner of S Jackson St. & Avenue M (a compilation of tax lots 8300, 8301, 8500, & 8600 of T6, R10, 21DA).

**Subject:** Conditional Use 15-028CU & Highway Overlay Zone 15-029HOZ; Two Apartment Buildings, One 12-unit & One 14-unit.

---

### **REQUEST:**

The applicant is requesting a conditional use permit that will allow the development of a 26 unit apartment complex on the vacant property former utilized by Western Oregon Waste (WOW). The subject property is located on the SW corner of S Jackson St. & Avenue M (a compilation of tax lots 8300, 8301, 8500, & 8600 of T6, R10, 21DA). The residential development would consist of two apartment buildings three stories in height. The property is currently zoned General Commercial (C-3) and the apartments are conditionally permitted in the zone. Although the property does not abut South Roosevelt, it is located within the highway overlay zone, so overlay zone request (**15-029HOZ**) has also been submitted in conjunction with the applicant's conditional use application.

The review will be conducted in accordance with Article 6 & 10 of the Seaside Zoning Ordinance and Highway Overlay Zone Section 3.400 in TSP Appendix G. These establish the review criteria and procedures applicable to the requests.

### **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 statements may be adopted by the Planning Commission to support their conclusions along with 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 elevation drawings are adopted by reference. The applicant's plan calls for the following:
  - Development of two apartment buildings that will provide a total of 26 two bedroom apartment units (12 units in one building and 14 in the other)
  - Both buildings will be three stories; however a small portion of the 14 unit apartment building will have a small section limited to only 2 stories.
  - Access to the parking lot will be from Avenue M and South Jackson Street.
  - A total of 52 off-street parking spaces will be provided. Nine of the spaces are proposed to be compact and one is identified as a van accessible handicapped space.
  - The site plan identifies some open space that will be landscaped and they have provided an area that will be used as a bio swale.
  - Drainage facilities will be designed to accommodate parking lot and building runoff.
  - Street and sidewalk improvements will be completed based on Direction of the Public Works Director..
  - Exterior lighting plans will be provided to document compliance with outdoor lighting provisions.
  - Trash and recycle facilities will be provided.
  - Bike parking, both short and long term, will be incorporated into the development plan.

- The development will conform to applicable FEMA floodplain requirements.
2. Development of the property was previously approved under Conditional Use 11-031CU & Variance 11-032V. This development is not proposing a variance to the required off-street parking and it is only addressing units on a portion of the property that was included in the prior request. Although there are obvious differences between the two proposals, staff is relying on the prior decision as a basis for the review of this proposal.
  3. Staff has reviewed the site with the City Engineer and we have identified a number of issues that will need to be addressed in the development plans prior to any construction. These would include but are not be limited to the following:
    - Provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures, maintenance, or outfall modifications necessary to accommodate drainage from the development.
    - Provide detailed designs for street and sidewalk improvements associated with the development. This would include information about the installation of sidewalks where required under City Ordinance, handicapped access at abutting intersections, catch basins, and cross sections & design information about the new portions of street that will be extended along South Jackson up to the intersection with the east end of Avenue N.
    - At least 7 long term and 2 short term bike racks will need to be formally addressed on the applicants final plans.
    - Based on the total number of parking spaces, two additional handicapped parking spaces are required. Although one space can easily be added, adjacent to the van accessible isle, the third space will require an adjustment to the parking lay out and could require adjustments to the trash area unless the number of units is reduced or a variance to the required number of spaces is granted.
  4. Staff has identified a number of potential compatibility issues that are not fully addressed by the applicant and these could be addressed by the Commission through the imposition of conditions. The issues are identified as follows:
    - The property north of the development is zoned R-2 and it is developed with a variety of residential uses. Although exterior building and site lighting will be addressed based on the outdoor lighting ordinance, vehicle lights could still impact the neighboring residential uses. The parking lot along the northern portion of the property is across the street from residential uses along the north side of Avenue M. The lights from

vehicles will shine directly across the street and could impact the residential uses. The lot itself will create a visual impact to residential uses in the neighboring R-2 zone. These impacts could be reduced by the installation of a site obscuring fence, not less than 5' in height, as prescribed by the ordinance; however, height of the fence would need to be reduced in the visual clearance areas to avoid creating a hazard at the intersection of streets and accesses. Given the location of clear vision areas, a consistent site obscuring fence no higher than 3' would be preferable and still significantly reduce light impacts.

- The adjacent streets used to access the development (Avenue M, S Jackson, & Avenue N) have very narrow right-of-ways (30' in width) and sidewalk development within the right-of ways could further constrain any future widening of the narrow streets. Public sidewalks may need to be developed on the applicant's property and granted public easements in order to provide adequate pedestrian and vehicular access to the site.
- The proposed street improvements along Avenue N at this time may not be compatible with the future development of the commercial property south of Avenue N and it could encourage additional access from Highway 101 (South Roosevelt). In lieu of full development at this time, the vehicular access to Avenue N could be restricted to fire apparatus only and the applicant's obligation to develop the north half of the street could be delayed until such time the access to Highway 101 and the improvements to the property south of Avenue N are known. Such a delay would require establishing an obligation and/or dedicated funding mechanism for the street improvements in a reasonable amount acceptable to the Public Works Director.

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

The proposed apartment development 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 applicant must provide an engineered drainage plan that indicates how the existing and proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures, maintenance, or outfall modifications necessary to accommodate drainage from the development. The plan must be approved by the Public Works Director and it may incorporate new drainage facilities within the public right of way in an effort to accommodate the volume of run-off. The final design must prevent water from ponding on site and within the adjacent public right-of-ways.

**Condition 2:** The applicant must provide detailed designs for street and sidewalk improvements associated with the development. This would include information about the installation of sidewalks where required under City Ordinance, handicapped access at abutting intersections, catch basins, and cross sections & design information about

the new portions of street that will be extended along South Jackson up to the intersection with the east end of Avenue N. The plan must be approved by the Public Works Director and it may recognize some of the private sidewalks as public facilities through the establishment of appropriate easements.

In lieu of full development of Avenue N at this time, the plan could limit vehicular access to “fire apparatus only” with a future obligation to develop the north half of the street once access to Highway 101 and the improvements to the property south of Avenue N are planned. Such a delay would require establishing an obligation and/or dedicated funding mechanism for the street improvements in a reasonable amount acceptable to the Public Works Director.

**Condition 3:** .The applicant must provide a detailed exterior lighting plan. The plan must documents that all exterior lighting fixtures will be designed to limit glare in accordance with the City’s Outdoor Lighting Ordinance.

**Condition 4:** The applicant must install a site obscuring fence not less than 3’ in height along the northern and eastern portion of the parking lot. The 3’ height of the fence would not be 5’ as prescribed in the ordinance in order to avoid impacts to visual clearance areas at access drives and the street intersection.

**Condition 5:** Handicapped parking, bike racks, garbage, and recycling facilities appropriately scaled for the proposed use must be incorporated into the proposed development plans.

**Condition 6:** 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:** Pursuant to Section 3.400 of Appendix G of Seaside’s TSP, all development that will create a significant number of additional trips (more than 5 peak hour or 30 average daily trips) must address the following review standards and criteria:

**Section 3.407 Highway Overlay Zone Standards**

- 1. Building Size:** The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.
- 2. Landscaping:** A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10’ width multiplied by the length of the highway frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.
- 3. Exterior Lighting:** All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of site visibility from

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

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

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

**FINDINGS & JUSTIFICATION STATEMENTS:**

5. A Traffic Impact Analysis (TIA) is not required for the proposed use because it will not generate more than 600 daily trips or 100 hourly trips.
6. The proposed buildings will be accessed directly from two city streets (Avenue M & S Jackson) and they do not require access permits or approval by ODOT.
7. The larger of the two buildings is approximately 5400 square feet.
8. Pedestrian access will be connected to two improved streets used for access.
9. The applicant’s proposed parking spaces meet the required number of spaces specified in Section 4.100 and currently, no variance has been requested. The provisions in Section 3.410 prescribe the location of parking when uses have frontage on the highway and they are not applicable to non-frontage property.

**CONCLUSION TO CRITERIA #2:**

The proposed apartments will satisfy the applicable development standards in the Highway Overlay Zone provided the previously stated conditions are attached to the approval.

**FINAL STAFF RECOMMENDATION**

Conditionally approve the proposed apartment development on the SW corner of S Jackson St. & Avenue M. 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>Otak, Inc.                                                                      | ADDRESS<br>4253-a Highway 101 N. Seaside, OR | ZIP CODE<br>97138 |
| STREET ADDRESS OR LOCATION OF PROPERTY<br>Between Avenue M and Avenue N West of South Jackson Street |                                              |                   |

|             |                                                                                  |                |              |               |                                      |
|-------------|----------------------------------------------------------------------------------|----------------|--------------|---------------|--------------------------------------|
| ZONE<br>C-3 | OVERLAY ZONES<br>Highway Overlay Zone<br>Special Flood Hazard<br>Overlay Zone AE | TOWNSHIP<br>6N | RANGE<br>10W | SECTION<br>21 | TAX LOT<br>8300, 8301,<br>8500, 8600 |
|-------------|----------------------------------------------------------------------------------|----------------|--------------|---------------|--------------------------------------|

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

2 apartment buildings comprising a total of 26 units . Buildings will be a combination of 2 and 3 stories.

Applying for conditional use based on C-3 zoning.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

| OWNER:                                                  | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):                       |
|---------------------------------------------------------|--------------------------------------------------------------------|
| PRINT NAME OF PROPERTY OWNER<br>E3 Holdings LLC         | PRINT NAME OF APPLICANT/REPRESENTATIVE<br>Dale Barrett, Otak, Inc. |
| ADDRESS<br>16869 SW 65th Ave #252 Lake Oswego, OR 97035 | ADDRESS<br>4253-a Seaside, OR 97138                                |
| PHONE / FAX / EMAIL<br>503.866.9681                     | PHONE / FAX / EMAIL<br>503.738.3425 / dale.barrett@otak.com        |
| SIGNATURE OF PROPERTY OWNER<br>                         | SIGNATURE OF APPLICANT/REPRESENTATIVE<br>                          |

**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<br>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 <i>DK</i> |
| CASE NUMBER (S) <i>15-028 CU</i> |              |
| HEARING DATE                     | P.C. ACTION  |

| OFFICE USE:              |                      |
|--------------------------|----------------------|
| FEE <i>\$675</i>         | RECEIPT <i>13773</i> |
| DATE FILED <i>5-5-15</i> | BY <i>DK</i>         |
| <i>Dale Barrett</i>      |                      |

## 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 characteristic, 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 Director 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 Director 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 Director 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?

Apartment buildings for residential occupancy.

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

The development will conform to the height restriction as no structure will be more than 45 feet above grade.

The development will conform to the off-street parking requirement by having two parking spaces per dwelling unit.

Utility easements will be provided as necessary.

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

Substantial construction will take place within one year or the applicant will submit a written request for extension to the Planning Commission no less than ten days prior to the expiration of the permit.

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

The applicant will provide a drainage plan indicating how the development will accommodate storm water runoff from the parking lots and roof drains.

The applicant will provide street and sidewalk improvements including handicapped access as approved by the Public Works Director or an agreement with dedicated funds to complete the work.

The applicant will submit an exterior lighting plan and documentation that fixtures or screening will minimize glare and direct lighting from adversely impacting adjacent streets and neighboring properties.

Appropriately sized garbage and recycling facilities will be incorporated into the development plans.

Minor modifications to the proposed plan will be presented to the Planning Director for review and approval. Major modifications to the proposed plan will be submitted to the Planning Commission for review and approval.

Pedestrian access will be provided by providing connectivity between the buildings and adjacent sidewalks.

Building and utility design will conform to applicable building and fire code standards.

Site design will incorporate acceptable Fire Department Access.

A Grading and Erosion Control Plan complying with Section 4.200 of the Zoning Ordinance will be submitted prior to commencing any activities described in Section 4.202 a-c.

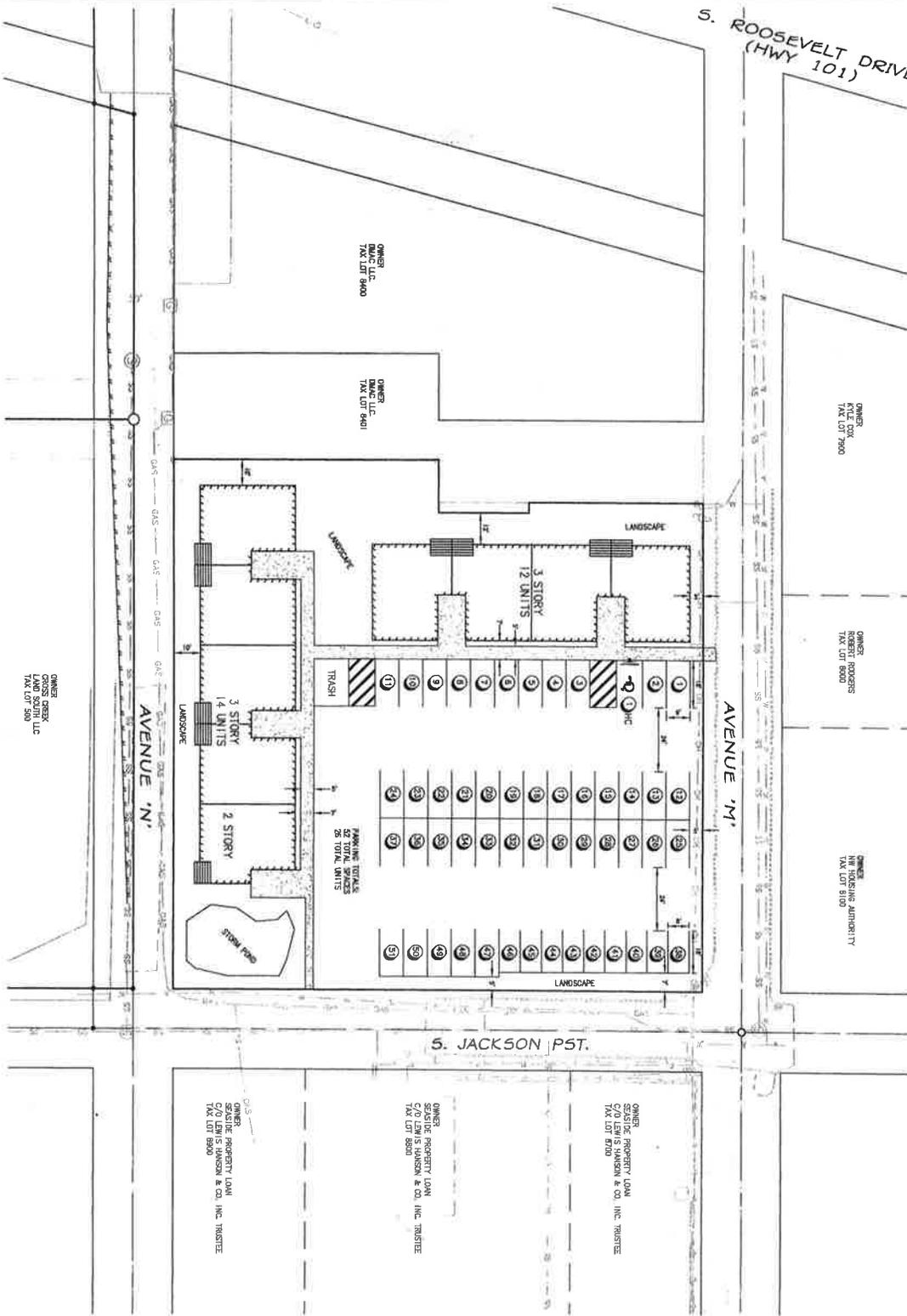
A performance bond will be executed as required when applying for development permits associated with this use.

A minimum of seven long-term bicycle spaces will be provided with cover as well as at least two short-term spaces.

Any proposed buildings lying within FEMA Flood Hazard Zone AE will be constructed at least 1' above the Base Flood Elevation.

4. 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



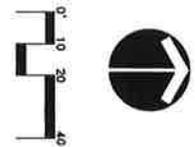
PROPOSED SITE PLAN  
SCALE: 1" = 40'

5. ROOSEVELT DRIVE  
(HWY 101)

AVENUE 'N'

AVENUE 'M'

5. JACKSON PST.



OWNER  
APRIL JAMES LLC  
1000 N. 10TH ST.  
SUITE 100  
1000 N. 10TH AVE. 1000  
DALE CENTER, OK 73133

OWNER: SEASIDE PROPERTY LOAN  
C/O LEWIS HANSON & CO. INC. TRUSTEE  
TAX LOT 8900

OWNER: SEASIDE PROPERTY LOAN  
C/O LEWIS HANSON & CO. INC. TRUSTEE  
TAX LOT 8900

OWNER: SEASIDE PROPERTY LOAN  
C/O LEWIS HANSON & CO. INC. TRUSTEE  
TAX LOT 8900

OWNER: GROSS GREEN LLC  
TAX LOT 890

OWNER: E3 HOLDINGS LLC  
TAX LOT 8600

OWNER: E3 HOLDINGS LLC  
TAX LOT 8601

OWNER: KYLE COX  
TAX LOT 7900

OWNER: ROBERT ROGERS  
TAX LOT 8000

OWNER: NW HOUSING AUTHORITY  
TAX LOT 8100

**HBH**  
 INCORPORATED  
 67738 SE 73RD AVE  
 SUITE 100  
 CLATSOP COUNTY, OR 97131  
 TEL: 503-738-1111  
 FAX: 503-738-1112  
 WWW.HBHINC.COM

**E3 HOLDINGS LLC.**  
 LAND USE APPLICATION SITE PLAN  
 SEASIDE APARTMENTS  
 CLATSOP COUNTY, OR

REGISTERED PROFESSIONAL LAND SURVEYOR  
  
 DATED: JULY 14, 1992  
 DALE N. BARNETT  
 1218  
 REVOKE: DECEMBER 31, 2016

| NO. | DATE | BY | REVISION COMMENTS |
|-----|------|----|-------------------|
|     |      |    |                   |
|     |      |    |                   |
|     |      |    |                   |
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|     |      |    |                   |

Design: DKK    Drawn: DMB    Checked: DMB    Date: Initial Issue Date: MAY 5, 2015



