

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
June 3, 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:** May 6, 2014
6. **PUBLIC HEARING:**

A.) 14-020VRD is a request by **Randy Reed** for a **three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than eight (8) people over the age of three (no more than 10 regardless of age). The property is located at **3029 Sunset Blvd** and it is zoned Medium Density Residential (R-2).

B.) 14-025NCU: An enlargement of a non conforming use request by Kimberly and Trenton Capp. The subject property is located at **380 S Edgewood** (61021AC TL: 5200), and it is zoned **Resort Commercial (C2)**. This request will allow the owner of the existing dwelling to extend the outside wall and make a basement/workshop accessible from the street level while providing additional work space inside.

C.) 14-026VRD & 14-027V is a request by **Thomas & Ruth Hooper** 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 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 **2555 Sunset Blvd** and it is zoned Medium Density Residential (R-2).

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

MINUTES SEASIDE PLANNING COMMISSION
May 6, 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, Tom Horning, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

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 April 1, 2014 minutes;
Commissioner Carpenter 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.) 14-015VRD 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 (no more than 10 regardless of age). The property is located at **1321 N Prom** 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.

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

Commissioner Ridout asked about the sloped area and city right of way. Mr. Cupples stated that most of the asphalt is actually in the cities right of way.

Commissioner Hoth stated that he has a lot more questions but doesn't want to go forward until there is a representative for the property here. Mr. Cupples stated that we could table the item and bring it back at the end of the meeting.

Agenda Item A.) Tabled Temporarily:

Since there was no one present to represent the applicant, this agenda item was temporarily tabled based on the assumption a representative would appear before the end of the meeting. The item will be brought back up following the last public hearing agenda item.

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 **nine (9)** people over the age of three (no more than 10 regardless of age). The property is located at **471 13th Avenue** 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.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Barbara Scott, 465 8th Ave, Seaside. Barb is the realtor/representative for the owners who live in Chicago. They plan to retire here and have found the home of their dreams. They want to use it as a vacation rental until that time.

Commissioner Carpenter asked Barb about the vacation rental company that will be in charge of renting the home. Barb stated VACASA will be the property manager. Commissioner Carpenter stated the phone number that is listed is a long distance number and not a local number. The planning commission has asked them many times to have a local phone number and thought that this issue was resolved but apparently not. They MUST have a local number and this is not acceptable.

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. Marcus Simantel, 460 12th Avenue, Seaside. Mr. Simantel stated he lives directly behind this home. If this gets approved there will be four in a row behind them. The house beside them is also a vacation rental. The applicant is not the owner at this time, is it allowed to go through this procedure. Mr. Cupples stated as long as the owner has signed the application then the applicants can go forward. Mr. Simantel asked how the 20% works and if anyone has ever been denied. Commissioner Hoth stated no one has been denied but they do put restriction and condition on the particular properties.

Vice Chair Dideum stated she has 6 phone numbers for VACASA and she has tried to call them and she never gets a response from them. We need to have a local contact person with a local phone number where someone will actually answer the phone. Mr. Cupples stated that he could send a letter to VACASA and the home owners stating that they are in jeopardy of losing their license if they do not respond to the letter immediately. Vice Chair Dideum stated that she has called them on all the numbers and they still do not respond.

Chair Romine indicated the issue was opened for Commission discussion.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and made a motion to approve the conditional use under the guidelines that staff has presented with special attention to item #6.

Commissioner Carpenter seconded and the motion was carried with a 6 to 1 vote in favor. Commissioner Hoth voted no.

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).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mike Packer 470 SW Juniper, Warrenton. He is the lead Minister at Warrenton Christian Church. They have a Church in Knappa and would really like to have one in south Seaside. There are lots of churches in north Seaside but none in the south end of town. A lot of the people that attend do not drive so this would be a nice location for them. Right now there are about 20 people who attend and hopefully that amount will grow.

Vice Chair Dideum asked if they have been meeting at the building already. Mr. Packer stated that yes they have been having meetings there since the beginning of April. Vice Chair Dideum stated that they should have gone through the proper channels and had this part done before they had any meetings. Mr. Packer stated that they were sorry and are going through the proper channels now.

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 Carpenter stated he could not find a visible address on the property front or back. Mr. Cupples stated that he thought he saw one but will make sure that one is posted. Vice Chair Dideum stated she was pretty sure there was one on the big sign out front but someone knocked that down last week. Commissioner Hoth asked Mr. Cupples about the condition of the building. Mr. Cupples stated that as far as he understands the owner has gone in and done some repairs. Commissioner Hoth asked about the lights shining into the neighboring homes. Mr. Cupples stated that we haven't had any complaints regarding the lighting but if one comes in they will be required to put up a fence or something to shield the lights from going into the neighboring property owners homes.

Commissioner Ridout asked if the parking is adequate for this use. Mr. Cupples stated that based on their seating right now they have enough parking but if they expand we will need to look at the parking again. As they testified earlier most of the congregation does not drive so hopefully parking will not be an issue. Commissioner Hoth stated that there are conditions of approval that must be met before they can occupy the building but they are already using the building which is in violations so who is going to make sure that they get this done and who is going to do it. Mr. Cupples stated it doesn't matter who is going to get all the conditions met but either the owner of the property or the renters will need to make sure that all the conditions are met.

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

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).

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. Erin Barker, 800 N Roosevelt, Seaside – Beach House Vacation Rentals. Erin has read the staff report and feels comfortable with Mr. Cupples report.

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 Ridout asked about the parking. Mr. Cupples stated that they have the three spaces that are required for an occupancy of nine (9). They did have a parking issue but lowered their occupancy to comply with the parking regulations.

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

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).

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. Sharon Roper, 85658 Highway 101, Seaside OR. Sharon has owned the park for 13 years and has gone through lots of flooding and has evacuated several times because of the flooding. This year it did not flood but it was a mild winter. Evacuating the RV sites is not a problem. She has done it before and probably will do it again.

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.

Chair Romine asked about public safety and how fast and how bad does this flood? Are people able to evacuate safely and in a timely manner if the waters do start to rise. Mr. Cupples stated that was just one of his concerns and that's why they need to put an evacuation plan in writing and be ready to evacuate when the time comes. Commissioner Hoth asked Mr. Cupples if you could build in the floodway, Mr. Cupples stated yes but there are restrictions and motor homes are not structures. Commissioner Horning stated that most of the time we know ahead of time when it's going to flood and it has flooded in June before. If they were able to evacuate guest in the summer, evacuating in the winter should be the same. Sharon stated that three years ago in October they had at least 15 guests in the park and her and her daughter had to move everyone out very quickly because of the flooding. She also stated that when we had the Tsunami scare a few years back, they had 20 people in the park and had to get most out, only one person would not leave.

Vice Chair Dideum stated that she volunteers at the visitor's center and every year they have to send people to thousand trails which is not cheap and to Fort Stevens or to Cannon Beach. Circle Creek is reasonably priced and gives people a chance to stay close to Seaside.

Commissioner Ridout asked if the city has any responsibility in make sure people are aware of the flooding that happens there every year. Mr. Cupples stated that there is always a chance that it can flood even if it's in the summer months, so having an evacuation plan ready is one way to ensure the safety of the people camping there. Sharon stated that she will write a contract for the people staying in the park, in the winter months, that says they will evacuate if the water rises to an unsafe level or when told they must evacuate and her insurance company would insist on having something like that written up.

Vice Chair Dideum mentioned that in the letter written to Russ Earl in 1990, it stated the property was located in the 100 year flood plain at that time. Now that FEMA has re-configured the flood plain, is it still in the flood plain? Mr. Cupples stated with FEMA this property has gone in and out of the flood plain/flood way a few times. Vice Chair Dideum asked what is the difference between a flood plain and a floodway? Commissioner Hoth stated a flood plain is where the water rises and the floodway is where the water flows. Mr. Cupples stated you could still build in floodway but you need to file a no rise certification which means you have to show that whatever your doing will not raise the base flood level at all.

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. Commissioner Horning seconded the motion. Commissioner Hoth wanted to amend the motion to include a list of emergency evacuation procedures to be handed out to guests during the winter flooding season. The Commissioners agreed to withdraw the original motion and Commissioner Hoth made a motion to approve the conditional use based on the staff report and the amended language he had stated. Vice Chair Dideum seconded and the motion was carried unanimously.

Agenda Item A.) Taken From The Table: Request 14-015VRD was taken from the table and re-opened for public testimony when the applicant's representative was recognized by the Chair

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Randy Harris, Oregon Seaside Vacation, Seaside. They do have a local phone number.

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 whole area was paved? Mr. Cupples stated that it has been paved for a very long time as you can tell by the age of the pavement. Mr. Cupples stated that being as they don't have adequate landscaping they are adding flower pots to part of the pavement area so they can meet the landscaping requirements.

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. Commissioner Horning seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Chair Ray wanted to know when Mr. Cupples planned on having the flood plain/flood way discussion because he'll be out of town when that happens.

Commission Horning wanted to let everyone know that Dick Reese past away and he wanted to say a few words about him. He stated Mr. Reese was an excellent planning commissioner that spoke with a great deal of passion when he spoke and had a high level of decorum and conduct. It was a great pleasure to work with him.

ADJOURNMENT: Adjourned at 8:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: June 3, 2014
Applicant: Randy Reed
759 Meadows Drive S
Richland, WA 99352
Owner: Randy Reed
Location: 3029 Sunset, T6-R10-S 29DA TL#03200
Subject: Conditional Use 14-020VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **3029 Sunset**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants are** requesting a maximum occupancy of **eight (8)** 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 **3029 Sunset Blvd.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicant** is requesting a maximum occupancy of **eight (8)** 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 **four** off-street parking spaces that are available on the site. **Two cars in garage and two in front of the garage.**
- b. The existing **three** bedroom residence will have a limited occupancy of **eight (8) 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. Ted Wood (PO Box 921, Cannon Beach, OR 97110) will be the 24 hour contact person and can be reached at (503) 436-9000.

- e. The owner/applicant, **Randy Reed** 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 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 **(14-020 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: Eight (8) 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: Ted Wood (PO Box 921, Cannon Beach, OR 97110) will be the local contact for the VRD and can be reached at (503-436-9000).**

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 **14-020VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **eight (8)** persons over the age of three (no more than 10 regardless of age) at **3029 Sunset Blvd.** 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>Randy Reed</i>	ADDRESS <i>759 Meadows Dr. S. Richland, WA</i>	ZIP CODE <i>99352</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>3029 Sunset Blvd Seaside 97138</i>		

ZONE <i>R2</i>	OVERLAY ZONES	TOWNSHIP <i>U</i>	RANGE <i>10</i>	SECTION <i>29 DA</i>	TAX LOT <i>3200</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Single Family House - Vacation Rental

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>Randy Reed</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>759 Meadows Dr S. Richland WA 99352</i>	ADDRESS
PHONE / FAX / EMAIL <i>509 3663207 Reed7642@hotmail.com</i>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEMPORARY USE | <input type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input 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>14-020VRD</i>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

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

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

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

SUBMITTAL INFORMATION

1. Applicant's Name: Randy Reed
2. Mailing Address: 759 Meadows Dr S. Richmond WA 99352
3. Telephone #: Home 509 366 3207, 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: 3029 Sunset Blvd.
6. Tax Map Ref.: Township —, Range —, Section —, Tax lot # —
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 8. 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

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100
430
580

9638

CITY OF SEASIDE

APR 07 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:

Ted Wood @ mac.com Phone # 503 730-0820. Address: - 503-436-9000
Cannon Beach - P.O. Box 921 97110. 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: [Signature] Date: 4/5/14.

-----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.

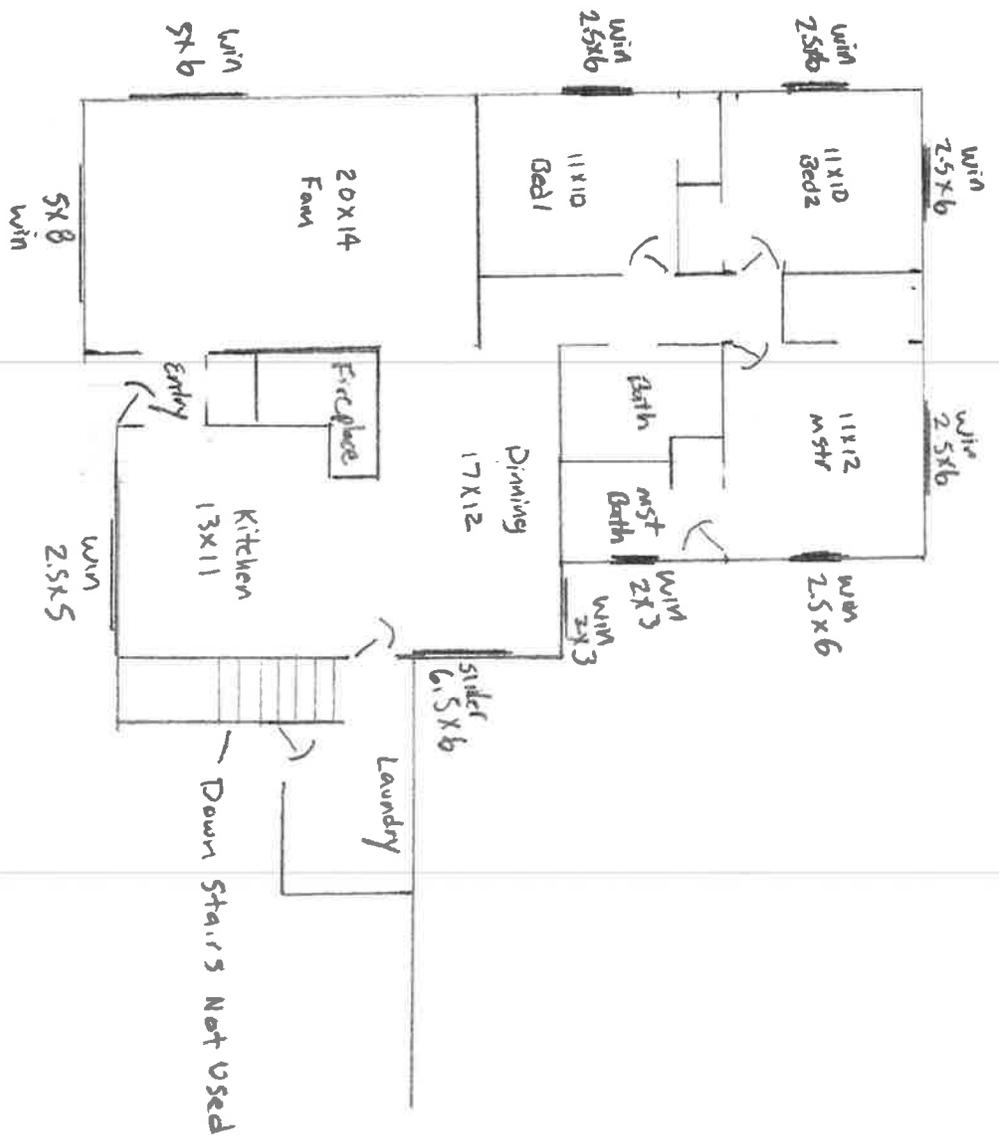
Submittal Date: _____ Amount Paid: _____

~~~~~ 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: \_\_\_\_\_

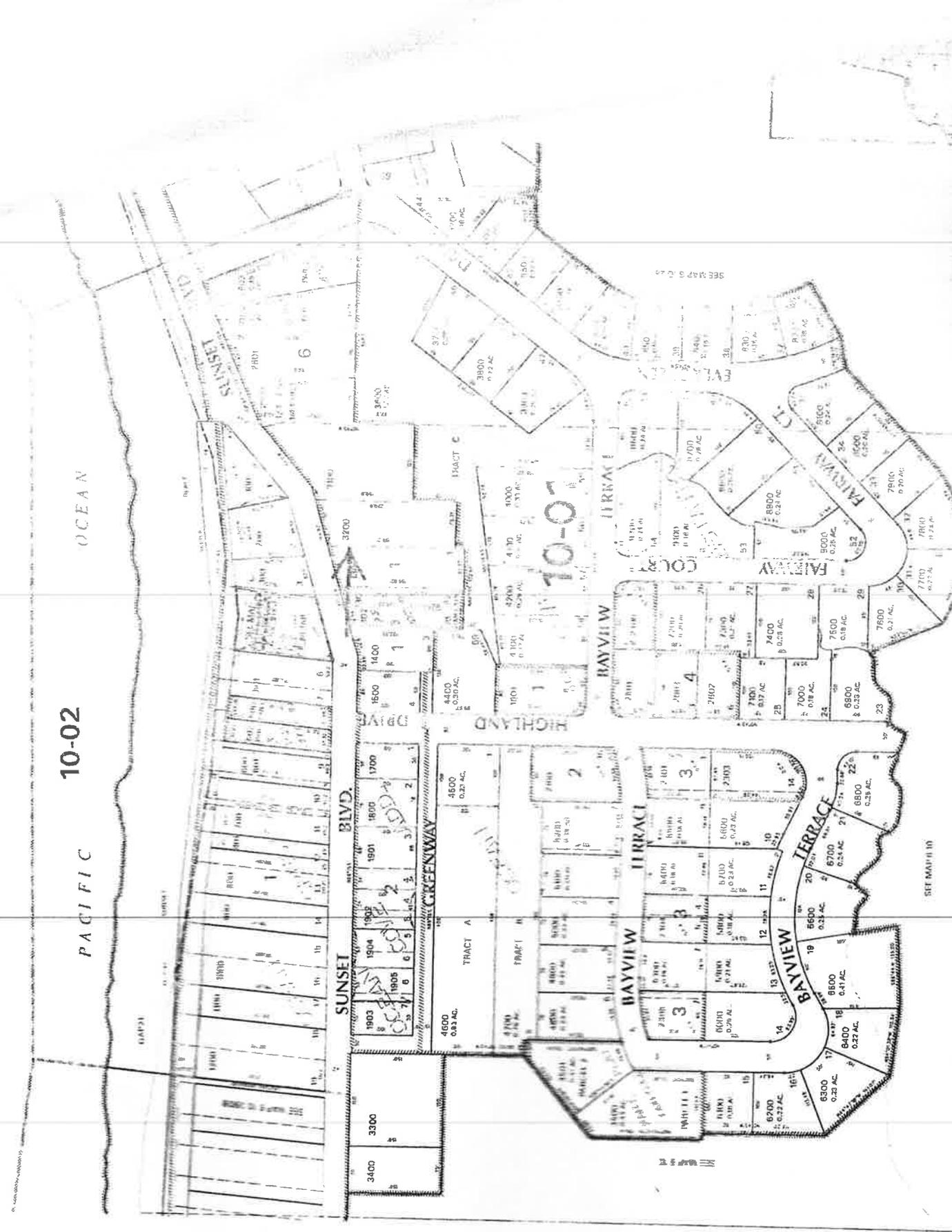


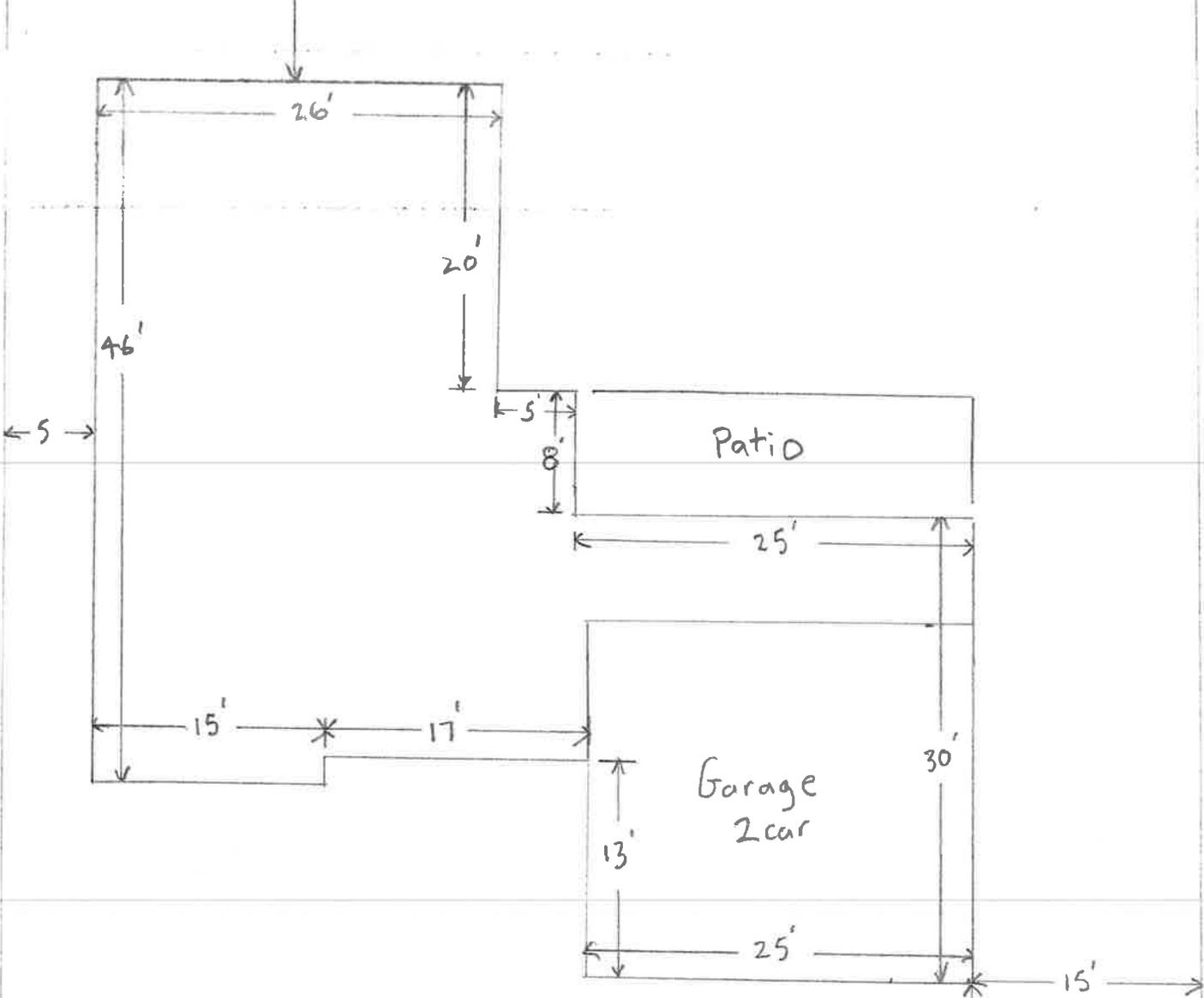
3029 Sunset Blvd.

10-02

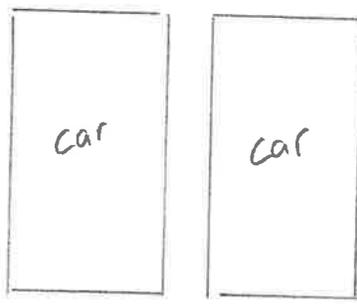
PACIFIC

OCEAN





3029 Sunset Blvd



20' NTS

W  
OB

75

E

141' NTS

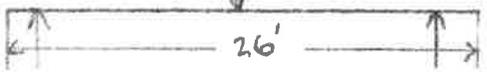
220'

N ↑

S

199'

26'



## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission

**From:** Planning Director, Kevin Cupples

**Date:** June 3, 2014

**Applicant:** Kimberly and Trenton Capp  
**Owner:** 2180 Skyline Drive  
Seaside, OR 97138

**Location:** 380 S Edgewood, Seaside OR: T6, R10, S21AC, TL#5200

**Subject:** 14-025NCU, Expansion of a Nonconforming Use

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### **REQUEST:**

The applicant is requesting approval to expand the existing dwelling by approximately 450 square feet in order to expand the downstairs workshop area. The subject property is located at 380 S Edgewood and the property is zoned Resort Commercial (C-2).

The request requires Planning Commission approval because the existing dwelling is not a permitted use in the C-2 zone. Under the provisions of Article 8 in the Seaside Zoning Ordinance, the use is considered nonconforming, and as such, expansion of the use requires Planning Commission authorization pursuant to Section 8.020.

### **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: Section 8.020 CONTINUATION, ENLARGEMENT, OR RELOCATION OF A NONCONFORMING USE**

**A use allowed prior to the adoption of Ordinance 83-10 but which is no longer permitted in the zone in which it is located may continue after it becomes nonconforming so long as it complies with all the following requirements:**

- 1. A nonconforming use shall not be enlarged or extended to occupy a greater portion of the lot, parcel or structure except as follows:**

**In case of practical difficulty and unnecessary hardship, the Planning Commission may grant the enlargement or expansion of a nonconforming use up to:**

**25% in floor area where the use occurs within a structure where the use and structure existed on the effective date of this ordinance or,**

**10% in land area where the use occurs outside of a structure and where the use existed on the effective date of this ordinance.**

**2. Except as provided in one (1) above, a nonconforming use shall not be moved to any other portion of a lot, parcel or building.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted site plan and justification is adopted by reference and summarized below:

The applicant is requesting approval to expand the area of the existing structure approximately 450 square feet. The current floor area of the structure is a total of approximately 2400 square feet (600 square feet of basement area). The proposed addition will expand the basement area so the owner can work on pottery there and install a kiln. In the future, they could decide to convert the dwelling into a commercial pottery shop; but currently, they are not ready to take that step. If a portion of the structure was converted to a commercial shop, any future sale of the dwelling would become extremely complicated since the commercial use area could not be converted back to residential use.

- There is an existing garage available for off street parking and there will be adequate space in front of the proposed addition that can provide an additional parking space.
- The proposed addition would be a 19% increase in floor area and that is below the 25% allowed in the ordinance.

2. Requiring the basement of an existing non-conforming use to be converted to a commercial space and maintained throughout the lifetime of the residence simply to permit a minor addition would be an unnecessary hardship and create a practical difficulty.

3. The County Assessor's records indicate the residential structure was built in 1938.

4. According to the County Assessor's records, the structure is being assessed as a single family dwelling.

5. The addition to the room will not significantly impact the current use of the property and it will remain dedicated to the owner's personal use.

6. Future commercial use consistent with the zone will be problematic due to the small size of the lot unless it is a small scale commercial activity that could be in conjunction with the residential use.

7. Large scale commercial use would likely require the demolition of the residence and the assembly of other lots.

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

The proposed expansion is a minor addition to the existing structure and it will maintain the structure's functional use. This is a reasonable allowance under the provisions in Article 8 provided the following condition is included:

**Condition 1 Off-Street Parking:** Two off-street parking spaces (9' X 18') must be provided in conjunction with any expansion of the non-conforming use. The surfaced spaces and access will need to be identified on the site plan for development permits and completed prior to final inspection unless a justified delay is authorized by the Planning Director subject to an acceptable assurance document.

**Condition 2 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.

**Condition 3 Plan Modifications:** Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

## **FINAL STAFF RECOMMENDATION**

Approve the request to expand the non-conforming use (14-025NCU) at 380 S Edgewood subject to the previously stated condition. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report.

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, obtain all the required development permits (structural, mechanical, plumbing, electrical, etc.) and comply with 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><b>Trenton Capp</b>                                           | ADDRESS<br><b>2180 Skyline Drive, Seaside Or</b> | ZIP CODE<br><b>97138</b> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><b>380 S.Edgewood, Seaside Or, 97138</b> |                                                  |                          |

|                   |               |                            |                    |                         |                        |
|-------------------|---------------|----------------------------|--------------------|-------------------------|------------------------|
| ZONE<br><b>C2</b> | OVERLAY ZONES | TOWNSHIP<br><b>Seaside</b> | RANGE<br><b>10</b> | SECTION<br><b>21 AC</b> | TAX LOT<br><b>5200</b> |
|-------------------|---------------|----------------------------|--------------------|-------------------------|------------------------|

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

**Expansion of a non-conforming use**

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

|                                                                  |                                                     |
|------------------------------------------------------------------|-----------------------------------------------------|
| <b>OWNER:</b>                                                    | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b> |
| PRINT NAME OF PROPERTY OWNER<br><b>Kimberly and Trenton Capp</b> | PRINT NAME OF APPLICANT/REPRESENTATIVE              |
| ADDRESS<br><b>2180 Skyline Dr., Seaside Or, 97138</b>            | ADDRESS                                             |
| PHONE / FAX / EMAIL<br><b>738-3372</b>                           | PHONE / FAX / EMAIL                                 |
| SIGNATURE OF PROPERTY OWNER<br><i>[Signature]</i>                | SIGNATURE OF APPLICANT/REPRESENTATIVE               |

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

**CHECK TYPE OF PERMIT REQUESTED:**

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

|                                 |                     |
|---------------------------------|---------------------|
| <b>PLANNING DEPARTMENT USE:</b> |                     |
| DATE ACCEPTED AS COMPLETE       | BY                  |
| CASE NUMBER (S)                 | <b>14-025 ENC U</b> |
| HEARING DATE                    | P.C. ACTION         |

|                    |         |
|--------------------|---------|
| <b>OFFICE USE:</b> |         |
| FEE <b>\$ 675</b>  | RECEIPT |
| DATE FILED         | BY      |

# ENLARGEMENT OR EXTENSION OF A NONCONFORMING USE

## SECTION 8.020

\$675.00

At the time the Zoning Ordinance is adopted or amended, some of the existing uses may no longer conform to the newly adopted use provisions. These are known as nonconforming uses. In order to feasibly adopt the new Ordinance and not cause undue economic hardship to owners of nonconforming uses, structures are allowed to continue to be utilized under the following provision of Article 8 of the City of Seaside Zoning Ordinance.

### **Section 8.020 CONTINUATION, ENLARGEMENT, OR RELOCATION OF A NONCONFORMING USE**

A use allowed prior to the adoption of Ordinance 83-10 but which is no longer permitted in the zone in which it is located may continue after it becomes nonconforming so long as it complies with all the following requirements:

1. A nonconforming use shall not be enlarged or extended to occupy a greater portion of the lot, parcel or structure except as follows:
  - In case of practical difficulty and unnecessary hardship, the Planning Commission may grant the enlargement or expansion of a nonconforming use up to:
  - 25% in floor area where the use occurs within a structure where the use and structure existed on the effective date of this ordinance or,
  - 10% in land area where the use occurs outside of a structure and where the use existed on the effective date of this ordinance.
2. Except as provided in one (1) above, a nonconforming use shall not be moved to any other portion of a lot, parcel or building.

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**Proposed Alteration:** The Planning Commission will make a determination on the proposed enlargement or extension of a nonconforming use that would occupy a greater portion of a lot or parcel based on the applicant's justification of the following statements:

A. Please explain the proposed plan to expand or enlarge the existing nonconforming use. In addition to the written explanation, the applicant must provide supplemental plans, drawings, and/or photos that will clearly show the Commissioners how and where the existing structure will be modified.

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The plan is to extend the outside wall of the basement to make the basement/workshop accessible from the street level without requiring stairs and allow additional space inside. The space would be usable as an additional parking space (there is a separate 1 car garage currently).

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B. Please explain the practical difficulty and unnecessary hardship that is the basis to justify the request to enlarge or expand the existing nonconforming use.

Currently we are using the top half as a house, and turning the basement into a pottery workshop. The area of the workshop needs to be slightly larger and needs a higher roof to accommodate safe and proper kiln installation. We cannot currently afford to turn the entire property into a commercial use, and it would be a much more reasonable and affordable starting point for us to enlarge the workshop and sell out of galleries for now. At this early juncture, we would like to expand the non-conforming use so that the property will maintain its re-sale value should we choose to sell it before fully establishing a pottery business or gallery there.

C. Provide the existing nonconforming use's lot coverage area, the area of the subject property, and the area of the proposed expansion or enlargement. Each area calculation should be represented in the form of square feet.

A<sup>1</sup> Area of Existing Nonconforming Use: 1800sq ft (+600 sq ft \_\_\_\_\_).

A<sup>2</sup> Area of the Subject Property: 50 x 100 ft.

A<sup>3</sup> Area of Proposed Expansion or extension of use: 450 sq ft

\_\_\_\_\_.

D. What is the percentage of the proposed expansion or enlargement in relation to the area of the existing nonconforming use:

19 %.  
(A<sup>3</sup> Expansion divided by A<sup>1</sup> Existing Use) \* 100

E. Is the percentage equal to or less than 25% for a structural expansion or 10% for a use that is outside of a structure? Yes

F. Will the existing nonconforming use be moved to any other portion of the subject property? No

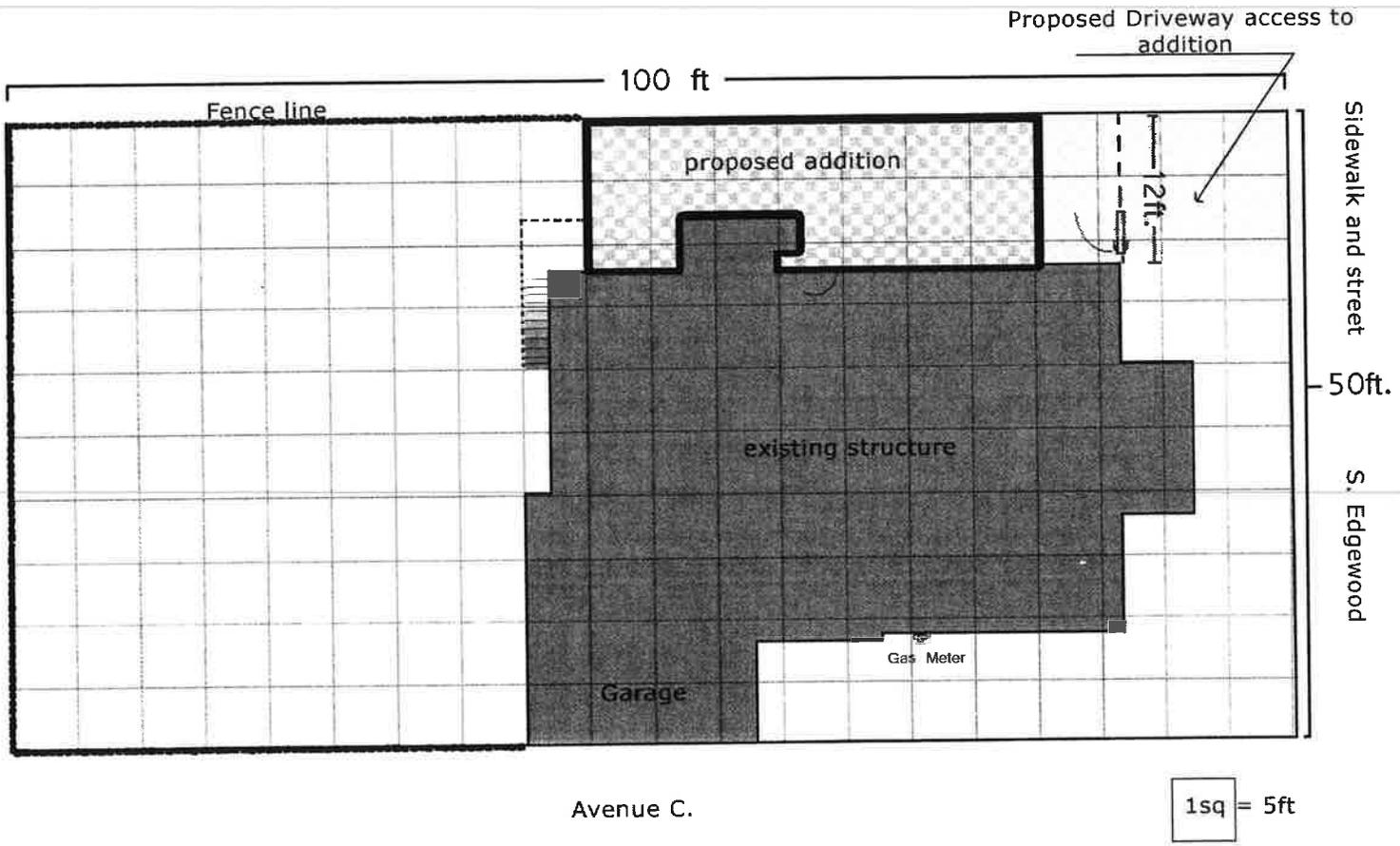
G. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine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

H. I certify the information prepared for this submittal is true and accurate to the best of my knowledge.

Signature: Trenton Capp Date 4-25-2014

Printed Name: Trenton Capp



SPEED  
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SPEED  
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**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** June 3, 2014  
**Applicant/  
Owner:** Ruth & Thomas Hooper  
14109 NW Bronson Creek Drive  
Portland, OR 97229  
**Location:** 2555 Sunset Blvd., T6-R10-S 28BC TL#00800  
**Subject:** Conditional Use 14-026VRD, 14-027V; Vacation Rental Dwelling Permit and Variance

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**REQUEST:**

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at 2555 Sunset Blvd. In conjunction with this request, the applicant is requesting a variance to the 50% front yard landscaping requirement for VRDs.

The subject property is zoned Medium Density Residential (R-2) and the applicants are requesting a maximum occupancy of ten (10) people (no more than 10 regardless of age) within the existing four bedroom dwelling. The property is located at 2555 Sunset Blvd and it is zoned Medium Density Residential (R-2). The dwelling is the eastern townhome of a two unit zero lot line development and the western unit, 2557 Sunset Blvd, is not currently licensed as a VRD.

The review will be conducted in accordance with Articles 6, 7, and 10 of the Seaside Zoning Ordinance which establish the review criteria and procedures for a Conditional Use & Variance. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

A. **Parking.** One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.

B. **Number of Occupants.** The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

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

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

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

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

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

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

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

1. The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2555 Sunset Blvd.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicants** are requesting a maximum occupancy ten (**10**) **people** (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 **four** off-street parking spaces that are available on the site. **Two cars in the garage and two cars in the driveway.**

- b. The existing **four** bedroom residence will have a limited occupancy of **ten (10) people**.
  - c. The plot plan shows that parking will take up more than 50% of the side or rear yard areas; however, that is not true for the front yard.
  - d. A variance to the front yard landscaping requirement has been requested based on the recognition the front yard parking area is already existing and it is not being altered in order to provide adequate parking area for two cars in front of the garage. The original submittal recognized the potential for a 5 parking space (identified as space 3 on the plot plan) in the front yard; however, that area has been modified so it cannot be used for parking.
  - e. **Alice Sisseck (34245 HWY 26, Seaside, OR 97138) will be the local contact for the VRD (503-738-2964).**
  - f. The owner/applicants, **Ruth & Thomas Hooper** 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 **29%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
  3. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report the Community Development Department **has not** received written comments about the applicant's request.
  4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
  5. The property has undergone a preliminary compliance inspection. All of the corrections noted during the inspection must be completed and approved by final inspection prior to any transient rental of the property.
  6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."
  7. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds the equivalent lumens of a 40 watt bulb (450 lumens).

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

With the exception of the front yard landscaping, the Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of standard and special conditions. If the variance is denied, Conditions 1, 2, & 4 must be adjusted in order to reflect a reduction in occupancy and additional landscaping in the front yard.

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 **(14-026VRD)** 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: Four (4) 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: Ten (10) persons (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. **The current front yard landscaping and yard features within the area shall not be further reduced below current levels so parking in the front yard will be limited to two spaces in front of the garage**
6. **Local Contact: Alice Sisseck, 34245 Hwy 26, Seaside OR 97138 (503) 738-2964**

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.

**REVIEW CRITERIA #2: Variance Section 7.031, the property owner must demonstrate by written application that all of the following circumstances exist:**

**1. The manner in which exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape legally existing prior to the date of this Ordinance, topography, or other circumstances over which the applicant has no control.**

**2. How literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.**

**3. That the special conditions and circumstances do not result from the actions of the applicant, and**

**4. Evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

8. The applicants are requesting a variance the 50% front yard landscaping requirement for vacation rental dwellings (Section 6.137, 2. C). The applicant's submitted justification is adopted by reference and summarized below:

- The lot is only 33.62' wide and it was developed in conjunction with a zero lot line development.
- The property was purchased with the current front yard configuration in September of 2006, and landscape features (driftwood, Large rocks, planter boxes, and a bench) in order to remove one of the three parking spaces in front of the house.
- If variances are not allowed for this type of townhome development it would be inconsistent with other townhomes developments within the area.

9. At the time this unit was developed, three parking spaces were provide in the front yard. This development pattern was mimicked along Sunset Blvd. and other zero lot line development throughout Seaside.

10. The very nature of a zero lot line development makes compliance with the VRD development criteria in Section 6.137, 2.C. extremely problematic and it is considered an exceptional circumstance. These developments commonly provide at least two parking spaces in front of their garage and they would have insufficient area to provide the 50% landscaping while utilizing full access to a double car garage.

11. With the narrow lot configuration, the applicant's would be expected to tear out existing concrete and/or provide additional patio treatment so only a narrow strip was left in front of the existing double car garage. This would be inconsistent with the development pattern in the area.

12. The owners have actually reduced the potential off street parking in the front yard by adding landscape features. This has reduced the potential front yard parking so it is less that other townhome developments in the area.

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

The pre-established parking layout and added landscape features have reduced the front yard parking no modifications are being made in order to permit a higher occupancy and the elimination of an additional space is unreasonable based on the exceptional circumstances applicable to the existing townhome, subject to the following language being added to VRD standard Condition 5.

*The current front yard landscaping and yard features within the area shall not be further reduced below current levels so parking in the front yard will be limited to two spaces in front of the garage.*

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## **FINAL STAFF RECOMMENDATION**

Conditionally approve application **14-026VRD & 14-027V** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons (no more than 10 regardless of age) at **2555 Sunset Blvd.** 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 VRD license is obtained 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>Thomas &amp; Ruth Hooper</i>                                      | ADDRESS<br><i>14109 NW Bronson Cr. Dr. Pt. Oregon</i> | ZIP CODE<br><i>97229</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>2555 Sunset Blvd., Seaside, Oregon 97138</i> |                                                       |                          |

|                   |               |                      |                    |                         |                       |
|-------------------|---------------|----------------------|--------------------|-------------------------|-----------------------|
| ZONE<br><i>R2</i> | OVERLAY ZONES | TOWNSHIP<br><i>U</i> | RANGE<br><i>10</i> | SECTION<br><i>28 BC</i> | TAX LOT<br><i>800</i> |
|-------------------|---------------|----------------------|--------------------|-------------------------|-----------------------|

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

*VACATION Rental Property*

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

|                                                                 |                                                                             |
|-----------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>OWNER:</b>                                                   | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>                         |
| PRINT NAME OF PROPERTY OWNER<br><i>Thomas &amp; Ruth Hooper</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE                                      |
| ADDRESS<br><i>14109 NW Bronson Cr. Dr., Pt. Or 97229</i>        | ADDRESS                                                                     |
| PHONE / FAX / EMAIL<br><i>971-404-5382</i>                      | PHONE / FAX / EMAIL                                                         |
| SIGNATURE OF PROPERTY OWNER<br><i>Thomas Hooper</i>             | SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE<br><i>Ruth Hooper</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"/>                       |

|                                            |                 |
|--------------------------------------------|-----------------|
| <b>PLANNING DEPARTMENT USE:</b>            |                 |
| DATE ACCEPTED AS COMPLETE<br><i>5-7-14</i> | BY<br><i>DK</i> |
| CASE NUMBER (S)<br><i>14-026VRD</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: THOMAS K. HOOPER & RUTH J. HOOPER
2. Mailing Address: 14109 NW Bronson Creek Drive, Portland OR 97229
3. Telephone #: Home 971-404-5387, 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: 2555 SUNSET Blvd., Seaside, OR 97138
6. Tax Map Ref.: Township 10 Range 10 Section 28BC, Tax lot # 0800 SEE Exhibit "A" for legal description AND TAX lot INFORMATION
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? 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 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

**ORIGINAL**

VRD Application updated 5-5-11

**CITY OF SEASIDE**

\* The computed Number is 12, but Applicant MAY 0-9-11 seeks Approval for 10.

20  
100  
430  
550

✓ 2641

9640

**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:

Alice Sisseck Phone # 503-738-2964 Address: 34245 Hwy 26, Seaside, OR 97138. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

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

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

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: *Ruth J Hooper* Date: 5-1-14

-----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: _____

EXHIBIT "A" to VRD Application
(THOMAS & RUTH HOOPER)

LEGAL DESCRIPTION:

Parcel 2 of PARTITION PLAT NO. 2006-002, recorded January 18, 2006 in Partition Plat Book 6, Page 3, in the City of Seaside, County of Clatsop, State of Oregon.

TAX LOT INFORMATION:

Clatsop County Oregon
Real Property Tax Statement for the 7/1/2013 - 6/30/2014 Tax Year
820 Exchange Suite 210 Astoria, Oregon 97103 Phone (503) 325-8561

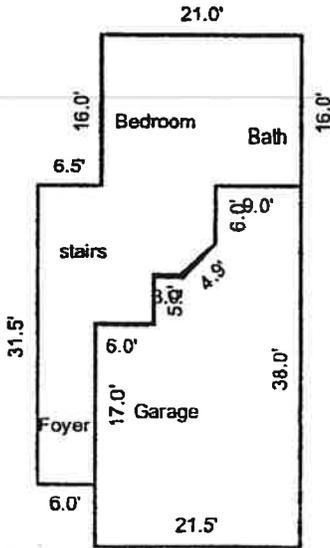
2555 Sunset Blvd., Seaside OR.

| | |
|-----------------|-------------------|
| TAX CODE: 1001 | ACCOUNT ID: 55182 |
| PROP CLASS: 101 | MAP: 61028BC00800 |
| | ACRES: 0.09 |

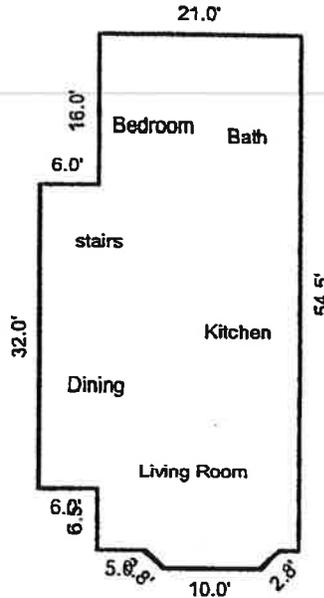
8558
HOOPER THOMAS K/ RUTH J
14109 NW BRONSON CREEK DR
PORTLAND, OR 97229-7057

Exhibit "B" to VRD Application
 (Thomas & Ruth Hooper)

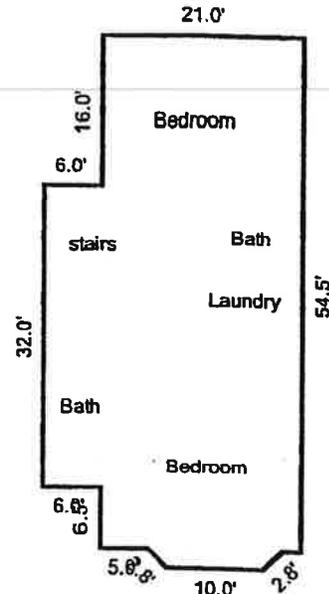
FLOOR PLAN



1st



2nd

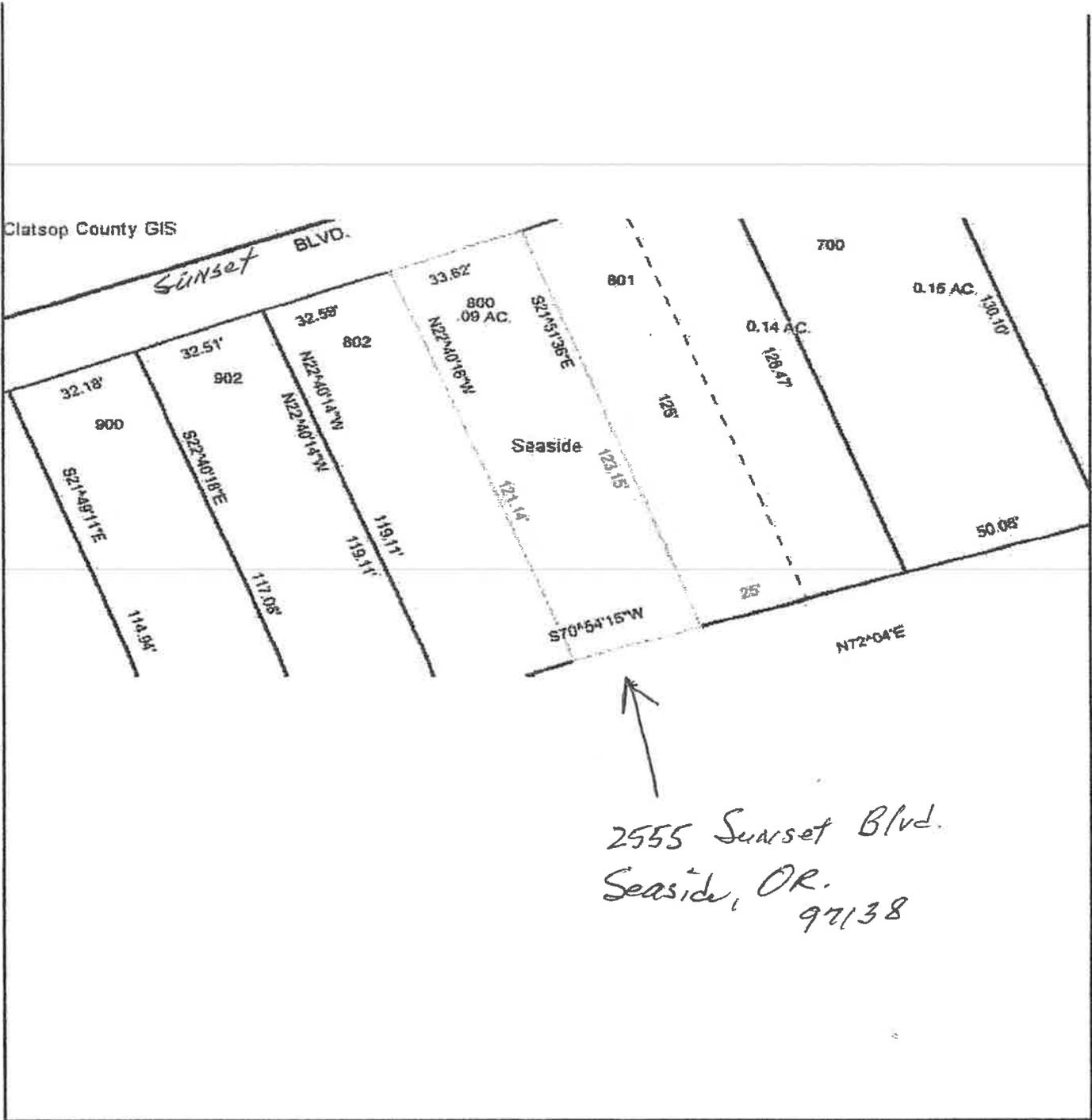


3rd

| AREA CALCULATIONS SUMMARY | | | |
|---------------------------|--------------|---------|------------|
| Code | Description | Size | Net Totals |
| GLA1 | First Floor | 667.63 | 667.63 |
| GLA2 | Second Floor | 1360.50 | 1360.50 |
| GLA3 | Third Floor | 1360.50 | 1360.50 |
| GAR | Garage | 674.38 | 674.38 |
| TOTAL LIVABLE (rounded) | | | 3389 |

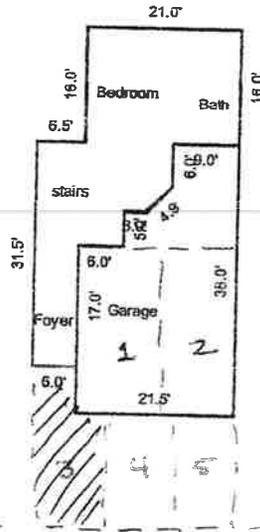
| LIVING AREA BREAKDOWN | | | |
|---------------------------------|--------|------|-----------|
| Breakdown | | | Subtotals |
| First Floor | | | |
| 0.5 x | 3.5 x | 3.5 | 6.13 |
| | 3.5 x | 15.0 | 52.50 |
| | 5.0 x | 12.0 | 60.00 |
| | 6.0 x | 18.5 | 111.00 |
| | 6.0 x | 17.0 | 102.00 |
| | 16.0 x | 21.0 | 336.00 |
| Second Floor | | | |
| | 6.0 x | 32.0 | 192.00 |
| | 14.0 x | 54.5 | 763.00 |
| | 2.0 x | 10.0 | 20.00 |
| 0.5 x | 2.0 x | 2.0 | 2.00 |
| 0.5 x | 2.0 x | 2.0 | 2.00 |
| | 5.0 x | 54.5 | 272.50 |
| | 2.0 x | 54.5 | 109.00 |
| Third Floor | | | |
| | 6.0 x | 32.0 | 192.00 |
| | 14.0 x | 54.5 | 763.00 |
| 5 unlisted calculations | | | 405.50 |
| 20 Calculations Total (rounded) | | | 3389 |

Exhibit B
SITE PLAN



AMENDMENT

HOOPER APPLICATION
EXHIBIT "B" TO VRO APPLICATION
PARKING SPACES / LANDSCAPING



5/9/14
C. L. C. N. O. W.
R. J. H.

5 TOTAL

Sunset Blvd.

There are 5 parking spaces available.

There are 2 parking spaces inside the garage.

There are 3 off street parking spaces in front of the site.

NOTE:

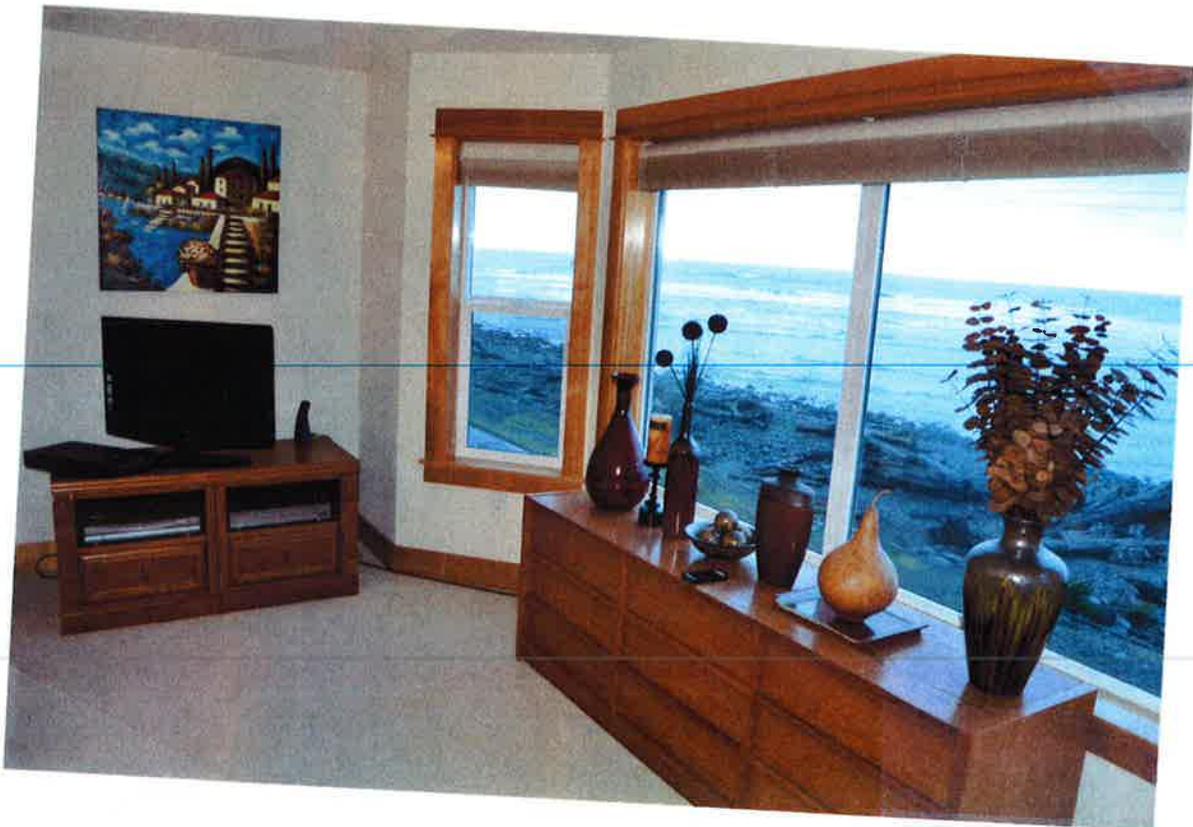
Although there are 5 parking spaces available, applicant is seeking approval of only 4 parking spaces. Parking space #3 identified as  is/has been converted to a non-parking space and has now been landscaped to prevent use of #3 as a parking space and in furtherance of landscape variance request/application.

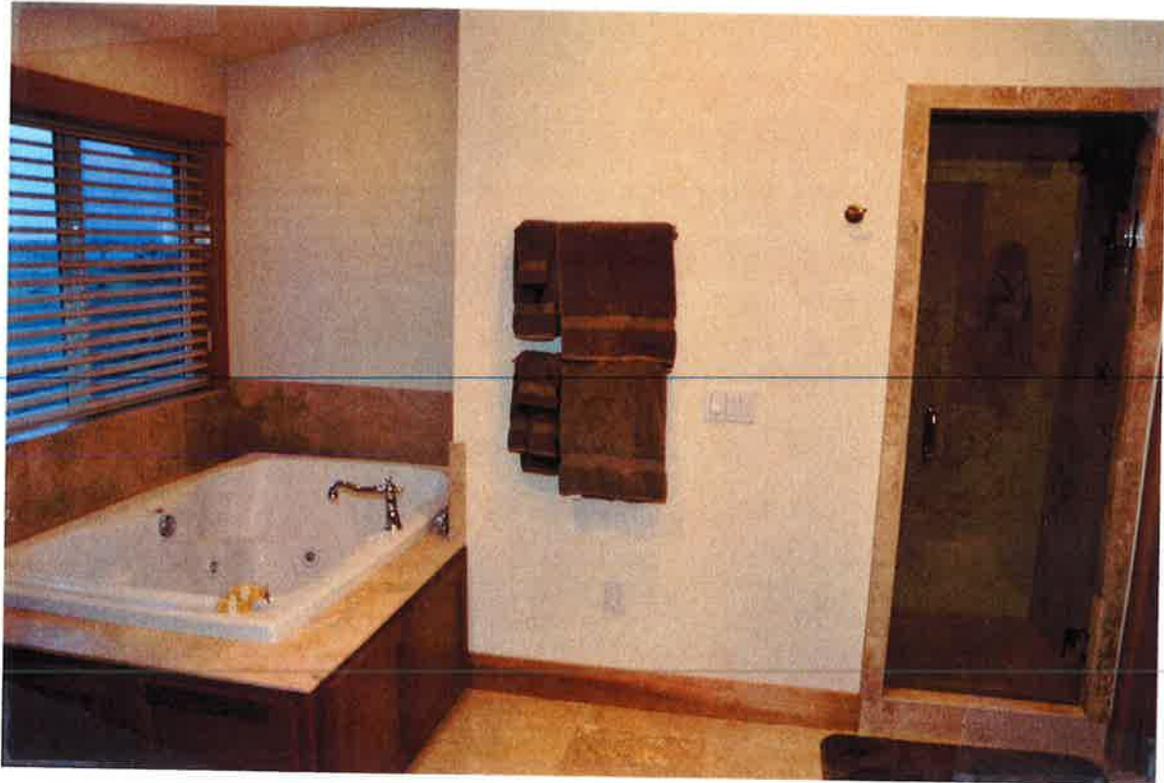














City of Seaside, Planning Department

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>Thomas & Ruth Hooper</i> | ADDRESS
<i>14109 NW Bronson Cr. Dr. Pt J. OR</i> | ZIP CODE
<i>97229</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY
<i>2555 Sunset Blvd. Seaside, OR. 97138</i> | | |

| | | | | | |
|--------------------|---------------|----------------------|--------------------|-------------------------|-----------------------|
| ZONE
<i>R-2</i> | OVERLAY ZONES | TOWNSHIP
<i>6</i> | RANGE
<i>10</i> | SECTION
<i>28 BC</i> | TAX LOT
<i>800</i> |
|--------------------|---------------|----------------------|--------------------|-------------------------|-----------------------|

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

VACATION RENTAL ; VARIANCE ON LANDSCAPING

(PLEASE INCLUDE THE APPROPRIATE P IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION)

| | |
|---|-------------------------|
| OWNER: | APPLICANT: |
| PRINT NAME OF PROPERTY OWNER
<i>Thomas & Ruth Hooper</i> | PRINT NAME OF APPLICANT |
| ADDRESS
<i>14109 NW Bronson Cr. Dr. Pt J OR 97229</i> | ADDRESS |
| PHONE / FAX / EMAIL
<i>971-404-5382; Tomhooper61@gmail.com</i> | PHONE / FAX / EMAIL |
| SIGNATURE OF PROPERTY OWNER
<i>[Signature]</i> | SIGNATURE OF APPLICANT |

Applicant will provide justification beef up findings & provide Revised Map Showing Pote in space 3

[Signature]

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

| | |
|--|--------------------------|
| PLANNING DEPARTMENT USE: | |
| DATE ACCEPTED AS COMPLETE
<i>5-7-14</i> | BY
<i>[Signature]</i> |
| CASE NUMBER (S)
<i>14-027 V</i> | |
| HEARING DATE | P.C. ACTION |

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

ARTICLE 7 VARIANCES FEE: \$ 430.00 Planning Director Decision
\$670 for Planning Commission Decision

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

50% of YARD (in front of house) to be landscaped

3. Are these special conditions and circumstances a result of the actions of the applicant?

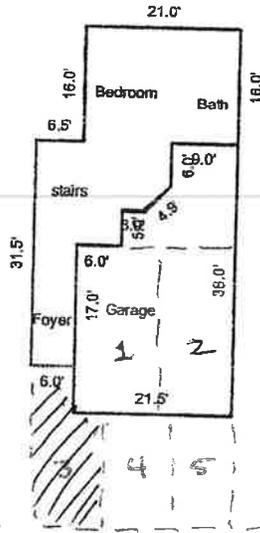
NO; built that way

4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

No

In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

AMENDED HOOPER APPLICATION
 Exhibit B TO VRD APPLICATION
 Parking Spaces / LANDSCAPING



5/9/14
 Ruth J. Hill

5 TOTAL

Sunset Blvd.

There are 5 parking spaces available.

There are 2 parking spaces inside the garage.

There are 3 off street parking spaces in front of the site.

NOTE:

Although there are 5 parking spaces available, applicant is seeking approval of only 4 parking spaces. Parking space #3 identified as  is/has been converted to a non-parking space and has now been landscaped to prevent use of #3 as a parking space and in furtherance of landscape variance request/application.

First Amendment to Hooper application for Landscape Variance.

Tom and Ruth Hooper purchased the townhome located at 2555 Sunset Blvd., on September 8, 2006. Hoopers originally purchased the home for personal use only, and not with an idea to rent it to third parties. At the time of purchase, the entire front yard was concrete, and provided for three parking spaces in front and two in the garage. We have not modified the front yard at any time to accommodate additional parking spaces. The lots upon which the row of townhomes were built, were zero lot line developed. The lots (including ours) have a narrow width, but are very deep. We have landscaped the third parking lot in front of the house by adding driftwood, large rocks, planter boxes, and an iron/wood bench. Pictures of the landscaping have been provided. There are other houses with the same development scheme in the area and the request for a landscape variance, if approved, would not be inconsistent with other zero lot line developed properties in the R-2 zone. Approval of the Landscape Variance Request as well as the VRD Variance request, would allow the owners to rent out the property to help offset the costs of the property taxes and maintenance expenses.

