

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**July 5, 2016**  
**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:** June 7, 2016
6. **PUBLIC HEARING:**
  - A.) **16-029VRD** is a conditional use request by **Chris Erickson, Brad Lundstrom & Susan Coe-Lundstrom** for a **three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine** (9) people over the age of three. The property is located at **450 16<sup>th</sup> Avenue (6 10 16AD TL 903)** and it is zoned **Medium Density Residential (R-2)**.
  - B.) **16-034CU:** A conditional use request by **the City of Seaside** that will allow the development of a dog park at the northwest corner of the Broadway Middle School's parking lot. The park would provide a centrally located, fenced off area where the public can exercise their dogs on & off leash. The property is referenced as 1120 Broadway (T6, R10, 22BB TL: 4700 & 5201). Development of the dog park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make use of an underutilized area that frequently becomes overgrown with brush and weeds. The property is currently zoned General Commercial (C-3).
  - C.) **Continuance: 16-017V:** 341 S Prom
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

**MINUTES SEASIDE PLANNING COMMISSION**  
**June 7, 2016**

**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: Dick Ridout, Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director. Absent: Tom Horning.

**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:** May 3, 2016;  
Vice Chair 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.) **16-023VRD** is a conditional use request by **Tran Ly Baunach** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **2036 S Franklin (6 10 28AB TL 1300)** 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. Tran Baunach – owner and Realtor in the Portland Metro area. Tran enjoys Seaside very much and she wanted a home here for her friends and family. Tran will rent it out to offset some of the cost.

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 if this was a vacation rental before. Mr. Cupples state he didn't think so. Commissioner Ridout stated that he did drive in the driveway and tried to turn around but it was a bit of difficult. If the neighbor decided to put a fence in it would be even more difficult. Tran stated that she has changed the parking map for the rental.

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

Vice Chair Carpenter seconded and the motion was carried unanimously.

**Continuance:**

B.) **16-017V:** A **revised** request by **Antoine Simmons** for a variance to the allowed building height and required setbacks at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort

Residential (R-R) and the zone currently allows a defined building height of 45 ft. The applicant is requesting to build up to a defined height of approximately 60 feet on the western portion of the property but the apparent height would be approximately 51 feet due to a below grade story. The eastern portion of the building would be setback 3 ft. along a portion of the southern property line and 5' along a portion of the northern interior property line where the zone requires an 8' setback. The northwest corner of the building would be 8 ft. from the Prom frontage. The applicant intends to develop a 48 unit motel. The building will have sloped roofs and numerous dormers and open decks on the westerly facade. The structure would also have a non-habitable tower with a peak height of 80'; however, this type of architectural feature is already allowed an exception to the building height under the ordinance. A number of pre-existing buildings in the surrounding area are close to or exceed the requested building height. The review will be conducted in accordance with Article 7 and Article 10 of the Seaside Zoning Ordinance, which establishes the review criteria and procedures for a Variance.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated he wasn't sure if people understood the difference between the Prom and the property adjacent to the Prom, and the Sixth Street undeveloped right of way. The notice that was put in the paper stated that it is 8ft from the Prom frontage. But in reality it is eight feet back from the 6<sup>th</sup> Street right of way which will be 41 feet from the developed portion of the Prom. On paper it looks like the Promenade Condo's were built 20 feet back from the 6<sup>th</sup> Street right of way, on the file where the height variance was requested the plan actually shows that it is 15 feet from the Sixth street right of way. They had to meet a 15 foot setback because that's the setback in the zone because you are not a corner lot. Whereas this property, because it's a corner they need 15 feet on one frontage and 10 feet on the others. They can pick which frontage they want to set back from. Mr. Cupples wanted to make sure that there were no misunderstandings about where this new building would be located. It will not be out past Trendwest/Worldmark. They are requesting a 2 foot variance to the setback. Marlow Hornberger asked if the survey stake that is there is the one that is identifying Sixth Street. Mr. Cupples stated that he is not sure how many stakes got set when they did the survey, they did a bunch of grade stakes, but he is not sure if they set corners. Sixth Street is not a developed street it's a paper street.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Jay Orloff, Tolovanna Architects. Chair Romine asked if Jay could just highlight the changes. Jay stated it seems at the last meeting there were two issues, one was the height of the building and the other was the setbacks. They have brought the front elevation (along 6<sup>th</sup> Street) to 52 feet from the Prom. From 6<sup>th</sup> street height will be the same as the Promenade. If you look at Beach Dr. they meet the 45 feet elevation and will conform to the height. Commissioner Ridout asked if they will have 3 floors? Jay stated that on the eastern portion you will have lower parking, grade parking and then 3 floors. Regarding the setbacks, starting on 6<sup>th</sup> Street, which is considered a side yard they will conform to the 10 ft. setback where they previously requested 8 feet. On the eastern side (Beach Dr.) there will be 13 ft. which is more than the required 10 ft. So they meet their Eastern and Western setbacks (Beach & 6<sup>th</sup> Street). On south east side which is the parking lot of the Promenade, they are requesting 3 feet and the requirement is 8 feet. Commissioner Ridout asked what is currently there? Jay stated 1 foot, and so they are adding 2 more feet. Someone in the audience asked how far from the Prom will they be. Jay stated 51 feet from the Prom. The variance to the setback will be in the eastern portion of the building of the parking area, there will be a 3 foot setback and a 5 foot setback. Commissioner Hoth stated there will be two entrances to the parking, one will enter off of Beach Dr. and the other will enter off of Avenue A. Jay stated they understand that the 3 ft. and the 5 ft. set back are still an issue. With that said they could possibly go with a 3ft. and an 8 ft. which would give them the northern 8 ft. setback requirement for the parking area. Then they would only be asking for a variance to the southern side.

Commissioner Ridout asked where the northern line is currently. Jay stated that the new building will meet the setback on that side. The width is dependent on the parking. Chair Romine stated that the most northwesterly portion is almost on top of the existing building. Mr. Cupples stated that on Beach Drive side of the property they are compliant. He also stated that this is an L shaped building and the portion of the building that went east west has been dropped down to comply with the height restriction, but you have more height when you get to the north south portion parallel with the Prom and that's the part that is going to be set back 8 feet along the south property line next to the Promenade. The height of the building as the ordinance would define it, it would still use the Beach Drive elevation for the lowest point to start measuring the height.. Commission Hoth stated if they were in full compliance with the height requirement and they were at 45 above grade at the northern most point, and the building ran directly straight across without any change in height; the actual physical height would be 37 feet, but they are asking for a height of 52 feet. Jay stated that the change in the slope of the property makes it difficult. Commissioner Hoth stated that if the lot was flat from where the back of the building is then you

would be complaint. Jay stated yes, it's the change in slope and the additional floor, and that is why they are asking for the additional 7 feet in height.

Vice Chair Carpenter asked Mr. Cupples about moving the north wall, the parking structure, in by 3 feet. What will that do to the parking spaces and the ability for people to back out? Mr. Cupples stated that his professional opinion is it will make it so that you cannot get in and out of the spaces. He mentioned in the staff report, that although there are standards to support the architectural firm, they did submit information from Portland where they are actually allowing 20 foot isle and 16 foot long spaces. But if you look up information about parking garages and structures that is not an accepted standard. What you want in a parking structure is for people to want to use the space. If you make the spaces small and narrow people don't want to use them. There are lots of literature that is allowing 8 ½ foot spaces and with a one directional traffic flow you may be able to do that. But if you were going to use the perpendicular pull in design you need adequate back up space and you need the 18 feet. Unless of course you go to the compact car parking space. Vice Chair Carpenter asked Mr. Cupples if he could define those spaces that are going to be restrictive as compact only. Mr. Cupples stated that yes you can and that is what we would be asking the applicant to do. He thinks that the ordinance states that you can go as high as 60% compact. In some literature the standard size vehicle they use is a Ford F150. If there were places you thought were going to be tight and you could get compact spaces in there then put larger spaces elsewhere, but he didn't know if there were enough larger spaces to make up for what you have in small. Jay stated that a standard stall is 9 x 18 and a compact stall is 8.5 x 15. As it stands right now with the setbacks they have a 3 foot and 5 foot, they are looking at an 18 foot stall and a 22 foot isle. That is two feet off the standard isle, which they can do with the 3 feet and 5 feet setback. If they make the setbacks 3 and 8 feet then they are looking at a compact situation, the stall would be 15 and the isle would be 22. They can meet the quota for compact. Jay stated that the spaces are in between concrete pillars. Commissioner Ridout asked if there were going to be any expanse of open area. Jay stated no, there are going to be concrete beams. Mr. Cupples stated that up to 30% of the parking can be compact, our ordinance states that a compact parking space is 8 x 16. If more than 30% is compact then it is up to planning commission to review and in no case shall compact spaces exceed 60%. Jay stated that if they are required to go with compact then they will require 39% of the parking be compact.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antione Simmons 341 S Prom, Seaside. He wants to thank everyone for coming out and stating their views. That's what this is about. He wants to tell people a little bit about himself and his family. They have lived here for 17 years. He raised his three children here. This is his home, they are trying to improve the area. His kids do the housekeeping and his wife is in charge of the overall housekeeping and he is the General Manager. This is a family run business. They took a look at everything that they went over last month and tried to look at everything. They wanted the 8 foot setback against the Promenade Condo's but they really want the 3 to 5 foot variance off of the parking lot. He understands Averl's concerns.

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. Avrel Nudelman 340 Beach Dr. Just north of the parking structure that Antione wants to build is too close. There will be no natural light if Mr. Simmons is allowed to do this. He has been here for 60 years and it will change the enjoyment of his property. Commissioner Hoth stated that the setback will be 5 feet. Avrel stated that the parking will be too close to his house and it will affect the lighting in his home.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marlo Hornberger 361 S Prom #403. If this gets approved they will be looking right into his unit. It will ruin his view, it puts his unit in the shadow of a 5 story building. This will also affect the property value of all 5 units on the north end of the Promenade building. With only 16 feet between the buildings it is still too close. They have a concern about the rain water running off onto their property. When they built the Promenade they wanted to go out to where the Sand & Sea was, but that was denied. They want to keep their view. Even with the 8 foot setback they will still be able to look right into the units of this proposed new building and vice versa. Trendwest/Worldmark is across the street from the Shilo and they have 50ft. Chair Romine stated that he understands his concern but this happens all the time. Marlow stated he doesn't see it along the Prom at all. Chair Romine stated that it's increasing density it's part of moving forward. Marlow stated that the Pearl has 48 units with only 51 one parking spots, that's not enough parking. The larger penthouse units will have at least 2 cars per room - where are they going to park? In the summer Avenue A is jammed packed with cars.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mark Oling, Unit 303 at the Promenade and unit 108 at the Sand & Sea. If he were going to describe this project it is like shoehorning a way too big of a project into a small lot and it is making the south side of the

Promenade uncharacteristic to the remainder of the south side of the Promenade. It is causing concern to all the property owners to the south and Mr. Nudelman to the north. It is also going to create an excessive parking problem along Beach Drive and Avenue A. When the Hood to Coast comes to town they all have these large SUV's and there will be no parking for them. The ordinances are there for a purpose and there are no extraordinary circumstances in which to grant these variances other than the fact that they want to build a big building. It has nothing to do with the community and nothing to do with their neighbors. He believes that the ordinances should be observed.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Charles Aggel, 304 Promenade Condo. He would like to ask the owner if the floor plan can be changed. Charles asked if it was possible to cut the two units back into the building. That way it wouldn't be cutting their view.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Steve Mazels, unit 204 at the Sand & Sea. He represents the HOA at the Sand and Sea and is also on the rental committee. His family is one of the original owners at the Sand and Sea and have concerns that this project will impact their view, and from the rental stand point it's going to impact the people who want to stay there and it will impact them financially. They do not want any variance.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Hugh Bishoff, 26 Avenue A, Resort of Seaside (Trendwest/Worldmark). He is the General Manager. He is glad that something is going to be done with the lot. It's an eye sore and he's tired of the trash. The height of the clock tower is one of his concerns it will affect the property owners in his building and the parking is an issue. From his experience very few people who rent or stay in a unit that has more than one bedroom bring one car. A two bedroom unit might have two or three cars. Those are certainly going to spill over into the streets and the parking garage and it will affect the property owners here tonight. Especially on Hood to Coast or any other activities the vehicle type does change with the type of event. While there are aspects of this he's in supportive of, there are a couple of items that will be very challenging.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Erin Barker, 800 N Roosevelt, Beach House Vacation Rentals. She manages 9 units at the Beach Club and she knows that Maggie's on the Prom is very close and they have two condos that they manage on the south side of that, she wanted to know how far apart they are. Erin wants to also know what the parking ratio is for motel rooms. Mr. Cupples stated that for motel rooms there needs to be one parking space per unit plus one for the manager. If they have 48 units then they need 49 parking spaces. Erin asked how many 1 bedroom and 2 bedrooms are there. Antione stated they are all studios.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Susan Calef, 25 Avenue A, Seaside. This home has been in the family for 100 years. What are they going to see? There is no picture of that. They are concerned about the safety. When this was a parking lot people have run into their home and left a large hole in it.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Chris Hardy, Unit 503 at the Promenade, North end top floor. He wants to know where the overhangs will go, will they overhang the Promenades property? Mr. Cupples stated that the setback is the vertical wall of the building, architectural features can project 30 inches into a required side yard. In the front yard they can project up to 4 feet. The Gilbert Inn is across the street from the Promenade and Antione has come to them and asked if he could use the parking from the Promenade and they said no. Mr. Hardy is against any variances.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Natalie Mazels on the Board at the Sand & Sea. Stepping out in front of the Promenade there would be a loss of value to the Sand & Sea and to the Promenade Condos. They lose part of the view to the north and parking is very important. They have trouble trying to maintain their parking as it is. They will have to hire someone to monitor their spaces all the time. This is too big and should set back like the Promenade. She is against any variances for this property.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Pat Golding, She has a unit at the Promenade and the Sand & Sea. This is a small group here tonight, but if you would have been at the homeowners association meeting you would know how the people feel. There were at least 100 people at their last meeting and many of those people couldn't make it here tonight. The consensus is that they feel the ordinance is there for a reason and there is no reason for this variance.

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

Chair Romine stated it was time for Jay or Antione's rebuttal. Antione stated he has been in the business for 17 years. Currently he has to stand out there and keep people from parking in his parking lot. Parking has been a problem especially with Hood to Coast. Regardless of what they do those

people are not going to stop coming to Seaside. It's the nature of being a tourist town. Parking is a battle during the peak summer months. They will be following the parking requirements with the one to one ratio plus having the extra parking for the manager and employees. There will also be two ADA parking spots which is required by code. If we can use the 39% compact to reduce the overall width to increase the side yard setback that would be good. Vice Chair Carpenter asked about the 3 foot setback from the Promenade, if they had went to a zero lot line which was originally proposed, why did they chose the 3 foot setback? Antione stated that was after the meeting last month and they listening to everyone's concern and trying to come to a balance with everyone. Right now it is almost right on the line and they wanted to give some space between the buildings and make that foot print work with the parking. This is a work in progress and at best they won't begin building until October 2017. Someone from the audience stated that it is irrelevant when it's built, once it's built it's built. His question was why do you need a variance at all? Antione stated that they need the variance for parking. There are a lot of buildings in the area that are large and he think it's about feasibility too. The numbers need to pan out so that they can pay for it.

Commissioner Hoth asked about that, why do you need x number of units, which drives the parking. Where do you get to the point when you say if we can't do this it becomes too much. Antione stated that there is a lot that goes into this and he's got all kinds of statistics that say this is what you need in order to recover your cost. This is the largest thing he's ever built. The Holiday Inn type room roughly cost \$90,000 to build per room. If they did that type of room they are looking at a cost close to 5 million. It's all figurative right now. Chair Romine stated that it's all numbers, what's the return on investment at the end of the day you can't build 4 units at 5 million dollars and expect a rate of return. Antione stated and that's not even included in the cost of the land.

Commissioner Wright asked about the NE corner of the lot there is some parking spots that are dedicated to your lot, what happens to those? Antione stated that there are ten spaces there and they will continue to be parking. So the new building will have the 41 and then with these 10 spots that brings their parking to 51. Commissioner Wright stated that they look like they are very big spots that you could dedicate to the large trucks. Antione stated that was their goal, if you look at the parking that they have now, people back into the rooms all the time.

Pat Golding asked how many hotels do they have. Antione stated they have the Gilbert Inn across the street, then in Cannon Beach they have the Blue Gull Inn which has 14 rooms and The Inn at Haystack Rock which has 9 rooms. They plan on selling those two and that is what will fund this new project. Then they will just have the Gilbert Inn and the Pearl, then eventually sell the Gilbert Inn and just have the Pearl. Someone in the audience asked if they had considered putting parking where the Gilbert Inn is. The audience went wild saying that the Gilbert Inn is a historical building and Antione stated there was no way he could do that because it's a historical masterpiece. Commissioner Wright said thank you very much for that, speaking as the Historical Museum's President.

Jay Orloff stated that if the commissioners were on the fence, they would like to ask for a continuance. Chair Romine stated that the height of the Sand & Sea which is in the same zone is pretty tall. Mr. Cupples stated that it is 64 feet tall. Chair Romine stated just for clarification this project doesn't need a variance to the set back from the Prom. Mr. Cupples stated from 6th street. So the building will be 41 feet from the Prom. Chair Romine asked what the current setback is for the Promenade. Mr. Cupples stated that according to the survey it is 20 feet but it could be 15. Marlow Hornberger stated that he thinks it is 15 feet. Vice Chair Carpenter asked what the setback is for the Sand & Sea because it looks like it's out further than the Promenade. Mr. Cupples stated that he thinks it within a foot of 6th street. Chair Romine stated then it is roughly 30 feet from the Prom. Mr. Cupples stated that he is just going from memory of looking at a survey and it appeared that the Sand & Sea was extremely close to the 6th street right of way. Commissioner Wright showed an overview of the area and it shows that the Sand and Sea is set back quite a ways but it is farther out than the Promenade. It is set back, but it is definitely more forward than the Promenade Condos. He was wondering if there was a way to have a study done for site lines to see if it does anything to the site lines for the Sand & Sea. Some people in the audience stated that he could come up to their unit. Commissioner Wright stated that a lot of the audience members think that it is going to be pushed way out to the Prom and it's not. It is going to be in line with the Sand & Sea and the only view that it may block is that of the Trendwest/Worldmark building. Chair Romine stated that the site line doesn't matter. Commissioner Wright stated he understands that but they may want to have someone do that. Some in the audience asked why do they only have a 10 foot setback and a not a 15 foot setback like the Promenade. Mr. Cupples stated because they have a corner lot and instead of getting penalized for two property frontages they are allowed to consider one a street front and the other one is a street side yard and a side yard setback is 10 feet and the front yard setback is 15 feet. Chair Romine stated along those lines if you look at the Sand and Sea and their frontage in today's zone they would have to be 15 feet. Mr. Cupples stated that

he doesn't know what zone that was in when it was built, but in today's zone it would be too tall, and it doesn't meet the setbacks so it is a nonconforming structure.

Vice Chair Carpenter stated that a lot of the discussion is the blockage of view, and he personally doesn't see that there is going to be a blockage of view of the Turn Around and maybe a blockage of view of Gearhart way down the beach but Trendwest/Worldmark actually takes up more of the view than the Pearl of Seaside.

Commissioner Hoth stated that change happens, people develop lands, we build things hoping that we will always have the view and then someone comes along and blocks the view. It's the nature of the world. He's done it, it's been done to him and it's going to happen. If Antione builds completely within the guidelines he can build it anyway. When it comes to variances he has a hard time sometimes granting these. What he gets hung up on is, what are the unique circumstances of this request from other hotels? For him, this one does have a unique circumstance because of the homes on the lot. If this was a square lot we wouldn't be talking about this. Sand and Sea has a nice square lot, the Promenade and Worldmark have nice square lots. This project is different, he has an extra problem to deal with because of the shape of the lot combined with what he has to build he has to make it feasible. Commissioner Hoth stated that he hasn't made a decision yet but there are unique circumstances. Antione's request is reasonable. The Sand and Sea homeowners are concerned about looking down the Prom and the view. Antione's setbacks from the Prom do comply with what is required. What does cause concern is the height of the building. The clock tower is not a part of this because it's an architectural feature. People have legitimate concerns. The builder has a unique condition that he has to deal with which allows him to ask for a variance.

Mrs. Golding stated ordinances were made for a purpose and she would hope that the commissioners would respect the ordinances that are in place. Commissioner Ridout stated that a concept of a variance is so the planning commission can vary from the ordinance if they feel that is within the best interest of Seaside. One of the things he thinks about when they are looking at varying from the ordinance is, does that fit the location where you are at, the neighborhood or whatever. He doesn't see a problem with this because of the similar height of the buildings in the area. Unless we make some sort of consideration for height and setbacks this property is not developable. He tends to want the right things done and he wants it to turn out to be a good project. He doesn't have a problem with doing variances. That is one of the responsibility that the planning commission has is whether or not to do variances in specific situation. Having variances is following the ordinances, there are ordinances guiding the planning commission toward variances.

Chair Romine stated that he agrees that is why they are listening to this.

Commissioner Wright stated he is more concerned with the homes that are there, and how close this is to them. The differences between 3 feet, 5 feet and 8 feet is not a lot. Regarding the height, this is going to be high no matter what. He would like to see what the back side is going to look like too. If there is something you can do or make some assurances to the homeowners that there won't be any damage to their properties and they will still have full access to their property. The other variances seem pretty reasonable to him. The big one was the variance out front (6<sup>th</sup> Street) and being as they changed that and it now meets the ordinance then it is fine.

Chair Romine stated that there was a 6 foot variance for the Promenade condos that was approved. He just wanted to make a point that there is a history of granting variances in the area. This is a transitional zone and it is transitioning to be more commercial.

Commissioner Hoth stated that he is not ready to make a decision. Chair Romine asked Commissioner Hoth what is it exactly he wants to see them do, so they know what to come back with. Commissioner Hoth stated they mentioned something about compact parking and maybe if they brought in plans that showed that maybe they can rearrange things. If they come back and say that is the final drawing then he'll be ready at that time to make his decision, but he would like to give them one last opportunity.

Chair Romine stated that the parking issue is not a height issue, it's a size issue and we if make them go smaller this could kill the project. The two things that he has heard tonight was the view and I don't like the building because it's going to block my view and parking. If we make the foot print smaller then we make the parking tighter. Commissioner Hoth asked Jay if at this moment they are 100% certain that this is what they need and no more changes can be made and they are completely inflexible then he would be prepared to act tonight is that the case? Antione stated the he would like more parking space with the 5 feet and the 3 feet, but if that is an issue then they could reduce the size down and their hope is to have people have the space to turn around. Chair Romine stated that Portland travelers come over in SUV's let's face it. They are not compact cars. Commissioner Ridout stated that he thinks following the same foot print on the south side, they have gone to a 3 foot and he doesn't have an issue with the building using the same foot print of the structure that is there. Chair Romine stated that is a very good point. In his experience if you are building on top of an existing wall there is no set back variance required to rebuild that as long as 2/3 or 3/4 is still there. Mr. Cupples stated the way the

ordinance is written is if you are rebuilding on an existing wall and you are building back exactly what was there then yes you can build with the existing envelope. But if you are going from a one story building to a 4 story building then especially with this building there are variances that you need to go through to do that. Chair Romine stated that in this part of town zero lot lines are common. It's not that uncommon. Mr. Cupples stated that we are dealing with the massing of a building that is significantly different than what is currently there. We had people at one of the council meeting that who were all upset because someone put a two story shed in the backyard and all the structures around it are basically one story structures. This person went up well below what the height restriction is and the neighbors are carrying pitch forks. Commissioner Ridout stated his thought is if they gain an extra two feet does it do anything to the parking, or move the whole structure two feet to the south. Chair Romine stated they wouldn't meet the setback to the north because then it would be too close to the house. He doesn't understand why they came in volunteering to move it in three feet because he probably said go up with what you have now and he would have been happy. Chair Romine stated that without seeing the building plans he doesn't know what their overhangs are and they are typically a foot to 18 inches past the vertical wall. Commissioner Ridout stated obviously you don't want the eaves to go over the property line. Marlow Hornberger asked for clarification on the Prom setback. Jay Orloff stated that they are at the 10 foot side yard setback and they are allowed 30 inches into that 10 feet. Chair Romine stated that the foundation wall is 10 feet. Commissioner Hoth wants them to be a little bit more clear on what they need.

Commissioner Ridout made motion to continue this until the next planning commission meeting scheduled for July 5th. Commissioner Hoth seconded and the motion was carried unanimously. Mr. Cupples stated that the next meeting will be July 5<sup>th</sup>, 2016 here at the council chambers.

**ORDINANCE ADMINISTRATION:** Mr. Cupples stated that we have received the edited flood plain maps and they are going to be doing a presentation next Monday at Clatsop Community College on Roosevelt. The planning commission doesn't have much to say about the adoption of the maps but it does deal with all the flood plain issues. We got some information from Maria Pincetich regarding affordable housing.

**COMMENTS FROM THE PUBLIC.** Erin Barker, she would like to have the applicant's show what was there and then the new proposed plan. She is confused because now she doesn't know what is going to be changing. Commissioner Ridout stated that in the packets is a brief summary of what was proposed for tonight but with everything said at tonight's meeting they will probably come back with something different.

**COMMENTS FROM COMMISSION/STAFF:** Vice Chair Carpenter stated that the commissioners talked about the new motel going in on the south end of town. The de-acceleration lane was discussed at the last transportation meeting, he asked what was the final decision for that development? Mr. Cupples stated that the decision was for the applicant to consider the establishment of a de-acceleration lane and further a reserve lane coming from the north bound traffic. Commissioner Hoth made that condition with the idea that that was supposed to be a stronger discussion than the de-acceleration lane running north. Now, knowing that, and the applicant actually made the offer, and nothing went further on it. The applicant made the offer by saying they would provide an easement to allow for the development of the lane. They still need to come back for a variance, and maybe the Planning Director when he makes the decision for that variance is going to say you offered this, you go through with it, you must at least provide the easement for the de-acceleration lane. Vice Chair Carpenter stated that in the north bound lane the transportation committee is worried about people coming around the corner going 45 miles per hour and then coming to stopped traffic. Mr. Cupples stated that the planning director when he reviews the variance for them to move the building back on the property he can add that de-acceleration lane as one of the conditions. Vice Chair Carpenter asked if they did that then who puts it in? Mr. Cupples stated he was thinking of just making sure that they had the easement space to put it in. He really can't say you have to put it in if ODOT is saying that you can't do it. We have to be somewhat careful because of two major court cases in land use history, if you say that the cost is going to be 5 million you couldn't support the requirement for them to put that in as part of the development. In some cases you could deny the development, but you have to be careful how you do that obligation so we might have to take some serious legal consideration before the condition is finalized, but he can work with the developer on that. Mr. Cupples stated that he had a discussion with the Public Works Director, Dale McDowell, prior to that meeting the de-acceleration lane wasn't required by the planning commission the condition may be put into their variance. Chair Romine stated that Mr. Mead indicated that he wanted to give the land to ODOT so that they will be able to do that in the future. Commissioner Ridout stated that Mr. Mead stated that they would have the land put aside, and you might want to look at it again to see exactly how he worded that. Mr. Cupples stated that he thought that it was going to be a condition of approval and he was writing it up so that he would have it and then it didn't get made so he thought he could put it in the variance. Mr. Cupples also stated that if he is willing to give

it up, that's different than willing to build it, but Mr. Mead thought ODOT was going to make them put it in and they didn't.

**ADJOURNMENT:** Adjourned at 9:07 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** July 5, 2016  
**Applicant/  
Owner:** Chris Erickson, Brad Lundstrom and Sue Coe-Lundstrom  
3318 W Hartson Ave.  
Spokane, WA 99224  
**Location:** 450 16th Avenue, T6-R10-S 16AD TL#903  
**Subject:** Conditional Use 16-029VRD; Vacation Rental Dwelling Permit

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**REQUEST:**

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **450 16<sup>th</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants are** requesting a maximum occupancy of **nine (9) people** over the age of three (no more than 10 regardless of age) within the existing **three** bedroom dwelling.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

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

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

- C. Residential yard areas.** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not

occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

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

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

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

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **450 16<sup>th</sup> Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicants** are requesting a maximum occupancy of **nine (9)** over the age of three (no more than 10 regardless of age) within the existing **three** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are at least **three** off-street parking spaces that are available on the site. **Three cars in driveway.**
  - b. The existing **three** bedroom residence will have a limited occupancy of **nine (9) people** over the age of three (not more than 10 regardless of age).
  - c. The plot plan shows that the existing parking pad already takes up just over 50% of the front yard setback.
  - d. **Bonnie Woodman, (451 16<sup>th</sup> Ave, Seaside, OR 97138) will be the local contact for the VRD (503-717-5684).**
  - e. The owner/applicants, **Chris Erickson, Brad Lundstrom and Sue Coe-Lundstrom** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **31%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
3. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
4. 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.

5. 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."

6. 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.

7. Although the parking spaces are available on site, additional clearance must be provided under the trees that cover the parking spaces. This is a noted correction on the inspection sheet for the VRD.

8. 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 received one written comment objecting to the applicant's request. The neighbor's letter of objections includes the following information:

Kristi Coulter, 438 16<sup>th</sup> Street

I am writing to oppose the vacation rental permit at 450 16<sup>th</sup> in Seaside Oregon. We are overburdened with vacation rentals on our street and behind our house. The constant traffic, parking issues, partying and noise are intolerable. I have lived here for 40 years and the last few years have been ridiculous.

The house at 450 16<sup>th</sup> has recently been bought by out of state owners who plan to turn it into a full time business. They have put in an 8 person hot tub next to my back door and bedroom window and asked that I change my outdoor lighting for them. Would you personally like to live next to a party house with a hot tub next to your bedroom window?

The City of Seaside is not able to enforce its "good neighbor rules" and does not even have a formal process for revoking the licenses according to the planning department. This has left full time residence pitted against business owners in our residentially zoned neighborhoods. One business owner on our street is retaliating against a resident who keeps complaining to the city about her vacation rental.

I would suggest a moratorium on the short term vacation permit process to evaluate the impact to City services, rental capacity for local residents and sense of community. Other cities locally and around the country are changing laws to protect their residents.

Let's stop rubber stamping these permits without thought to your residents and city.

9. The City considered limiting VRDs in the past, but the Planning Commission and City Council ultimately required Planning Commission review in higher density VRD neighborhoods. The Commission's review includes two additional criteria.

10. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being

resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. A recent action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

11. Partying and making noise can be an issue with full time & part time residents, as well as transient occupants. Noise ordinances apply to all residential zone occupants and when it occurs, neighbors are within their right to contact the police. In the case of Vacation Rentals, staff encourages them to call the local contact first to try and resolve issues; however, the Police can always be contacted to take action when people are disturbing the peace.

12. Spas & hot tubs can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people commonly are attempting to talk over the sound of the pumps. Staff routinely requires owners and managers to establish hours of use for hot tubs & spas to avoid late night occupancy. At the time of inspection, staff suggested limiting the use of the spa between the hours of 10:00 p.m. & 6:00 a.m.

13. The applicant could be required to use one space within the garage and provide potted plants along the western portion of the parking area in order to limit parking within the front yard setback area. In the past, other neighbors adjacent to VRDs have asked staff to remove the potted plants in favor of more parking in front yard instead of using the garage parking.

In the case of this request, the owners can meet the standard by providing the additional landscaping and be required to use the garage parking or the Commission could credit the additional yard area beyond the required setback on the east side in order to make up for the front yard landscaping that is lacking on the west side.

14. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part time occupancy, long term rental, or short term rental. It is true that VRDs exhibit short stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified responsible party, restrictions that exceed those applied to single family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non VRDs.

15. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

16. 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 provisions 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."

In recognition of the Planning Commission's efforts and in keeping with the purpose statement for conditional uses, these conditions are incorporated into any decision to approve a VRD in an effort to promote compatibility of the proposed VRD with surrounding uses.

**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 **(16-029VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

**Please be advised the VRD has already undergone a preliminary compliance inspection but it has not yet passed a final inspection.**

2. **Parking spaces: Three (3) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.

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

3. **Maximum number of occupants: Nine (9) persons over the age of three (no more than 10 regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.

4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.

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

**If parking on the west side of the existing parking pad is determined in the future to adversely impact the neighboring property owner due to the creation of unwanted noise, staff will require the owner to prevent parking in that area by providing landscape planters along the west side of the front yard and utilize the garage for parking.**

6. **Local Contact: Bonnie Woodman, 451 16<sup>th</sup> Avenue, Seaside (503)717-5684.** 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.

**18. Spa/Hot Tub Restriction:** Use of the outdoor spa/hot tub will be restricted between the hours of 10:00 p.m. & 6:00 a.m. If these hours prove to be insufficient to protect the neighboring property owner's from unwanted noise, they will be further restricted by staff. The additional restriction can include prohibiting use of the spa/hot tub entirely by VRD tenants.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-029VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9)** persons over the age of three (no more than 10 regardless of age) at **450 16<sup>th</sup> Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

# Kristi Coulter, RPh



438 16<sup>th</sup> Seaside, OR 97138  
206 818-6064  
Kcoulter12@comcast.net

6/24/2016

6-27-16 12:29 RCVD

To Kevin Cupples,

I am writing to oppose the vacation rental permit at 450 16<sup>th</sup> in Seaside Oregon. We are overburdened with vacation rentals on our street and behind our house. The constant traffic, parking issues, partying and noise are intolerable. I have lived here for 40 years and the last few years have been ridiculous.

The house at 450 16<sup>th</sup> has recently been bought by out of state owners who plan to turn it into a full time business. They have put in an 8 person hot tub next to my back door and bedroom window and asked that I change my outdoor lighting for them. Would you personally like to live next to a party house with a hot tub next to your bedroom window?

The City of Seaside is not able to enforce its "good neighbor rules" and does not even have a formal process for revoking the licenses according to the planning department. This has left full time residence pitted against business owners in our residentially zoned neighborhoods. One business owner on our street is retaliating against a resident who keeps complaining to the city about her vacation rental.

I would suggest a moratorium on the short term vacation permit process to evaluate the impact to City services, rental capacity for local residents and sense of community. Other cities locally and around the country are changing laws to protect their residents.

Let's stop rubber stamping these permits without thought to your residents and city.

Regards,  
Kristi Coulter, RPh



ORIGINAL

CITY OF SEASIDE  
VACATION RENTAL DWELLING (VRD) APPLICATION

CITY OF SEASIDE  
MAY 31 2016

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: Chris Erickson, Brad Lundstrom, Susan Coe-Lundstrom
2. Mailing Address: 3318 W. Hartson Ave. Spokane, WA. 99224
3. Telephone #: Home 509)747-3280, Work 509)435-3084, 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: 450 16<sup>th</sup> Ave Seaside, Oregon
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? 5 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? \_\_\_\_\_ Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

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:

BONNIE R. WOODMAN Phone # 503-717-5684 Address: 451-16th Ave, 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? \_\_\_\_\_ 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: [Handwritten Signature] Date: 5/30/16

-----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-----

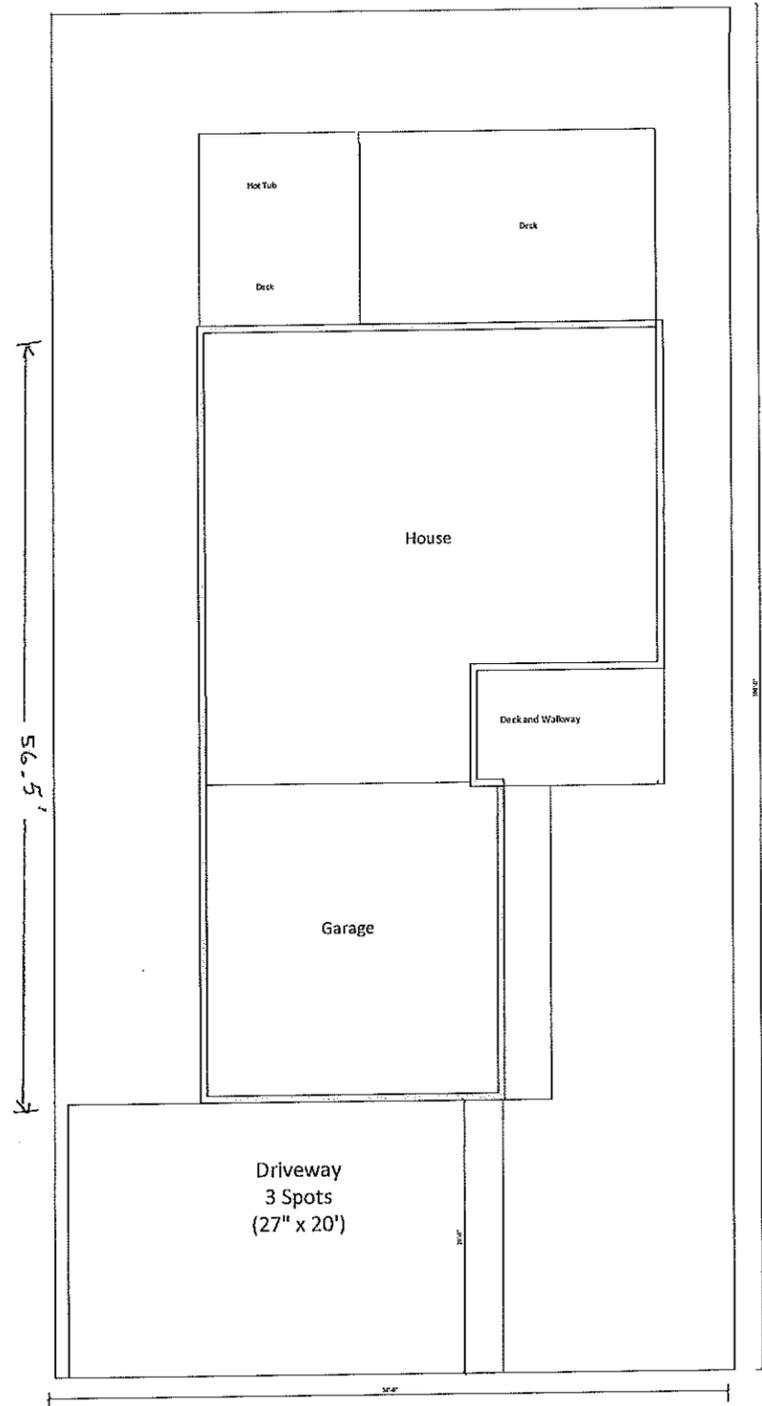
Date application was received at Community Development: \_\_\_\_\_

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

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

North

33.5'



24.3  
9.2  
22.5

16<sup>th</sup> Av

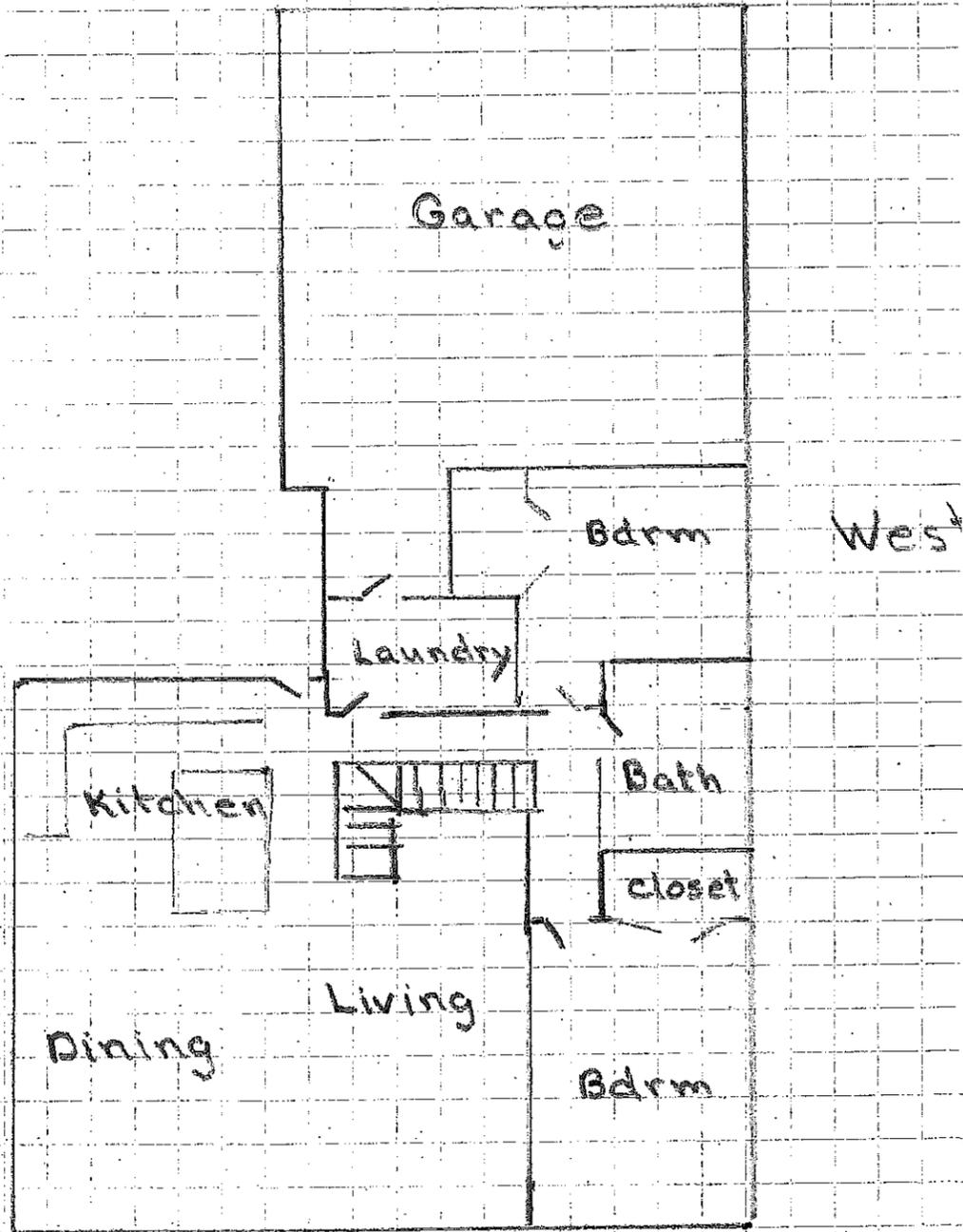
South

South

450 16<sup>th</sup>

Ground Floor

East



West

North

South

450 16<sup>th</sup>

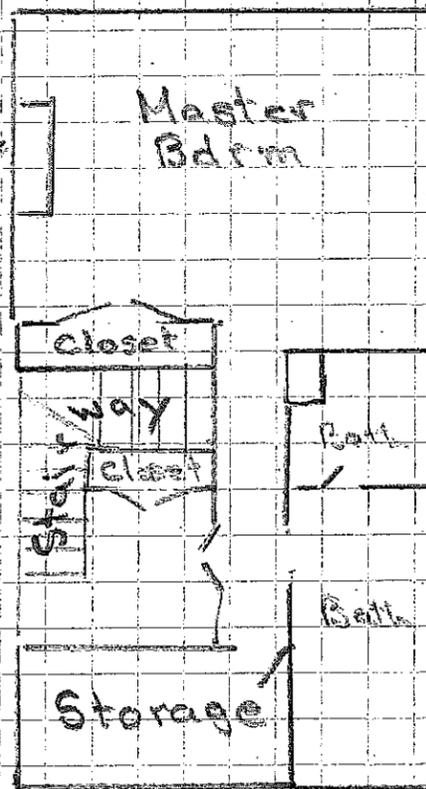
Second Floor

East

Fireplace

Master  
Bdrm

West



North

**CITY OF SEASIDE STAFF REPORT**

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** July 5, 2016  
**Applicant:** City of Seaside, Dale McDowell, 989 Broadway, Seaside, OR 97138  
**Owner:** Seaside School District, 1801 S Franklin St., Seaside, OR 97138  
**Location:** 1120 Broadway, Seaside, OR 97138 ((T6, R10, 22BB TL: 4700 & 5201).  
**Subject:** Conditional Use Request 16-034CU, development of Dog Park at the northwest corner of the Broadway Middle School parking lot.

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**REQUEST:**

The applicant is requesting a conditional use that will allow the development of a small dog park at the northwest corner of the Broadway Middle School parking lot. The park would provide a centrally located, fenced off area where the public can exercise their dogs on & off leash.

Development of the dog park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make use of an underutilized area that frequently becomes overgrown with brush and weeds. The property is currently zoned General Commercial (C-3).

Although public facilities are permitted in the zone, similar uses and outdoor amusement activities are both conditionally permitted; therefore, the Commission is being asked to provide input through the conditional use permit process.

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

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

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

protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:

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

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. The applicant's submitted justification, aerial photo plan are adopted by reference. The applicant's justification is summarized as follows:
  - The City Public Works Director, on behalf of the Parks Advisory Committee would like to establish a fenced dog park at the northwest corner of the Broadway Middle School parking lot. The park would provide a fenced off area where the public can exercise their dogs on & off leash. The area is currently underutilized and it is centrally location in close proximity to the public restrooms, the Visitor's Bureau, & Chamber of Commerce. The ordinance does not specifically list the use; however, it does provide for outdoor amusement activities and staff believes it would generally fall under this use heading without the need to review it as a similar use in the zone. Either use would be conditionally permitted. Public facilities are listed as an outright permitted but given the examples, staff believed it was best to simply have the Commission provide input via the conditional use process.
  - The zone does not have setbacks applicable to the use and there is ample parking provided in conjunction with the school parking lot other than those times the school is conducting special events. We are assuming this will be used more often during the summer when school is out and tourists may simply walk their dogs over to the dog park while they are parked at the visitor's bureau. The fenced area will be set back from the front property line far enough that it will not create any visual clearance issues for cars entering or leaving the parking lot. The use will abut the landscaped area on the adjacent residential property to north that was previously approved for a commercial office space based on the location adjacent to the highway. The use is located within the highway overlay zone; however, a formal HOZ review is not required because staff does not anticipate that it will produce a significant number of additional trips.
  - Article 6 does not include specific standards for outdoor amusement activities.

- The City will be cleaning up an area that commonly becomes overgrown with brush and weeds. The school has asked that the pathway currently used by students to cut the corner from the sidewalk to the school be relocated since the current path would be blocked by fencing. A pet bag dispenser will be provided near the entrance. The fence will be approximately 4' high cyclone fencing with a double gate system so only attended dogs can get out. Two gate systems will be provided so that PP&L can safely access their equipment. Final signage and/or rules have not been finalized at this time but some will be provided.
2. The Public Works Director has indicated a garbage can will be provided for use at the site.

**CONCLUSION TO CRITERIA #1:**

The proposed dog park will provide a centrally located facility that can be used by residents and visitors to Seaside that stop at the Chamber of Commerce & Visitor's Bureau.

**FINAL STAFF RECOMMENDATION**

Approve the dog park at the Northwest corner of the Broadway Middle School parking lot located at 1120 Broadway. 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 the applicant.

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

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

Attachments: Applicant's Submittal



**City of Seaside, Planning Department**

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

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT City of Seaside	ADDRESS 989 Broadway, Seaside, OR.	ZIP CODE 97138
STREET ADDRESS OR LOCATION OF PROPERTY 1120 Broadway, Seaside, OR 97138		

ZONE <i>C3/R2</i>	OVERLAY ZONES	TOWNSHIP <i>6</i>	RANGE <i>10</i>	SECTION 22BB	TAX LOT 4700
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Fenced Dog Park

(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 Seaside School District	PRINT NAME OF APPLICANT/REPRESENTATIVE City of Seaside, Dale McDowell
ADDRESS 1801 S. Franklin St.	ADDRESS 989 Broadway Seaside, OR. 97138
PHONE / FAX / EMAIL 503-738-5591	PHONE / FAX / EMAIL 503-738-5112/503-738-8765 dmcowell@cityofseaside.us
SIGNATURE OF PROPERTY OWNER <i>Via Email approval</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE <i>Kevin Cupples</i>



CHECK TYPE OF PERMIT REQUESTED:

- |                                                  |                                                    |                                          |                                                |
|--------------------------------------------------|----------------------------------------------------|------------------------------------------|------------------------------------------------|
| <input type="checkbox"/> CONDITIONAL USE         | <input checked="" 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 <i>DK</i>
CASE NUMBER (S)	<i>16-034CU</i>
HEARING DATE	P.C. ACTION

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

**CONDITIONAL USE - ARTICLE 6**

**TYPE 2 - PLANNING COMMISSION DECISION**

**FEE: \$ 675.00**

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

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

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

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

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

1. What is the proposed use in the zone?

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

ATTACH EXTRA SHEETS IF NEEDED

## Conditional Use for Establishment of a Dog Park

### 1. What is the proposed use in the zone?

The City Public Works Director, on behalf of the Parks Advisory Committee would like to establish a fenced dog park at the northwest corner of the Broadway Middle School parking lot. The park would provide a fenced off area where the public can exercise their dogs on & off leash. The area is currently underutilized and it is centrally location in close proximity to the public restrooms, the Visitor's Bureau, & Chamber of Commerce. The ordinance does not specifically list the use; however, it does provide for outdoor amusement activities and staff believes it would generally fall under this use heading without the need to review it as a similar use in the zone. Either use would be conditionally permitted. Public facilities are listed as an outright permitted but given the examples, staff believed it was best to simply have the Commission provide input via the conditional use process.

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

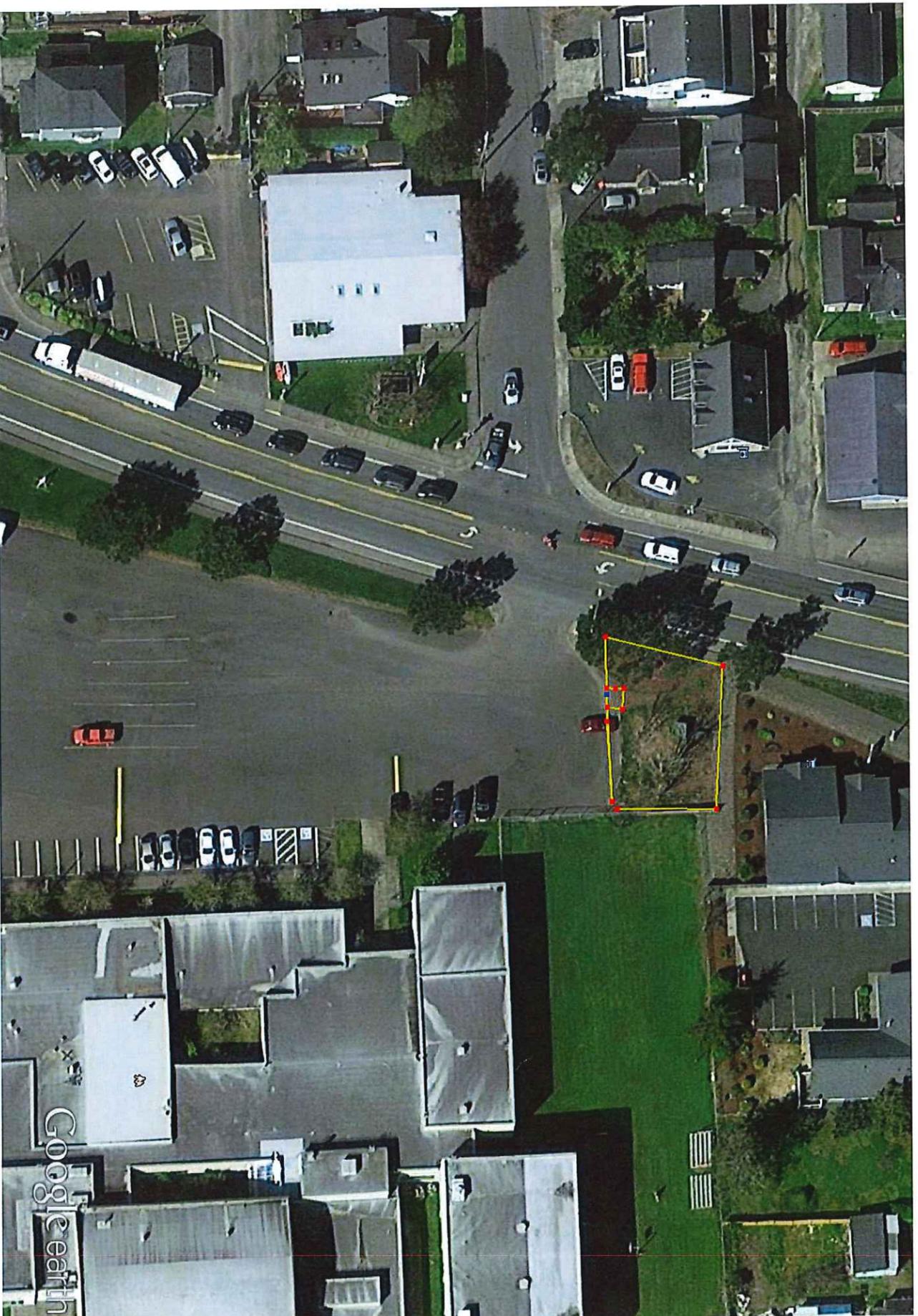
The zone does not have setbacks applicable to the use and there is ample parking provided in conjunction with the school parking lot other than those times the school is conducting special events. We are assuming this will be used more often during the summer when school is out and tourists may simply walk their dogs over to the dog park while they are parked at the visitor's bureau. The fenced area will be set back from the front property line far enough that it will not create any visual clearance issues for cars entering or leaving the parking lot. The use will abut the landscaped area on the adjacent residential property to north that was previously approved for a commercial office space based on the location adjacent to the highway. The use is located within the highway overlay zone; however, a formal HOZ review is not required because staff does not anticipate that it will produce a significant number of additional.

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

None apply

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

The City will be cleaning up an area that commonly becomes overgrown with brush and weeds. The school has asked that the pathway currently used by students to cut the corner from the sidewalk to the school be relocated since the current path would be blocked by fencing. A pet bag dispenser will be provided near the entrance. The fence will be approximately 4' high cyclone fencing with a double gate system so only attended dogs can get out. Two gate systems will be provided so that PP&L can safely access their equipment. Final signage and/or rules have not been finalized at this time but some will be provided.



Google earth

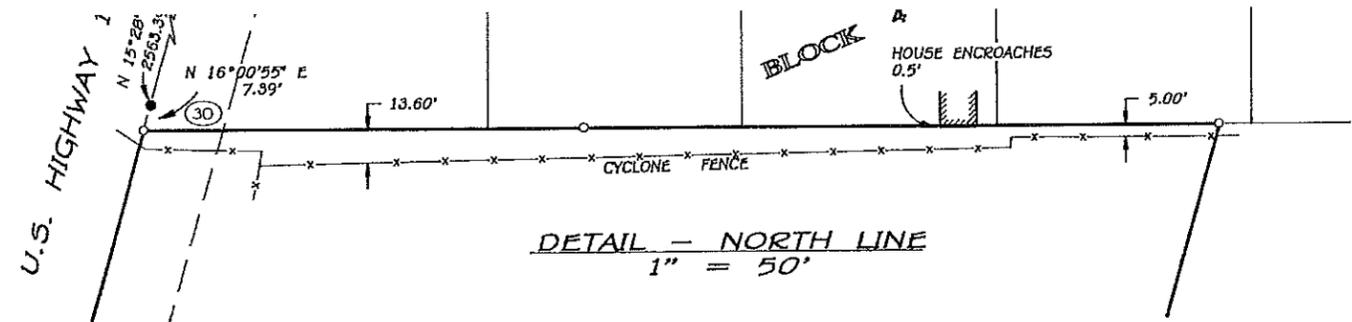
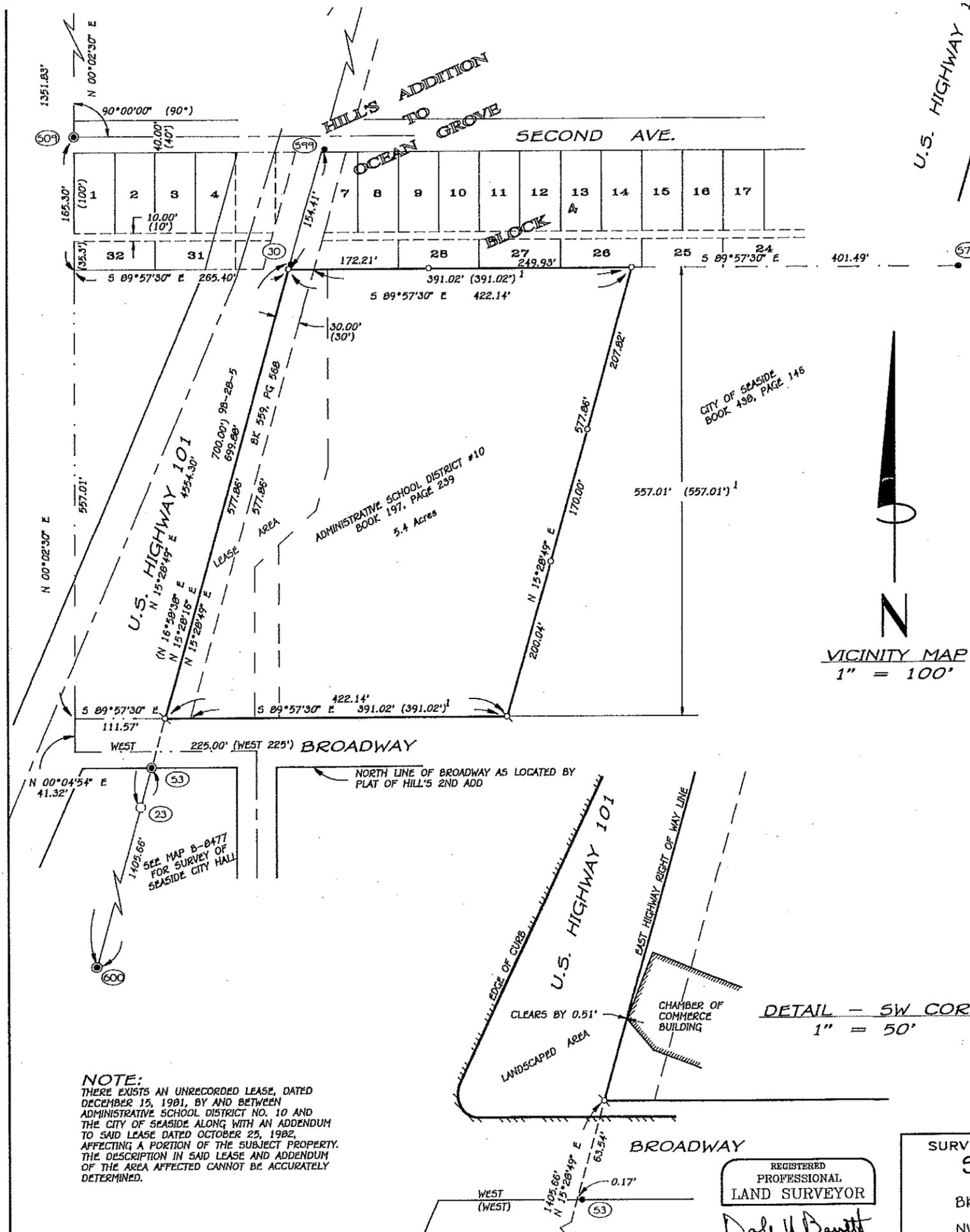
feet  
meters



300  
100

Google earth





**BASIS OF BEARING**  
 THE LINE BETWEEN THE FOUND MONUMENTS (30) AND (53) AS SHOWN HEREON, BEARS SOUTH 15°28'16\"/>

**NARRATIVE**  
 THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN BOOK 197, PAGE 239, AND BOOK 559, PAGE 568, DEED RECORDS, CLATSOP COUNTY.

THE OREGON STATE HIGHWAY DEPARTMENT MONUMENTED THE CENTERLINE OF THE ABANDONED RAILROAD TRACKS IN 1986 AFTER THE TRACKS WERE REMOVED. SEE MAP T-8438. MONUMENTS FROM THAT SURVEY WERE FOUND AND USED AS THE BASIS OF BEARING AS THIS WAS THE CONTROL USED IN THE SURVEY FOR THE SEASIDE CITY HALL SURVEY. SEE MAP B-8477. IN SEPTEMBER, 1992, KARL FOESTE SET FOUR MONUMENTS ON THE CENTERLINE OF THE ABANDONED RAILROAD RIGHT OF WAY BASED UPON ACTUAL TIES TO THE EXISTING TRACKS PRIOR TO BEING REMOVED. FOESTE'S MONUMENTS WERE HELD AS BEST EVIDENCE OF THE ORIGINAL RAILROAD RIGHT OF WAY.

THE WEST LINE OF THE SUBJECT PROPERTY IS THE CENTERLINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD CO. RIGHT-OF-WAY. MONUMENTS (598) AND (600) WERE HELD FOR THE CENTERLINE AS ESTABLISHED FROM THE OLD RAILROAD TRACKS.

(NOTE: SEE BOOK 559, PAGE 568 FOR QUIT CLAIM DEED FROM BURLINGTON NORTHERN FOR THE ABANDONED 60' RAILROAD RIGHT OF WAY. ALSO SEE CLATSOP COUNTY COURT DECREE CC 82-269 FOR CLAIM OF OWNERSHIP OF THE WESTERLY 30' OF RAILROAD RIGHT OF WAY BY O.S.H.D.)

THE NORTH LINE OF THE SUBJECT PROPERTY IS THE SOUTH LINE OF HILL'S ADDITION TO OCEAN GROVE, BLOCK 4 OF THE PLAT WAS LAID OUT AT RECORD ANGLES AND DISTANCES FROM MONUMENT 509 FOUND AS THE CENTERLINE OF 2ND AVENUE (E ST.), USING THE SECTION CORNER FOR BASIS OF BEARINGS. SEE PLAT AND MAP B-8460. THE EAST LINE OF THE SUBJECT PROPERTY IS A LINE PARALLEL WITH THE RAILROAD AND 391.02 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD.

THE SOUTH LINE OF THE SUBJECT PROPERTY IS A LINE PARALLEL WITH THE SAID NORTH LINE AND 557.01 FEET SOUTH, MEASURED AT RIGHT ANGLE FROM THE NORTH LINE. NO ATTEMPT WAS MADE TO LOCATE THE NORTH RIGHT-OF-WAY LINE OF BROADWAY AVENUE.

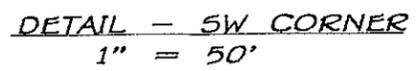
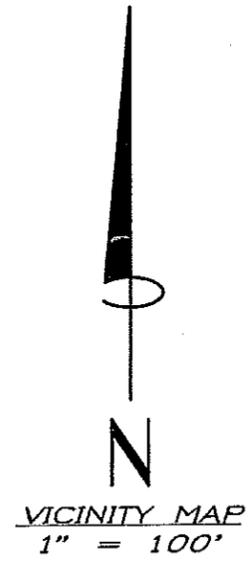
AT CLIENT'S REQUEST, MONUMENTS WERE SET ON LINE AS SHOWN HEREON.

**MONUMENT NOTES**

- (23) POSITION OF 5/8\"/>
- (30) FOUND 5/8\"/>
- (53) FOUND 5/8\"/>
- (508) FOUND 3-1/4\"/>
- (509) FOUND BRASS CAP STAMPED, \"CITY OF SEASIDE, OR. STREET MONUMENT COS 110 SURVEYOR 2259 DATE SET 2-92\", IN MONUMENT BOX WITH \"WATER\" LID, HELD FOR CENTERLINE OF SECOND AVENUE, SEE MAP B-8460.
- (574) FOUND 5/8\"/>
- (598) FOUND PK NAIL & WASHER STAMPED \"LS 849\", SET IN ASPHALT IN 12TH ST. THIS MONUMENT SET BY FOESTE IN SEPT. 1992 FROM PREVIOUS TIES TO EXISTING RR TRACKS. HELD FOR CENTERLINE OF RR.
- (599) FOUND 5/8\"/>
- (600) FOUND 5/8\"/>

**LEGEND**

- INDICATES 5/8\"/>
- ⊗ INDICATES SET 3/4\"/>
- INDICATES MONUMENT FOUND AS NOTED HEREON USED FOR CONTROL
- INDICATES MONUMENT FOUND AS NOTED HEREON
- INDICATES MONUMENT SEARCHED FOR, NOT FOUND
- ( ) INDICATES RECORD VALUE PLAT OF HILL'S ADDITION TO OCEAN GROVE
- ( ) INDICATES RECORD VALUE DEED BOOK 197, PAGE 239
- NO ( ) INDICATES MEASURED VALUE



**NOTE:**  
 THERE EXISTS AN UNRECORDED LEASE, DATED DECEMBER 15, 1991, BY AND BETWEEN ADMINISTRATIVE SCHOOL DISTRICT NO. 10 AND THE CITY OF SEASIDE ALONG WITH AN ADDENDUM TO SAID LEASE DATED OCTOBER 25, 1992, AFFECTING A PORTION OF THE SUBJECT PROPERTY. THE DESCRIPTION IN SAID LEASE AND ADDENDUM OF THE AREA AFFECTED CANNOT BE ACCURATELY DETERMINED.

REGISTERED PROFESSIONAL LAND SURVEYOR  
 Dale U. Barrett

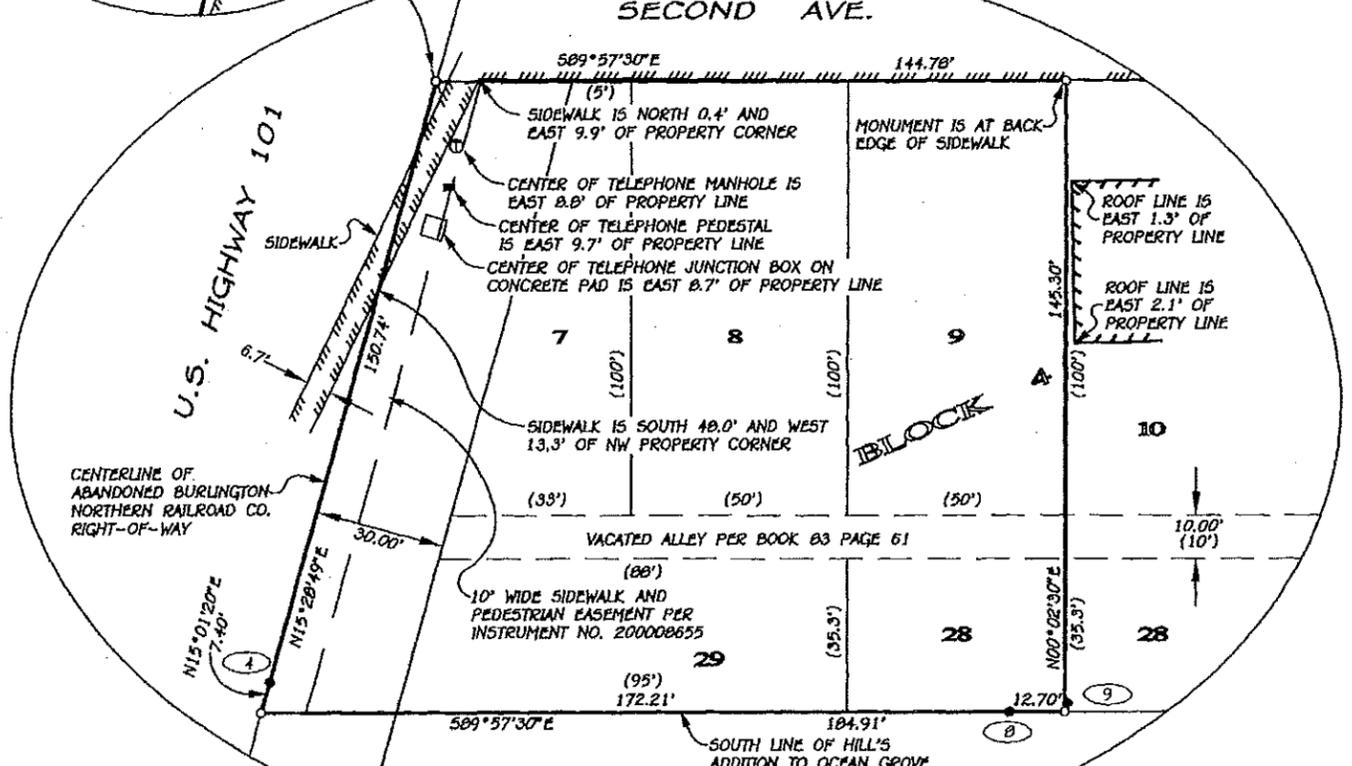
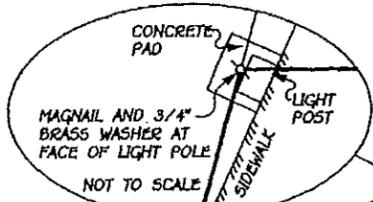
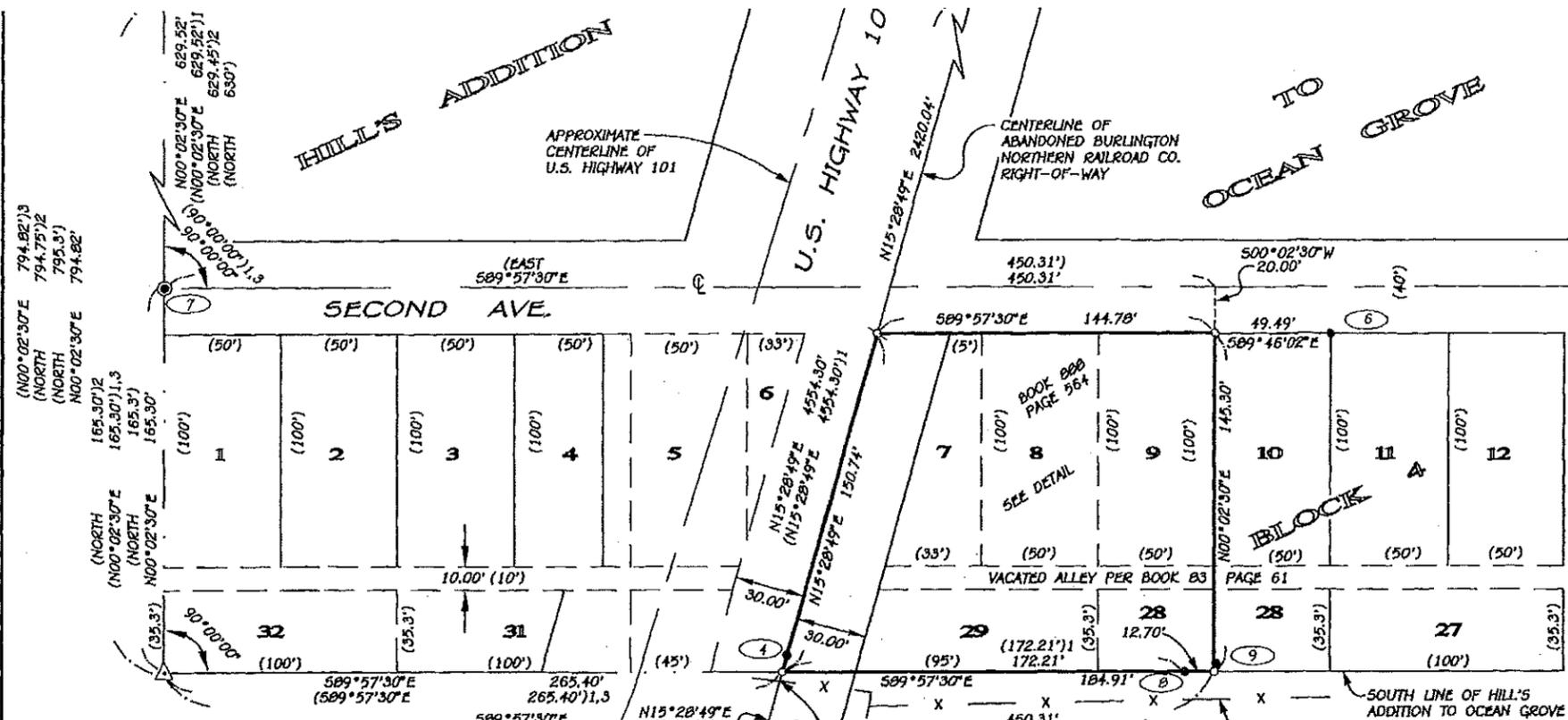
SURVEY FOR:  
**SCHOOL DISTRICT #10**  
 THAT PARCEL DESCRIBED IN  
 BK 197, PG 239 & BK 559, PG 568  
 NW1/4 SECTION 22, T6N, R10W, W.M.

SURVEY BY:  
**HANDFORTH LARSON & BARRETT, INC.**  
 P.O. BOX 219  
 MANZANITA, OR 97130  
 (503) 368-5394 FAX (503) 368-5817

CLATSOP COUNTY SURVEYOR RECEIVED  
 SEP. 10, 1992  
 FILED 12-8-92 S.T.  
 ASTORIA OREGON

55MID-P5.DWG  
 MIDSCH #25

CS# B-3



THE LINE BETWEEN THE FOUND MONUMENTS (7) AND (3) AS SHOWN HEREON, BEARS NORTH 00°02'30" EAST, THE RECORD VALUE FROM MAP B-10520, CLATSOP COUNTY SURVEY RECORDS.

**NARRATIVE**

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN BOOK 888, PAGE 564, CLATSOP COUNTY DEED RECORDS. THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE SUBJECT PROPERTY AS SHOWN HEREON.

THE OREGON STATE HIGHWAY DEPARTMENT MONUMENTED THE CENTERLINE OF THE ABANDONED RAILROAD TRACKS IN 1986 AFTER THE TRACKS WERE REMOVED (SEE MAP T-8438). IN SEPTEMBER OF 1992, KARL FOESTE SET FOUR MONUMENTS ON THE CENTERLINE OF THE ABANDONED RAILROAD RIGHT OF WAY BASED UPON ACTUAL TIES TO THE EXISTING TRACKS PRIOR TO BEING REMOVED. FOESTE'S MONUMENTS WERE HELD AS BEST EVIDENCE OF THE ORIGINAL RAILROAD RIGHT OF WAY (SEE MAP B-9688).

(NOTE: SEE BOOK 559, PAGE 568 FOR QUIT CLAIM DEED FROM BURLINGTON NORTHERN FOR THE ABANDONED 60' RAILROAD RIGHT OF WAY. ALSO SEE CLATSOP COUNTY COURT DECREE CC B2-269 FOR CLAIM OF OWNERSHIP OF THE WESTERLY 30' OF RAILROAD RIGHT OF WAY BY O.S.H.D.)

THE SOUTH LINE OF THE SUBJECT PROPERTY IS THE SOUTH LINE OF HILLS ADDITION TO OCEAN GROVE. BLOCK 4 OF SAID PLAT WAS LAID OUT AT RECORD ANGLES AND DISTANCES FROM THE CALCULATED POSITION OF THE SOUTHWEST CORNER OF BLOCK 4, HOLDING FOUND MONUMENT (7) AS THE CENTERLINE OF 2ND AVENUE AND USING THE SECTION CORNER (3) FOR BASIS OF BEARINGS. THIS SOLUTION FOLLOWS THAT OF HILLS ADDITION TO OCEAN GROVE AND MAPS B-8460, B-9645 AND B-10520.

THE WEST LINE OF THE SUBJECT PROPERTY IS THE CENTERLINE OF THE ABANDONED BURLINGTON NORTHERN RAILROAD CO. RIGHT-OF-WAY. THE PREVIOUSLY TIED MONUMENTS (99) AND (600) WERE HELD FOR THE CENTERLINE AS ESTABLISHED FROM THE OLD RAILROAD TRACKS PER MAP B-9688.

THE NORTH LINE OF THE SUBJECT PROPERTY, ALSO BEING THE SOUTH LINE OF SECOND AVENUE, WAS ESTABLISHED BY TURNING THE RECORD ANGLE FROM MONUMENT (7) USING THE SECTION CORNER (3) AS THE BASIS OF BEARING TO ESTABLISH THE CENTERLINE OF SAID SECOND AVENUE AND OFFSETTING 20 FEET SOUTHERLY.

THE EAST LINE OF THE SUBJECT PROPERTY, A PORTION ALSO BEING THE EAST LINE OF LOT 9, BLOCK 4, HILL'S ADDITION TO OCEAN GROVE, WAS ESTABLISHED BY HOLDING RECORD PLAT DISTANCE ALONG SECOND AVENUE EAST OF AND PARALLEL TO THE SECTION LINE.

**MONUMENT NOTES**

- (3) FOUND 3-1/4" CLATSOP COUNTY ALUMINUM CAP STAMPED "T6NR10W 516 515 521 522 L5 954 1992" IN MONUMENT BOX IN GRAVEL ROAD, HELD FOR CONTROL AND BASIS OF BEARING. SEE BT-1281.
- (4) FOUND 5/8" REBAR WITH OSHD 2" ALUMINUM CAP 0.8' BELOW SURFACE, (SET BY OSHD FOR CENTERLINE OF RAILROAD RIGHT-OF-WAY LINE), NOT HELD, SEE MAP 9B-28-5, THIS MONUMENT IS 0.11' NORTHWEST OF CENTERLINE OF RAILROAD AS MONUMENTED BY FOESTE. SEE MAP B-8438.
- (6) FOUND 1/2" IRON PIPE, 0.1' ABOVE SURFACE IN HEDGE, NOT HELD. SEE MAP A-1699.
- (7) FOUND BRASS CAP STAMPED, "CITY OF SEASIDE, OR. STREET MONUMENT COS 110 SURVEYOR 2259 DATE SET 2-92", IN MONUMENT BOX WITH "WATER" LID, HELD FOR CENTERLINE OF SECOND AVENUE AND USED FOR CONTROL. SEE MAP B-9549.
- (8) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB INC.", FLUSH WITH GROUND, POINT ON SOUTHERLY LINE OF BLOCK 4 HILLS ADDITION TO OCEAN GROVE, FOUND IN POSITION. SEE MAP B-9645.
- (9) FOUND 1/2" IRON BAR WITH MUSHROOM TOP 0.1' BELOW GROUND SURFACE NORTH 0.45' AND EAST 0.16' OF SET MONUMENT, ORIGIN UNKNOWN.
- (99) POSITION OF A PK NAIL & WASHER STAMPED "L5 849", SET IN ASPHALT IN 12TH ST. THIS MONUMENT SET BY FOESTE IN SEPT. 1992 FROM PREVIOUS TIES TO EXISTING RR TRACKS. HELD FOR CENTERLINE OF RAILROAD. SEE MAP B-9688.
- (600) POSITION OF A 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "K FOESTE L5 849", THIS MONUMENT WAS SET BY FOESTE IN SEPT. 1992 FROM PREVIOUS TIES TO EXISTING RR TRACKS. HELD FOR CENTERLINE OF RAILROAD. SEE MAP B-9688.

**LEGEND**

- o INDICATES 5/8"x30" REBAR SET WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC."
- o INDICATES SET MAGNAIL AND 3/4" BRASS WASHER MARKED "HLB & ASSOC. INC.", SET IN CONCRETE LIGHT POLE BASE
- o INDICATES MONUMENT FOUND AS NOTED HEREON USED FOR CONTROL AND BASIS OF BEARING
- o INDICATES MONUMENT FOUND AS NOTED HEREON
- o INDICATES CALCULATED POSITION
- ( ) INDICATES RECORD VALUE FROM PLAT OF HILL'S ADDITION TO OCEAN GROVE
- (1) INDICATES RECORD VALUE PER MAP B-9645
- (2) INDICATES RECORD VALUE PER MAP B-8460
- (3) INDICATES RECORD VALUE PER MAP B-10520
- NO ( ) INDICATES MEASURED OR CALCULATED VALUE
- o INDICATES MONUMENT NUMBER, SEE MONUMENT NOTES
- ||||| INDICATES CONCRETE SIDEWALK

SCALE:  
1" = 50'

B-12004

REGISTERED PROFESSIONAL LAND SURVEYOR  <i>David Bault</i> OREGON	SURVEY BY: <b>HLB &amp; Associates</b> INCORPORATED Surveying • Civil Engineering • Planning • Water Rights • Wetlands Consulting CLATSOP COUNTY    PACIFIC COUNTY    TILLAMOOK COUNTY 4253-A HWY 101 N.    1715-B N. PACIFIC AVE.    160 LANEDA AVE. SEASIDE, OR 97138    LONG BEACH, WA 98551    MANASTOTA, OR 97130	BOUNDARY SURVEY FOR: <b>JUDITH N. HUGHES</b>  OF THAT PARCEL AS DESCRIBED IN BOOK 888 PAGE 564	CLATSOP COUNTY SURVEYOR RECEIVED OCT. 13, 2006 FILED 11-23-06 V.S.
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# NMC FUNDING

June 14, 2016

06-14-16 15:21 RCVD

Via E-Mail: [kcupples@cityofseaside.us](mailto:kcupples@cityofseaside.us)

City of Seaside, Oregon, Planning Commission  
c/o Kevin Cupples, Planning Commissioner  
Planning Office, 989 Broadway  
Seaside, Oregon

RE: Variance 16-017V (and any other variances regarding 341 S Prom) Verbal Testimony

Dear Planning Commissioners:

We are the owners of a condominium at the Promenade Condominiums (361 S. Prom, Unit 402). I understand that Mr. Antoine Simmons has requested at least four variances for a planned motel at 341 S. Prom to be named "The Pearl of Seaside". Those four variances would allow that hotel to substantially exceed the maximum height limitation, to be built to within eight feet of the Prom and also to within three feet and five feet of the respective southern and northern property lines, and to greatly reduce the number of parking spaces required for a building with 50 planned rental units.

By building within eight feet of the Prom and within three feet of the southern property line, the proposed development will block out or greatly reduce the northern visibility of buildings to the planned hotel's south (all of which are set back 40 to 50 feet from the Prom), especially the Promenade Condominiums which is immediately to the south of the planned motel. Also, to build a motel exceeding the maximum height ordinance will block out the sun and sky on the northern side for all its southern neighbors. Finally, to reduce the number of required parking spaces virtually by half will require the proposed building's renters to find on-street parking and possibly trespassing on its neighbors' parking areas, thus creating parking and traffic problems for its neighbors, like us. Building ordinances are in place for many reasons, one of the most important of which is to prevent impinging on the rights of other property owners to enjoy their own properties. Each of these planned variances would impinge on the right of nearby property owners to enjoy their own properties.

For these reasons we strongly oppose all of these planned variances and therefore request that all of the proposed variances be denied. If you have any questions regarding this matter, please do not hesitate to contact me (503-270-5309 or email [mhuntley@q10nmco.com](mailto:mhuntley@q10nmco.com)).

Sincerely,

Maureen Huntley  
President

Tolovana Architect, LLC

June 27, 2016

Simmons Hotel Development – The Pearl of Seaside

**PROJECT NARRATIVE SUPPLEMENT**

**The following is a summary of the variances requested for the Pearl of Seaside:**

1. A height variance of 15 feet for the westerly portion of the building fronting on Sixth Street. The actual height at Sixth Street will only be a 7 foot increase due to the 8 foot grade difference from Beach Drive.
2. A side yard reduction from 8 feet to 3 feet at the south property line side yard adjacent to the existing Promenade Condominium parking lot. The remaining westerly portion of the building will meet the required 8 foot setback per Section 3.051 (4).
3. A side yard reduction from 8 feet to 3 feet at the existing north property line adjacent to the existing residence in order to meet parking minimum stall length and aisle width.
4. Please note that this property has a 15'-0" front yard setback on A Street and a 10'-0" side yard on Beach Drive and Sixth Street. The side yards at the south property line with the Promenade condominiums is 8'-0" per the RR zoning standards Section 3.051 (4).
5. The 10'-0" setback from the "Non-Existent" Sixth Street is in addition to the 41'-0" setback from the Prom.





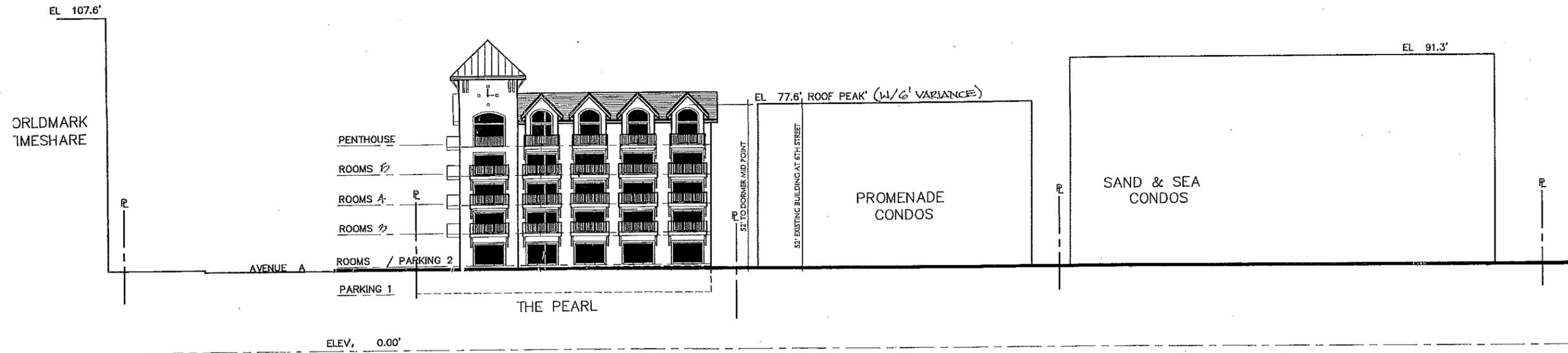












**. SIXTH STREET ELEVATION . LOOKING EAST .**

Tolovana Architects  
 368 Elk Creek Rd. Suite 200  
 Cannon Beach, Oregon 97102  
 503.265.1111

THE PEARL  
 COAST LODGINGS, LLC  
 AVENUE A & BEACH DRIVE  
 SEASIDE, OR 97138

MARK	DATE	DESCRIPTION

DATE: 6.17.16  
 JOB:  
 FILE:  
 DRAWN:  
 CHECKED:

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