

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
August 2, 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:** July 5, 2016, July 19, 2016
6. **PUBLIC HEARING:**
 - A.) **16-020VRD & 16-021VRD-** These are conditional use requests by **Dean Hansen** that will allow the establishment of **Vacation Rental Dwellings (VRDs)** in units 1 & 2 of the duplex at **1080 Beach Drive (6-10-21DB TL 8500)**. The subject property is zoned **High Density Residential (R3)**. The ground floor (Unit 1) will provide a 2 bedroom (6 occupancy) unit and the upstairs (Unit 2) will provide a 3 bedroom (9 occupancy) unit.
 - B.) **16-038VRD-** A conditional use request by **Jeff Capen** for a five (5) bedroom **Vacation Rental Dwelling (VRD)** at **1160 S Columbia (6-10-21DB TL 14501)** with a maximum occupancy of not more than ten (10) people, regardless of age. The property is zoned **High Density Residential (R3)**.
 - C.) **Mural 2275 N Roosevelt**
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION

July 5, 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: Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, Tom Horning and Ray Romine, Dick Ridout Staff Present: Kevin Cupples, Planning Director
Absent: Debbie Kenyon

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. Commissioner Horning excused himself from item C on the agenda (16-017V).

APPROVAL OF MINUTES: June; 7, 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.) 16-029VRD 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 16th Avenue (6 10 16AD TL 903)** 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. Brad Lundstrom, 450 16th Ave, but reside in Spokane, WA. Brad and his wife have been coming to Seaside for the last 19 years. They want to spend more time here and wanted to live by the beach. Their son said the same and would like to invest here too. So they went in together to purchase this property and would like this as a vacation rental to help them offset some of the cost of the home.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Vice Chair Carpenter stated that they did receive a letter in opposition and it says that they have concerns regarding the hot tub, but there is a statement in the staff report with the condition that limits the timing that the hot tub could be

used. Mr. Lundstrom stated that they put up a sign at the hot tub that says it can only be used from 6am to 10pm.

Commissioner Ridout stated that he has some concerns regarding the letter in opposition and it's a very strong letter. He wants to make sure that the local contact will take care of any issues that arise immediately. Commissioner Ridout asked Mr. Cupples about the statement in the letter that says if they complain there maybe retaliatory actions and is there any support to that. Mr. Cupples stated that staff doesn't have anything specific, he's got hearsay information about what type of retaliatory actions have been taken but at staff level he has nothing that says yes this happened. He doesn't have factual evidence to that. We do have reports of a current vacation rental having cars parked on the street. We have talked to the property owner, required them to get professional management, which they did. That particular property manager has actually been talked to about making sure that people know where to park. Commissioner Ridout asked if this was a vacation rental before. Mr. Cupples stated he didn't believe so. The local contact is directly across the street from this home. Commissioner Ridout asked how many complaints are we talking about. Mr. Cupples stated that we have probably had at least 3 complaints regarding on street parking. There has been some history of them going directly to the property manager, but we have tried to follow up on them. Mr. Cupples said honestly he can't say exactly how many there have been. We have gotten more strict with the property owner over time and to make sure they have a property manager that will be responsive. Commissioner Ridout asked if we are talking about multiple homes in the neighborhood or just the one. Mr. Cupples stated just the one. Commissioner Ridout asked if Mr. Cupples thought that it was under control now and Mr. Cupples stated he thinks that it is. Commissioner Wright stated that seems pretty good to have a watchdog on the block. He also had questions regarding putting the restriction on the hot tub and asked Mr. Cupples if he has put that specific restriction on other VRD's. Mr. Cupples stated he did with this one based on the letter from the neighboring property owner. We do commonly say that they should have a limitation on what the hours of operation were but he hasn't been this specific. He just wants to forewarn them, they may find that they may want to lock it down anyway, he has heard horror story of very sandy people messing up hot tubs and dog baths. People's voices do carry. Commissioner Horning stated that when he went by he didn't notice that they had three parking spaces. Mr. Lundstrom stated that they have the two car garage and then they can also park in front of the garage.

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

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).

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. Dale McDowell, Public Works Director for the City of Seaside. They are currently looking for areas within the City to place small dog parks. This spot is an ideal one, it is partly city property and school property. The second thing is that they have restrooms right there and plenty of parking and this one will become an ADA accessible dog park. It's not a big place and they are not expecting a lot of dogs in there at one time. They are trying to find some pockets of city property or school district property that are underutilized. We do have a gigantic one here if you want to put your dog on a leash. We don't want them so small so that you can't throw a ball or a Frisbee for your dog. He personally is not a dog owner he is just trying to do his part and fix some of the properties that we have and just don't use. This one has an electrical vault and it will have a double gate. If there are dogs in there already they won't be running out a single gate. The city will maintain the pathway that kids currently use so that they will not be crossing the parking lot. All the trees will stay.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked what is happening with the maintenance of that. Mr. McDowell stated that the city will maintain it and we are just going to add it to our parks inventory and it will be irrigated. Commissioner Ridout asked if the city was going to put in picnic tables, water or anything like that. Mr. McDowell stated that with the restrooms being right there it wouldn't be needed. This is one of the first areas in town where people stop and it is one of the most used restrooms in the city. The chamber is right there. Right now people are using the lawn area along Highway 101 as a dog park and we are hoping to guide them to an area that is a dog park. Commissioner Ridout stated not being a dog owner he considers this as a big potty area. Commissioner Hoth asked what is the radius for notification? Mr. Cupples stated that it is 100 feet from all property corners. Commissioner Hoth asked if the 100 feet reached into the residential neighborhood? Mr. Cupples stated that it hit some properties off of 2nd Avenue. It shows 9 properties that were notified and no residences. Commissioner Wright asked if PPL signed off on this? Mr. McDowell stated they are the ones that requested the double gate to get in and other than that there was no requirement. Commissioner Wright asked if PPL was aware that the pets would be using this to go to the bathroom on. Mr. McDowell stated that is why there will be a double gate.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Perkel made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Hoth stated that his concern is that people in the neighborhood were not notified and dogs are noisy and that concerns him. Commissioner Wright stated that it's on Highway 101 so that's already noisy. Mr. Cupples stated if you look at the plan the nearest dwelling is not that close. There was no second on this motion.

Vice Chair Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Wright seconded and the motion was carried with a 6 to 1 vote. Commissioner Hoth voting no.

C.) Continuance: 16-017V: 341 S Prom

Kevin Cupples, City Planning Director, stated that at the last meeting the commissioners asked the applicant to come back with exactly what it is that they would really need as far as the development of the property. They have brought that back and said that they wanted the side yards on the north side of the property to be 3 feet and 3 feet on the south side with the exception of where the northwest portion of the building is. The building is L shaped. The portion that fronts the Prom would be setback. Where the proposed structure and the Promenade are located it would meet the 8 foot setback but it would bump out where the parking would be 3 feet back and then again on the Nudelman property would be 3 feet. The rest of the setbacks would be compliant and they are still asking for the height variance. There is no set back variance on the 6th street/Prom side of the building or Beach Drive or Avenue A.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. David Vonada, Tolovanna Architects, PO Box 648, Tolovanna Park. He appreciates all the time that the commissioners have put into this. Mr. Cupples is exactly right and the plan shows the lower level plan, which is the parking plan which is accessible off of Beach Dr. The motivation here is to meet the parking isle as well as the parking stall width. The only way they can do that is to ask for the 3 foot variance on the Promenade parking side and the north side of this property. That will give them the 18 foot deep parking stall as well as the 24 foot isle. They have tried to tighten it up but the parking standards just aren't there and they really need that 18' and 24' combined for the parking to meet the city and industry parking widths. That is what is driving the 3 foot setbacks. They do comply with the 8 foot setback adjacent to the Promenade itself, and the setback along 6th Street and the setback along Avenue A. Hopefully that shows that they have put a lot of effort to massage this plan to demonstrate the least amount of variances that they are asking for. Commissioner Hoth asked if he would be correct in identifying the little southeast corner of the main building is 4 foot. Mr. Cupples stated that on one of the floor plans it's got a portion of the building that is below grade, so it is not in the setback, you don't hit the setback until you are 30" above grade. Commissioner Hoth asked if the setback of the structure would be 8 feet. David stated that would be correct. David also wanted to point out the height variance, again they were able to massage that to an acceptable level. They complied with the height along Beach Drive it's only the westerly wing of the building where they are asking a height variance. Actually the 45ft average grade to the average peak of the roof at Beach Drive. The grade is working in their favor. They are asking for the 15 foot variance because there is an 8 foot grade difference, because

that is below grade in fact the difference is only 7 foot. Commissioner Hoth stated that the actual physical height from Beach Drive is 60 feet. David stated that the commission should have received a supplement to the project narrative on what they are asking for. It really represents the minimum of what they really need. It is reasonable. He knows that the Promenade had a 6 foot height variance when it was built. If you look at how well this building will look, it will fit in with the height and texture of the surroundings.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antione Simmons, 341 Beach Dr. Last time he was here he was asked to come back with exactly what he needed and Mr. Cupples stated that the big thing was the parking. They looked at different ways to come up with a plan that would work for everyone.

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. Avril Nudelman, owns the property to the north of the project right on Beach Drive. This project is going to directly affect the livability of his home because of the variances. At first it was an 8' setback then at the last meeting it was 5' now it's down to 3' which is to accommodate parking. This is going to affect the enjoyment of his own home and his property. It's going to cut out the light that comes into his home, not to mention the view from his home. Three feet from his driveway he is going to have a 60 foot tall building. The three feet variance from his property is just to close. He's going to be in the shadow of the hotel and his property value will go way down. He would like to see what this is going to look like. It's just too close.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mark Golding, 303 Promenade, Seaside OR, He doesn't know if he's speaking in opposition or not he doesn't fully understand what is going on. Last time he was here he thought that they were going to come back with a variance for compact parking spots in the garage. Is that still being asked for? Chair Romine stated that it does not look like they are asking for that at this time. Mr. Golding asked where the entrance will be? Mr. Cupples stated that the accesses have not changed since the first submittal. One access will be off of Beach Dr. and then one off of Avenue A. Mr. Golding stated that another one of his concerns is that between this and the Trendwest/Wyndham will that cause difficulty in emergency access to the Beach. Mr. Cupples stated that would be addressed by City Staff when the plans are submitted for review. Because we want to be able to control the access and not backup with traffic, people drive down there now even with all the signage that's there. Mr. Golding stated that the only opposition is that he wishes to support Mr. Nudelman's points.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marlow Hornberger 403 Promenade Condos. Mr. Hornberger stated there should be a neutral response. He wanted to thank Antione and Tolovanna Architects for all the changes that have been made. He wants some clarification on the front west side of the building facing the ocean is now 10 feet, correct? David stated yes. Then the parking structure's lower level is at a 10 foot setback. Once they get above that lower level is where the questions come up. Once they get past that it shows there is a 10 foot setback, with a patio in front, if there is a 30inch patio which is 2.5 feet then the solid part of the building will be 12.5 feet back. If it is then that is perfect for what they are asking for from the Prom. They took pictures that last time and if it is set up like the Inn at the Prom is right now then it would be an ideal situation of what they have been asking for and they are happy with that. Maybe as things progress here on the coast we need to relook at the parking ordinance. They have two parking spots for the Promenade Condos and they are able to stay within the parking boundaries even when they are full. They would appreciate a contact name so that they can keep in contact with someone during the building process.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Susan Calef, 25 Avenue A. The house has been in their family since the 1920s. The big concern now that they have changed the rooms around is that the guest of the hotel will be looking directly right into the upstairs bedrooms. Which is kind of interesting. She has a wonderful idea which her brother told her not to say, and that is she has lots of single lady friends and they wouldn't mind if they only agreed to rent those rooms to handsome men. Her brother and she wrote a letter regarding fire. Mr. Cupples stated that he did talk to the Building Official and the concern was rather they had balconies that were close to the dwelling and if they were going to allow BBQ's close to where that dwelling is and the Building Official stated that it really isn't a concern because it is a contained flame and that is something that wouldn't be

an issue as far as the fire life & safety plan review went. If they had one of the outside open fires then that would be an issue. She is a retired school teacher and would have liked to go out there on the 4th of July and have people read the signs very slowly so they could understand the No Parking signs. She also stated that they didn't receive a letter with regards to tonight's meeting. Mr. Cupples stated that we don't send out a second notice. If something changes during a meeting and it didn't have adequate notices then we send out another notice, but the notice that we are continuing the meeting is said at the last meeting and that is the notice.

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

Chair Romine indicated the issue was opened for Commission discussion.

Chair Romine stated when they submitted the application the description for extraordinary circumstances, could the applicant please rephrase that for him. David Vonada stated to begin with it is the only vacant parcel of land on the S Prom and it is bordered by the Promenade to the South and then the Worldmark/Trendwest to the north. The adjacent buildings are higher than the standard, the Promenade had a variance to the height. Worldmark/Trendwest is in a separate zone. So really the setting and the location is what creates the unique circumstance in his opinion. Chair Romine stated that is what he was looking for, and now the number of parking spaces relating to the number of units. When they looked at the parking space that was available meeting the criteria of the setbacks how many units would you have to downsize to accommodate the correct setback. David stated that basically what they would end up doing is reducing the 90° spaces to parallel spaces. There really wouldn't be room if they had to meet setbacks on the north and south side. Chair Romine asked even if it were diagonal. David stated that even at a diagonal they would end up basically with one out of each three spaces. So instead of having 9 spaces we would only have 3 spaces. Chair Romine stated so you would be losing 6 rooms. David stated it's a two story parking garage so that would be 12 units and that would bring it down to 36 units. Antione stated on the second level they would lose more than that because they need to turn around. They would lose at least 20 units if they were required to meet all the setbacks. If you look at the Inn at the Prom now and see how the parking is, it's all messed up and that is what they will be dealing with if they can't get these variances. Chair Romine stated after the review it has become pretty clear to him that we need to really look at this from the applicant's perspective. He has unique need and exceptional circumstances, that property is one of the last pieces of vacant land along South Prom. Commissioner Hoth stated at the last meeting, for him, this property is one of those older mixed use zones and where you have what was traditionally there for many years and then running up against what is currently allowed in the zone. They don't have a square lot. If they did they wouldn't be here asking for these variances. They have this odd shaped lot and now have to fit in and to him that is what makes this unique in terms of developing this property. Chair Romine stated when he brings in a project and he starts to develop, it is his job to do his due diligence to find out if he can fit the project on the property. Commissioner Hoth stated the next step is the consideration of the variances that are before them, are they sufficiently not as impactful as greater ones to allow for development. This is where it starts impacting people. The question for him and the reason he is wrestling with this is people don't want something built that will impact their property and no matter what is built there it will impact their property. So the decision for him isn't how will he stop it from impacting neighboring properties, the decision is, is the impact going to be too great by granting these variances. We are starting with these properties will be impacted because that's the zone and that is what is allowed in that zone. It doesn't matter because something is eventually going to be built there. The decision becomes here is the impact they are going to have are we adding more than we should or is the minimum not necessary to be justified. The applicant has made a lot of effort to bring this in and again we have all been impacted ourselves. Commissioner Wright stated that he is happy to see that the 8 foot setback close to the houses that was his biggest concern. He has walked by the property a number of times. There is a big sign there right now that is on the property line or very close to the property. Even if there was an 8 foot setback the view is going to be destroyed towards the south anyways. The applicant has done a tremendous job of resolving basically all the questions. It's a mixed use neighborhood and it is the last piece of vacant land and there is a reason that it's the last piece. The variances of three feet is actually 2 feet wider than it is now. Right now it is only a 1 foot setback. We are looking at the best use for that particular piece of property and it does need to get used. It's just a big vacant lot. Vice Chair Carpenter stated he agrees with Commissioner Wright, the applicants have done the best job they can to litigate all of the things that they could, especially the issue from the Prom side (west side) and he feels that this should be approved. Commissioner Ridout stated that he kept hoping for things that the people asked for and there are only two houses there, they just want to

visually see what the project would look like for them. He doesn't know if they have enough setback there or not and if they met the law. Visually he can't picture what those houses will look like in there. We have spent a lot of time dealing with the big picture and not the two little structures that are there. Commissioner Hoth stated that he can't visually see it either. Commissioner Ridout stated that he doesn't have a problem with any of the main structure and he would have gone with a lesser setback and built on the same footprint on the south side.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the conditional use under project narrative supplement dated June 27, 2017 and all of the other conditions that are in the staff report. Mr. Cupples made a suggestion that instead of making that full decision is to direct the planning director to put together a findings document that would justify that decision based on the information found in the record based on the conversations that you have had. Adding that information will help secure you if someone decides to appeal it. It would give you a better document to justify it since the staff report was based on other requests at the time that it was done. Mr. Cupples would rather go through and make the adjusted findings, you can make a decision to direct him to do that and bring it back. It would not be open for public comment you would just come back for a justifications document for approval at the next work session. Which will be a public hearing on July 19th at 7pm here in the Council Chambers. To take final action on the final order. Commissioner Wright seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:30 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

MINUTES SEASIDE PLANNING COMMISSION

July 19, 2016

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

PLEDGE OF ALLEGIANCE

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

Absent: Tom Horning & Ray Romine

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

APPROVAL OF MINUTES:

AGENDA:

PUBLIC HEARING REQUIREMENTS:

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

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

PUBLIC HEARING:

A.) Continuance: 16-017V: 341 S Prom

Mr. Cupples stated that at the last planning commission meeting the public hearing was closed. The planning commission made a verbal decision to approve the request subject to the preparation of supporting documents that would provide the notice of decision. What you have before you is just the Notice of Decision and there was no proposal to have any public testimony tonight.

Mr. Cupples stated what he did was simply edit out the information that was no longer applicable to the original request and edited the findings that were necessary. He included a couple of statements that were made by the planning commission at the last meeting as far as what you have looked at as being exceptional circumstances applicable to the proposal and the recognition that the original proposal has been significantly modified from its original request.

Vice Chair Carpenter asked if any of the commissioners had any additional comments. Commissioner Ridout stated that from what he can see it follows their discussions.

Commissioner Hoth stated that it has the three items that were discussed and it looks good.

Commissioner Wright stated it represents what the commission had decided.

Commissioner Perkel agreed and had no objections.

At the end of the Commissioners discussion, Vice Chair Carpenter stated he would entertain a motion for approval. Commissioner Wright made a motion to approve the variance under the guidelines that staff has presented. Commissioner Perkel seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that the city is in the process of interviewing R.A.R.E participants again this year. We have been successful with 4 prior applications. We missed out last year. If we do fill that position, one of the things that they will be working on is Tsunami and Earthquake Outreach Education, and updating of the Parks Master Plan. Mr. Winstanley would like them also to create some sort of resiliency action plan on behalf of the city. Commissioner Wright asked what R.A.R.E stood for. Mr. Cupples stated that it is Resources Assistance for Rural Environments it's not

really an intern program, it's an Americorp program. Americorp helps fund it. It's not free, the city still pays for it but it provides some sort of grad student. It's usually someone who has finished their education and then they can come into a rural area and do specific projects and they are not being taken off that project to go look at other things. Vice Chair Carpenter asked if this person will be working solely with the Planning Department. Mr. Cupples stated that no they will be working for the city. He acts as their direct supervisor, but they will work with other departments

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Ridout stated he had something to say and didn't know how appropriate it is but he asked if there was someone from the Daily Astorian was here tonight. R.J. Marx stated he was in the audience. Commissioner Ridout stated that the article that was in the paper regarding the Pearl was very poorly done. The reason he is saying that is even though it may have been technically correct. Mr. Marx quoted people and then did not show due diligence regarding the things that they said which had been discussed in numerous meetings. What had happened is really complicated and confusing. Mr. Marx asked if Mr. Antione Simmons was here tonight. Mr. Cupples stated no he is not. Mr. Marx stated that he tried to get a hold of Antione and he did not return his phone calls. Commissioner Ridout stated that what ended up on the front page would lead people to believe what was in quotes and they weren't necessarily true. Mr. Marx stated what is specifically not true. Commissioner Ridout stated there were things regarding setbacks and parking and statements that people made were not the reality of the situation. Mr. Marx asked Mr. Cupples if he misquoted him. Mr. Cupples stated that he didn't read the article so he could not tell him. Commissioner Ridout stated that it inferred that the commissioners were not following the law and that they were giving a variance for lower parking than we should. Mr. Marx stated that he doesn't infer he wrote the numbers. Vice Chair Carpenter stated that Mr. Marx quoted statements that were made in error. One of the statements in particular is the setback from the Prom, the setback isn't from the Prom it's from 6th Street. Mr. Marx stated that they had the opportunity to contact him after it ran in the paper and they have the opportunity now to correct the error. He will be glad to put it in tomorrow's article. Vice Chair Carpenter stated the setback should be accurate and you can speak with Mr. Cupples to get that number. The setback from 6th Avenue is 10 feet not 10 feet from the Prom. Commissioner Ridout didn't want to analyze everything he just wanted to point out there were errors. What had happened is people have sent the commissioner's letters and they got early information from someone else and these people used that information to send objections letters to the planning commission and they accepted all these letters. Mr. Marx asked if Commissioner Ridout is saying that Susan Calef and Mr. Nudelman are wrong? Vice Chair Carpenter stated that they are in error. Mr. Nudelman stated that he thought the setback along his property line was 5 feet and now tonight its 3 feet from his property line. Someone in the audience read the article from his phone and it does say 8 feet from the Prom. Vice Chair Carpenter stated that it would be 40 + feet from the Prom. The person in the audience stated that it says something about greatly reducing the number off street parking spaces required for building a 50 planned rental units. Commissioner Ridout stated that the difference and confusion is when it comes when you start comparing 2 and 3 bedroom condominiums and the amount of parking that they require versus a hotel that has no bedrooms and is basically a studio. Mr. Marx stated that it was the commissioners job to respond to the public not for him to respond to the public. The person in the audience stated that Mr. Marx is just quoting what the owner had said. Commissioner Ridout stated he knows he is and he said that, what he wrote maybe technically true. Mr. Marx stated that Commissioner Ridout said he was wrong and he's not, he's a professional journalist and he has a reputation to maintain. Mr. Marx stated that he talked with Kevin and he called Antione Simmons, he talked with Susan Calef. They came to him for the story he didn't seek it out. It was example of something they were concerned about and he wrote about it.

ADJOURNMENT: Adjourned at 7:20 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: August 2, 2016
**Owner/
Applicant:** T. Dean Hansen
2917 Powderhorn
Eugene, OR 97408
Location: 1080 Beach Dr. Unit #1 (lower level), T6-R10-S 21DB
TL#8500
Subject: Conditional Use 16-020VRD; Vacation Rental Dwelling
Permit

REQUEST:

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1080 Beach Drive-Unit #1 (lower level)**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the **two** bedroom portion of the duplex.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1080 Beach Drive Unit #1**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **six (6)** people over the age of three (not more than 10, regardless of age) within the existing **two** bedroom portion of the duplex.

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

- a. The applicant's plot plan indicates there are **two** off-street parking spaces that are available on the site **for this unit of the duplex**. **At least two cars can be parked in front of the unit and they will be oriented north south. The applicant plans to develop a new driveway entrance from Avenue K in an effort to improve access to the parking spaces that will be independent from the Beach drive access.**
- b. The **lower two**-bedroom portion of the duplex (unit #1) will have a limited occupancy of **six people** over the age of three (not more than 10 regardless of age).

- c. The plot plan shows that parking will not take up more than 50% of the front, **street side, or other side yard areas of the corner lot.**
 - d. **Andy Mercer -580 Beach Dr., Seaside OR , will be the local contact for the VRD and he can be reached at (503) 738-6403.**
 - e. The applicant, **Dean Hansen** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family & multi-family dwellings. Currently **33%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3).**
 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."
- 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.
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. 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 two written comment objecting to the applicant's request. The neighbors' letters are attached and summarized as follows:

Laura Freigang, 1116 Beach Drive

My name is Laura Freigang, 1116 Beach Drive. My husband and I have lived across Avenue K from the subject proposed rental property for over 35 years. We have watched this neighborhood turn into vacation homes all around

us and it has been our experience that those renting homes often exceed the number of occupants and automobiles permitted. Very little enforcement takes place. On most summer weekends Avenue K looks like a used car lot. It is our concern that with the high number of occupants proposed (15 in total for both units) this would further add to the already very high density of people and cars on this short distance between Beach Drive and the Prom on Avenue K. Also it should be noted that the property is set up as a triplex (the 3rd bedroom upstairs can be locked off and rented separate as a studio). In either case, the 3rd bedroom is small and has only 1 bed – thus sleeping 2.

We are opposed to yet another vacation rental on Avenue K. It would be our vote to limit two or all three units to "long term" rentals

If granted a vacation permit it would be our hope that the number of occupants per bedroom be limited to 2 and with a limit on the number of cars.

Thank you for taking into consideration our concerns as longtime residents of Seaside.

Alan & Marilyn Mills, 1081 S Prom

In response to public hearing 16-020 & 16-021VRD requesting another vacation rental on Avenue K. We are against this because of lack of parking on an unpaved street. The dust from all the cars is terrible. Seaside has too many vacation rentals. Please count us as two votes against.

8. 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.

9. 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.

10. The proposed access from Avenue K was suggested by staff at the time of inspection in an effort to improve access to the site for each of the dwelling units within the duplex.

11. There are dust abatement products available that could be applied to Avenue K periodically.

12. This property was being used as a triplex in the past, but at the time of inspection, code compliance issues were noted and the applicant began working with staff in order to resolve the issue and establish a lawful duplex. It is true the bedroom over the garage could be locked off, but the stove is being removed and it can only be rented out in conjunction with the upstairs portion of the duplex (16-021VRD Unit 2).

13. Parking impacts can be an issue with full time & part time residents, as well as transient occupants. In the case of transient vacation rentals, the Commission does require parking based on the proposed occupancy and their standard conditions of approval are intended to prevent the use of on street parking by the VRD occupants. If it occurs, neighbors are within their right to call the local contact or staff to try and resolve issue.

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.

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 **(16-020VRD)** 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: Two (2) off-street parking spaces (9' X 18' per space) are required on site. These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-

street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.

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

3. **Maximum number of occupants:** Six (6) persons over the age of three (no more than 10 regardless of age). The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner’s responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner’s family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact:** **Andy Mercer -580 Beach Dr., Seaside OR , will be the local contact for the VRD and he can be reached at (503) 738-6403.** 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. . **This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.**

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

the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

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

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

FINAL STAFF RECOMMENDATION

Conditionally approve application **16-020VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6)** persons over the age of three (no more than 10, regardless of age) at **1080 Beach Dr. Unit #1 (lower level)**. 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



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

Seaside Paradise, LLC

NAME OF APPLICANT <i>T. Dean Hansen</i>	ADDRESS <i>2917 Powderhorn Eugene OR 97408</i>	ZIP CODE <i>97408</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>1080 Beach Dr. Seaside</i>		

ZONE <i>R-3</i>	OVERLAY ZONES	TOWNSHIP <i>61</i>	RANGE <i>10</i>	SECTION <i>21 PB</i>	TAX LOT <i>8500</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

3 Vacation Rentals at 1080 Beach Dr.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>T. Dean Hansen</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>2917 Powderhorn Eugene OR 97408</i>	ADDRESS
PHONE / FAX / EMAIL <i>541-554-1568</i>	PHONE / FAX / EMAIL
SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY <i>4-25-16</i>
CASE NUMBER (S)	<i>16-020 VRD</i>
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

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

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

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

SUBMITTAL INFORMATION

- Seaside Paradise - 20*
1. Applicant's Name: ~~Dean~~ *Dean* Hansen - ~~Trinity~~, LLC
 2. Mailing Address: 2917 Powderhorn St. Eugene 97408
 3. Telephone #: Home 541-554-1568 Work _____ Fax _____
 4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
 5. VRD Street Address: 1080 Beach St.
 6. Tax Map Ref.: Township 6, Range 0, Section 21DB, Tax lot # 8500
 7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 6 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
 8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD.
4 The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
 9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

ORIGINAL

CITY OF SEASIDE

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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: Andy Mercer Phone # 503-583-3319. Address: 580 Beach Dr. Seaside OR. The VRD

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

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

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

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

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

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

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

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

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: [Signature] Date: 4-1-16.

-----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: _____

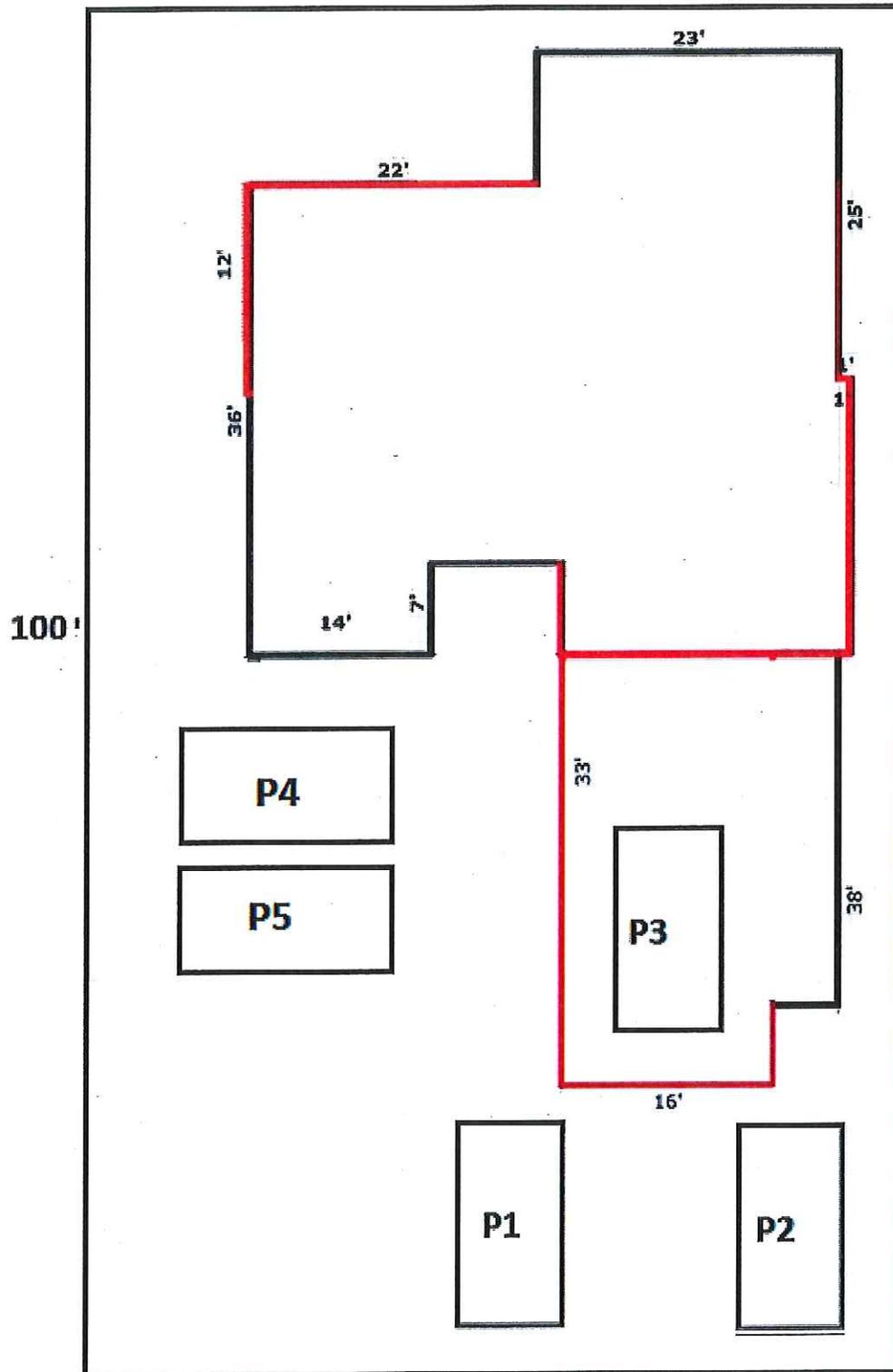
~~~~~ For Community Development Use ~~~~~

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

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

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

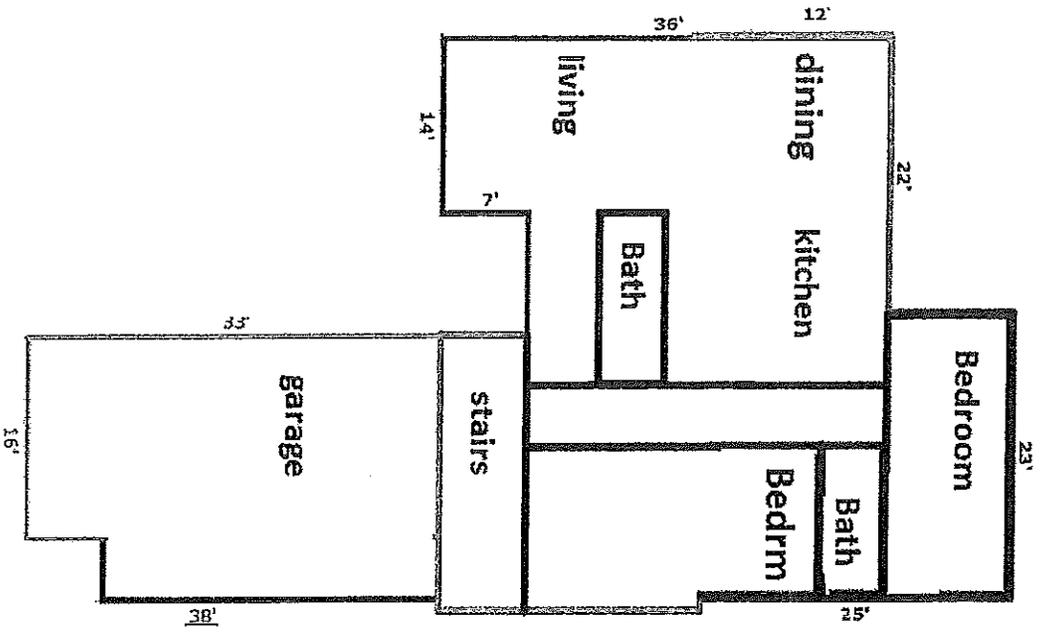
# Site Plan



Jasen D. Hansen, MAI

Duncan & Brown

1st Floor





Google earth



July 24, 2016

Attn: Kevin Cuples

07-26-16 10:22 RCVD

Seaside Planning Director

Re: Duplex/Triplex at 1080 Beach Drive (6-10-21DB TL 8500)

My name is Laura Freigang, 1116 Beach Drive. My husband and I have lived across Avenue K from the subject proposed rental property for over 35 years. We have watched this neighborhood turn into vacation homes all around us and it has been our experience that those renting homes often exceed the number of occupants and automobiles permitted. Very little enforcement takes place. On most summer weekends Avenue K looks like a used car lot. It is our concern that with the high number of occupants proposed (15 in total for both units) this would further add to the already very high density of people and cars on this short distance between Beach Drive and the Prom on Avenue K. Also it should be noted that the property is set up as a triplex (the 3<sup>rd</sup> bedroom up stairs can be locked off and rented separate as a studio). In either case, the 3<sup>rd</sup> bedroom is small and has only 1 bed – thus sleeping 2.

We are opposed to yet another vacation rental on Avenue K. It would be our vote to limit two or all three units to “long term” rentals.

If granted a vacation permit it would be our hope that the number of occupants per bedroom be limited to 2 and with a limit on the number of cars.

Thank you for taking into consideration our concerns as long time residents of Seaside.

  
Laura Freigang



# RAM Building Co.

07-27-16 10:14 RCVD

2772 S.W. 84th PLACE ■ PORTLAND, OREGON 97225 ■ 292-5163

Dear Sirs,

In response to public hearing 16-020vrd & 16-01vrd requesting another vacation rental on Ave K. We are against this because of lack of parking on an unpaved street. The dust from all the cars is terrible. Seaside has too many vacation rentals. Please count us as two votes against.

Sincerely,

Allan and Marilyn Mills

1081 S Prom

*Allan Mills*  
*Marilyn Mills*

To: Seaside Planning Commission  
From: Administrative Assistant, Debbie Kenyon  
Date: August 2, 2016  
Owner/  
Applicant: T. Dean Hansen  
2917 Powderhorn  
Eugene, OR 97408  
Location: 1080 Beach Dr. Unit #1 (lower level), T6-R10-S 21DB  
TL#8500  
Subject: Conditional Use 16-021VRD; Vacation Rental Dwelling  
Permit

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**REQUEST:**

The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1080 Beach Drive-Unit #2 (upper level)**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **nine (9)** people over the age of three (not more than 10, regardless of age) within the existing **three** bedroom dwelling portion of the duplex.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

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

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

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

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

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

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

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

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

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

1. The applicant is requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1080 Beach Drive Unit #1**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is** requesting a maximum occupancy of **nine (9)** people over the age of three (not more than 10, regardless of age) within the existing **three** bedroom dwelling portion of the duplex.

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

- a. The applicant's plot plan indicates there are **three** off-street parking spaces that are available on the site **for this unit of the duplex. At least two cars can be parked in front of the unit and one additional in the garage. These spaces would access from Beach Drive..**
- b. The **upper three**-bedroom portion of the **duplex (unit #2)** will have a limited occupancy of **nine people** over the age of three (not more than 10 regardless of age).
- c. The plot plan shows that parking will not take up more than 50% of the front, **street side, or other side yard areas of the corner lot.**

- d. **Andy Mercer -580 Beach Dr., Seaside OR , will be the local contact for the VRD and he can be reached at (503) 738-6403.**
- e. The applicant, **Dean Hansen** has read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family & multi-family dwellings. Currently **33%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.

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."

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.

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. 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 two written comment objecting to the applicant's request. The neighbors' letters are attached and summarized as follows:

Laura Freigang, 1116 Beach Drive

My name is Laura Freigang, 1116 Beach Drive. My husband and I have lived across Avenue K from the subject proposed rental property for over 35 years. We have watched this neighborhood turn into vacation homes all around us and it has been our experience that those renting homes often exceed the number of occupants and automobiles permitted. Very little enforcement takes place. On most summer weekends Avenue K looks like a used car lot. It is our

concern that with the high number of occupants proposed (15 in total for both units) this would further add to the already very high density of people and cars on this short distance between Beach Drive and the Prom on Avenue K. Also it should be noted that the property is set up as a triplex (the 3<sup>rd</sup> bedroom upstairs can be locked off and rented separate as a studio). In either case, the 3<sup>rd</sup> bedroom is small and has only 1 bed – thus sleeping 2.

We are opposed to yet another vacation rental on Avenue K. It would be our vote to limit two or all three units to “long term” rentals

If granted a vacation permit it would be our hope that the number of occupants per bedroom be limited to 2 and with a limit on the number of cars.

Thank you for taking into consideration our concerns as longtime residents of Seaside.

Alan & Marilyn Mills, 1081 S Prom

In response to public hearing 16-020 & 16-021VRD requesting another vacation rental on Avenue K. We are against this because of lack of parking on an unpaved street. The dust from all the cars is terrible. Seaside has too many vacation rentals. Please count us as two votes against.

8. 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.

9. 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.

10. An additional access from Avenue K was suggested by staff at the time of inspection in an effort to improve access to the site for each of the dwelling units within the duplex.

11. There are dust abatement products available that could be applied to Avenue K periodically.

12. This property was being used as a triplex in the past, but at the time of inspection, code compliance issues were noted and the applicant began working with staff in order to resolve the issue and establish a lawful duplex. It is true the

bedroom over the garage could be locked off, but the stove is being removed and it can only be rented out in conjunction with the upstairs portion of the duplex (Unit 2).

13. Parking impacts can be an issue with full time & part time residents, as well as transient occupants. In the case of transient vacation rentals, the Commission does require parking based on the proposed occupancy and their standard conditions of approval are intended to prevent the use of on street parking by the VRD occupants. If it occurs, neighbors are within their right to call the local contact or staff to try and resolve issue.

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.

#### **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 **(16-021VRD)** 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.
6. **Local Contact:** **Andy Mercer -580 Beach Dr., Seaside OR , will be the local contact for the VRD and he can be reached at (503) 738-6403.** 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. **This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.**
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with

Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**

- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- 13. Conflicts & Potential Denial for Non Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Subsection 5 of this Section. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and the forms can also be accessed on the City of Seaside's web site <http://www.cityofseaside.us/sites/default/files/docs/VRD-COMPLAINTFORM.pdf> This should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5<sup>th</sup> calendar year. If the re-inspection is not completed during the 5<sup>th</sup> year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for

the 6<sup>th</sup> calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

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

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

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **16-021VRD** 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 **1080 Beach Dr. Unit #2 (upper level)**. 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



**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

*Seaside Paradise, LLC*

|                                                                         |                                                   |                          |
|-------------------------------------------------------------------------|---------------------------------------------------|--------------------------|
| NAME OF APPLICANT<br><i>T. Dean Hansen</i>                              | ADDRESS<br><i>2917 Powderhorn Eugene OR 97408</i> | ZIP CODE<br><i>97408</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>1080 Beach Dr. Seaside</i> |                                                   |                          |

|                    |               |                       |                   |                         |                        |
|--------------------|---------------|-----------------------|-------------------|-------------------------|------------------------|
| ZONE<br><i>R-3</i> | OVERLAY ZONES | TOWNSHIP<br><i>61</i> | RANGE<br><i>0</i> | SECTION<br><i>21 PB</i> | TAX LOT<br><i>8500</i> |
|--------------------|---------------|-----------------------|-------------------|-------------------------|------------------------|

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

*3 Vacation Rentals at 1080 Beach Dr.*

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

|                                                       |                                                     |
|-------------------------------------------------------|-----------------------------------------------------|
| <b>OWNER:</b>                                         | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b> |
| PRINT NAME OF PROPERTY OWNER<br><i>T. Dean Hansen</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE              |
| ADDRESS<br><i>2917 Powderhorn Eugene OR 97408</i>     | ADDRESS                                             |
| PHONE / FAX / EMAIL<br><i>541-554-1568</i>            | PHONE / FAX / EMAIL                                 |
| SIGNATURE OF PROPERTY OWNER<br><i>[Signature]</i>     | SIGNATURE OF APPLICANT/REPRESENTATIVE               |

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

CHECK TYPE OF PERMIT REQUESTED:

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

|                                 |                   |
|---------------------------------|-------------------|
| <b>PLANNING DEPARTMENT USE:</b> |                   |
| DATE ACCEPTED AS COMPLETE       | BY <i>DK</i>      |
| CASE NUMBER (S)                 | <i>16-021 VRD</i> |
| HEARING DATE                    | P.C. ACTION       |

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

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

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

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

**SUBMITTAL INFORMATION**

1. Applicant's Name: Dean Hansen - ~~THANSEN~~, LLC Seaside Paradise-20
2. Mailing Address: 2917 Powderhorn St. Eugene 97408
3. Telephone #: Home 541-554-1568, Work \_\_\_\_\_, Fax \_\_\_\_\_
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 1080 Beach St.
6. Tax Map Ref.: Township 61, Range 0, Section 21DB, Tax lot # 8500
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 6 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

ORIGINAL

CITY OF SEASIDE

APR 18 2016

PAID

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550 - 9711

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:

Andy Mercer Phone # 503-583-3319 Address:  
580 Beach Dr. Seaside OR

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

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

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

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

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

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

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

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

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: [Signature] Date: 4-1-16.

-----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: \_\_\_\_\_

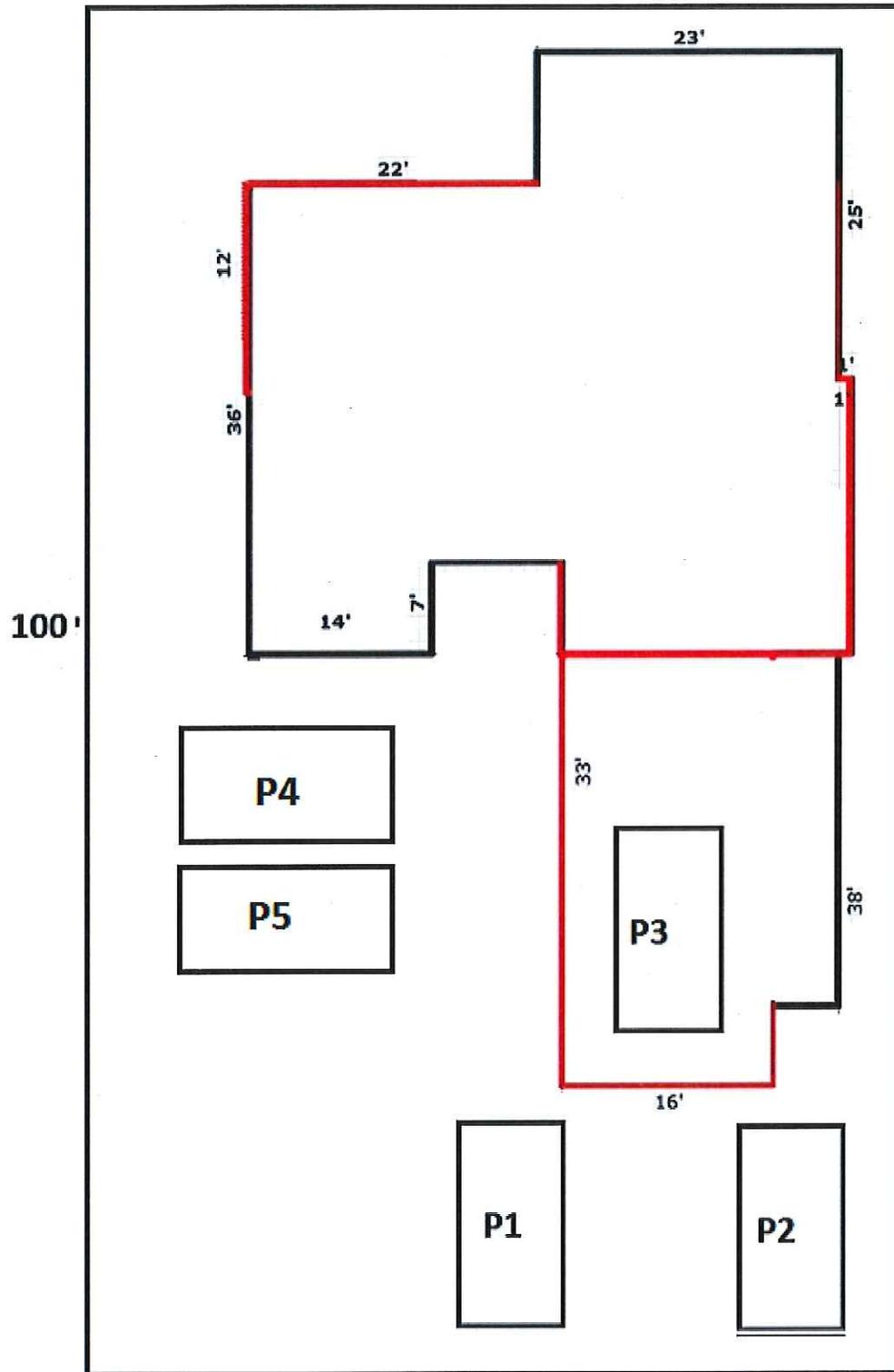
~~~~~ For Community Development Use ~~~~~

Date application was received at Community Development: _____

File Reference # _____ Date determined to be complete: _____

If applicable, date for Planning Commission Hearing: _____

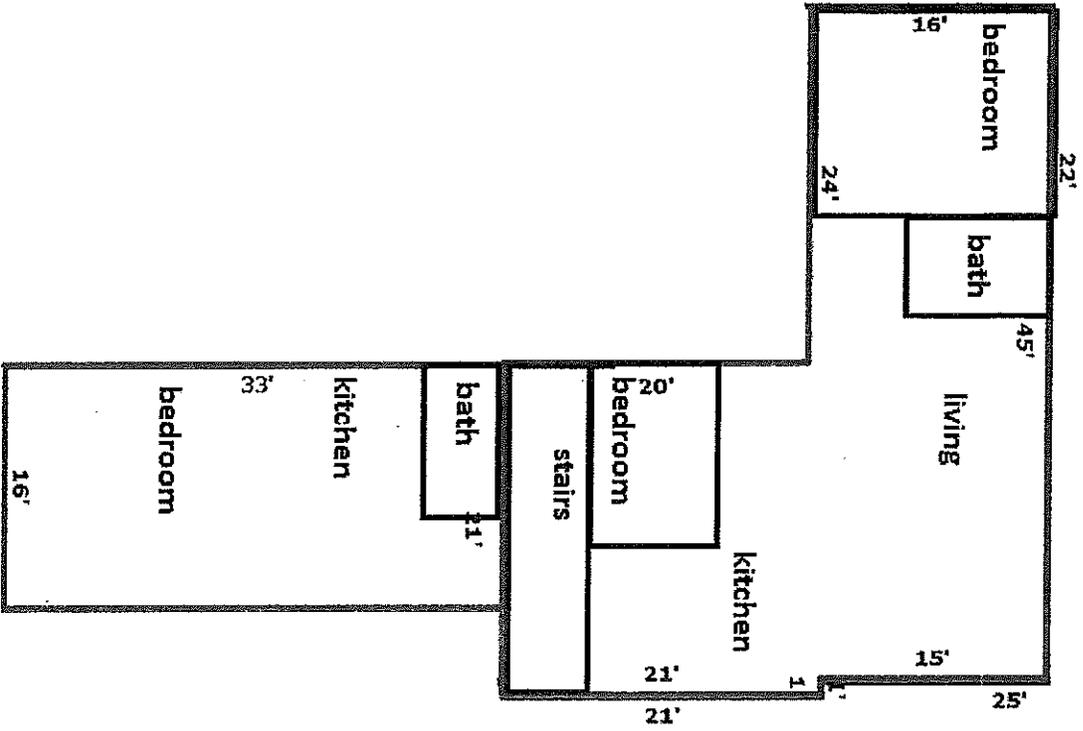
Site Plan



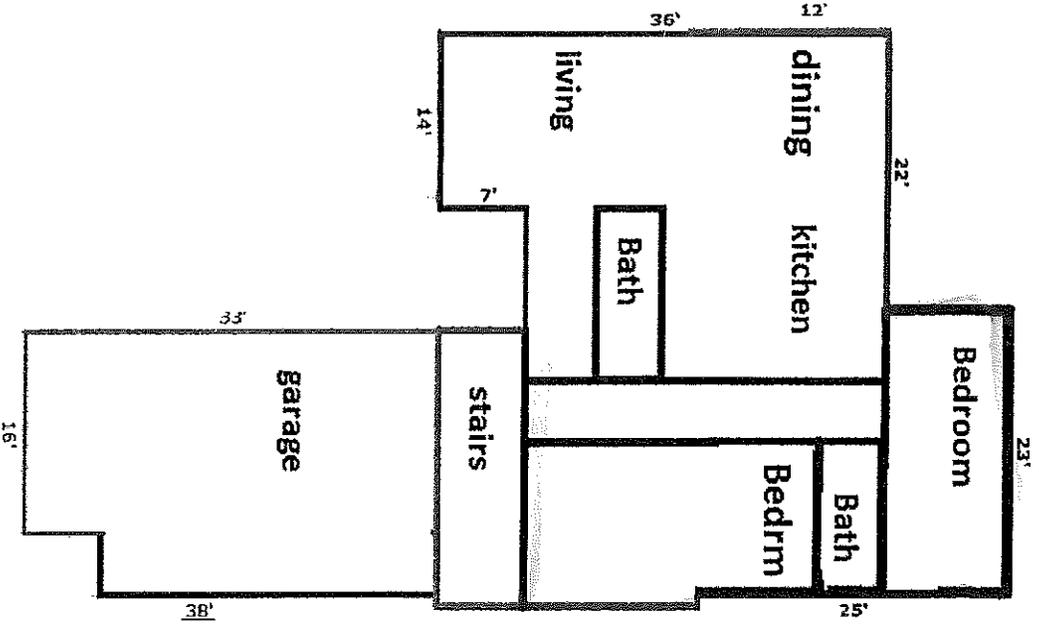
Jasen D. Hansen, MAI

Duncan & Brown

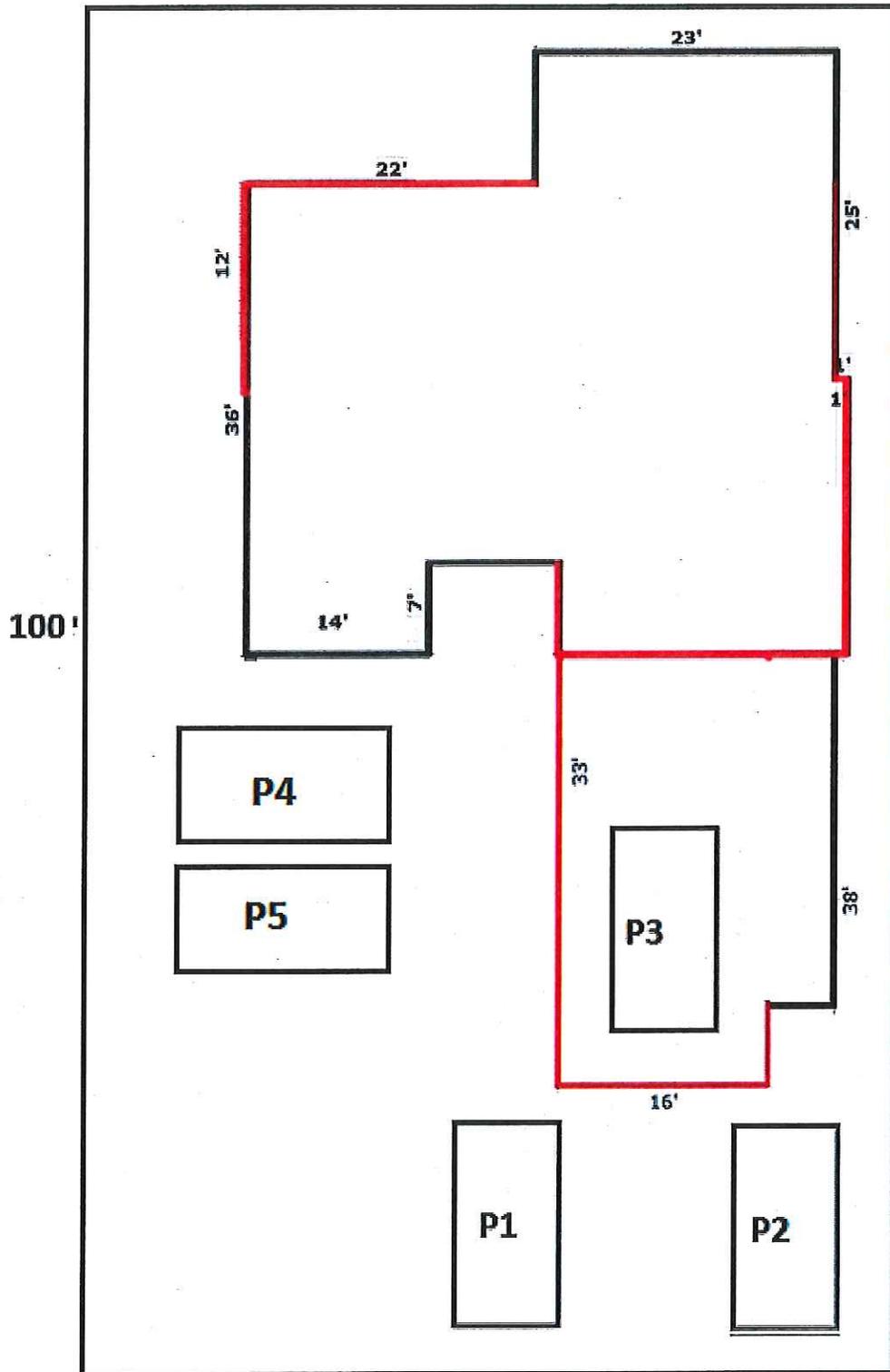
2nd Floor



1st Floor

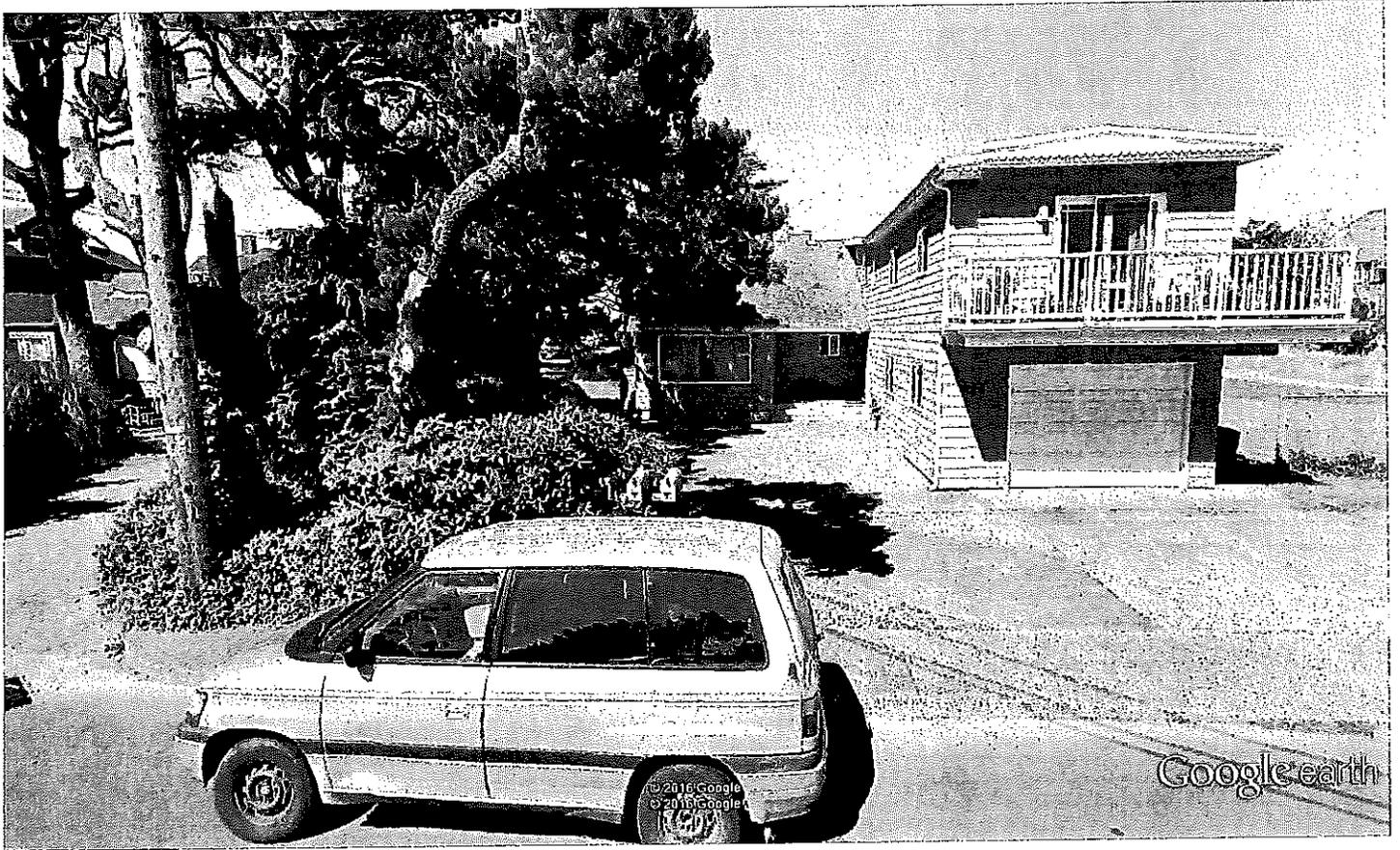


Site Plan



Jasen D. Hansen, MAI

Duncan & Brown



Google earth



July 24, 2016

Attn: Kevin Cuples

Seaside Planning Director

07-26-16 10:22 RCVD

Re: Duplex/Triplex at 1080 Beach Drive (6-10-21DB TL 8500)

My name is Laura Freigang, 1116 Beach Drive. My husband and I have lived across Avenue K from the subject proposed rental property for over 35 years. We have watched this neighborhood turn into vacation homes all around us and it has been our experience that those renting homes often exceed the number of occupants and automobiles permitted. Very little enforcement takes place. On most summer weekends Avenue K looks like a used car lot. It is our concern that with the high number of occupants proposed (15 in total for both units) this would further add to the already very high density of people and cars on this short distance between Beach Drive and the Prom on Avenue K. Also it should be noted that the property is set up as a triplex (the 3rd bedroom up stairs can be locked off and rented separate as a studio). In either case, the 3rd bedroom is small and has only 1 bed – thus sleeping 2.

We are opposed to yet another vacation rental on Avenue K. It would be our vote to limit two or all three units to “long term” rentals.

If granted a vacation permit it would be our hope that the number of occupants per bedroom be limited to 2 and with a limit on the number of cars.

Thank you for taking into consideration our concerns as long time residents of Seaside.


Laura Freigang



RAM Building Co.

07-27-16 10:14 RCVD

2772 S.W. 84th PLACE ■ PORTLAND, OREGON 97225 ■ 292-5163

Dear Sirs,

In response to public hearing 16-020vrd & 16-01vrd requesting another vacation rental on Ave K, We are against this because of lack of parking on an unpaved street. The dust from all the cars is terrible. Seaside has too many vacation rentals. Please count us as two votes against.

Sincerely,

Allan and Marilyn Mills

1081 S Prom

Allan Mills
Marilyn Mills

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: August 2, 2016
Applicant/: Jeff Capen
2425 NE \$8th Ave,
Portland, OR 97213
Owners Steven Tubbs
7001 SE Evergreen Hwy
Vancouver, WA 98664-1629
Subject: Conditional Use 16-038VRD; Vacation Rental Dwelling @
1160 S Columbia, T6-R10-S 21DB TL#14501

REQUEST:

The **applicant is** requesting a conditional use that will allow a Vacation Rental Dwelling (VRD) at **1160 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **five** 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 authorization of a Vacation Rental Dwelling (VRD) at **1160 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the request is for a maximum occupancy of **ten (10)** people, regardless of age, within the existing **five** 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 four** off-street parking spaces that are available on the site.
- b. The existing **five** bedroom residence will have a limited occupancy of **ten people** regardless of age.
- c. The plot plan shows that parking will not take up more than 50% of the front, **street side, or other side yard areas of the corner lot.**

- d. Local contact: **Beach House Vacation Rentals, Erin Barker, 800 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 440-1168.**
 - e. The applicant, **Jeff Capen** has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood. Currently **38%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **High Density Residential (R-3)**.
 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."
- 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.
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. 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 had not received any written comment objecting to the applicant's request.
 8. Unsurfaced access to off street parking spaces can cause gravel to be drug into the paved surface of the public street. Since this property was previously licensed for a VRD, there will be no change in occupancy and the portion of Avenue L utilized for access is not a surfaced.

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 **(16-038VRD)** 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 undergone a preliminary compliance inspection and cannot be rented for transient occupancy until it has passed a final inspection.

- 2. Parking spaces: Four (4) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.

The access to the required spaces must be paved (asphalt, concrete or other comparable surface authorized by the Planning Director) within one year if Avenue L is paved in the future.

- 3. Maximum number of occupants: Ten (10) persons** regardless of age. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 4. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
- 5. Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.

6. Local Contact: **Beach House Vacation Rental, Erin Barker, 800 N Roosevelt, Seaside, OR 97138 will be the local contact for the VRD and she can be reached at (503) 440-1168.**

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

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

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a **40 watt bulb**. **This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.**
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. **Weekly solid waste pick-up is required during all months.**
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. **Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.**
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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

FINAL STAFF RECOMMENDATION

Conditionally approve application **16-038VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **ten (10)** persons, regardless of age, at **1160 S Columbia**. This decision can be supported by the

Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision unless 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



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

| | | |
|--|--|---------------------------------------|
| NAME OF APPLICANT
<i>Jeff Capen</i> | ADDRESS
<i>2425 NE 48th Ave.</i> | ZIP CODE
<i>Portland, OR 97213</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY
<i>1160 S Columbia</i> | | |

| | | | | | |
|-------------------|---------------|----------------------|--------------------|------------------------|-------------------------|
| ZONE
<i>R3</i> | OVERLAY ZONES | TOWNSHIP
<i>6</i> | RANGE
<i>10</i> | SECTION
<i>210B</i> | TAX LOT
<i>14501</i> |
|-------------------|---------------|----------------------|--------------------|------------------------|-------------------------|

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

Vacation Dwelling Rental Permit

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

| | |
|---|--|
| OWNER: | APPLICANT/REPRESENTATIVE (OTHER THAN OWNER): |
| PRINT NAME OF PROPERTY OWNER
<i>Jeff Capen</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE
<i>Erin Barker</i> |
| ADDRESS
<i>2425 NE 48th Ave, Portland, OR 97213</i> | ADDRESS
<i>800 N. Russell St., Seaside, OR 97138</i> |
| PHONE / FAX / EMAIL
<i>503-888-5191</i> | PHONE / FAX / EMAIL
<i>503-440-1168 - ebarker@pacifiern.com</i> |
| SIGNATURE OF PROPERTY OWNER
<i>See VRD - Application</i> | SIGNATURE OF APPLICANT/REPRESENTATIVE
<i>[Signature]</i> |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

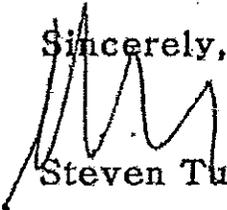
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|---------------------------------|-------------|
| PLANNING DEPARTMENT USE: | |
| DATE ACCEPTED AS COMPLETE | BY |
| CASE NUMBER (S) | |
| HEARING DATE | P.C. ACTION |

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

June 7, 2016

I, Steven Tubbs, give permission to Jeff Capen and Gabe Genauer to pursue a vacation rental permit for the property I own at 1160 S. Columbia, Seaside. Please let me know if you need anything else from me.

Sincerely,



Steven Tubbs

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

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

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

SUBMITTAL INFORMATION

1. Applicant's Name: JEFF CAPEN
2. Mailing Address: 2425 NE 48TH AVE. PORTLAND OR. 97213
3. Telephone #: Home N/A, Work 503-668-5191, Fax N/A
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application. *-SEE ATTACHED LETTER*
5. VRD Street Address: 1160 S. COLUMBIA
6. Tax Map Ref.: Township 6, Range 10, Section 21, Tax lot # 14501
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 6 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? 6 Is the applicant *(includes cottage)* requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD. 12. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

9721

ORIGINAL

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: JEFF CAPEN Phone # 503-839-4630. Address:

2425 NE 48TH AVE. PORTLAND, OR 97213. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

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

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

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

Erin
BARKER
503-440-
1168

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

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

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

By signing this application, the applicant is also acknowledging that if the request requires review by the Planning Commission (Ordinance Provision 6.137E), the Applicant or a duly Authorized representative must attend the Public Hearing.

Applicant's Signature: [Signature] Date: 6/8/16
_____ 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: 530

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

SITE PLAN

1160 S.

COLUMBIA

LOT SIZE  
10,984

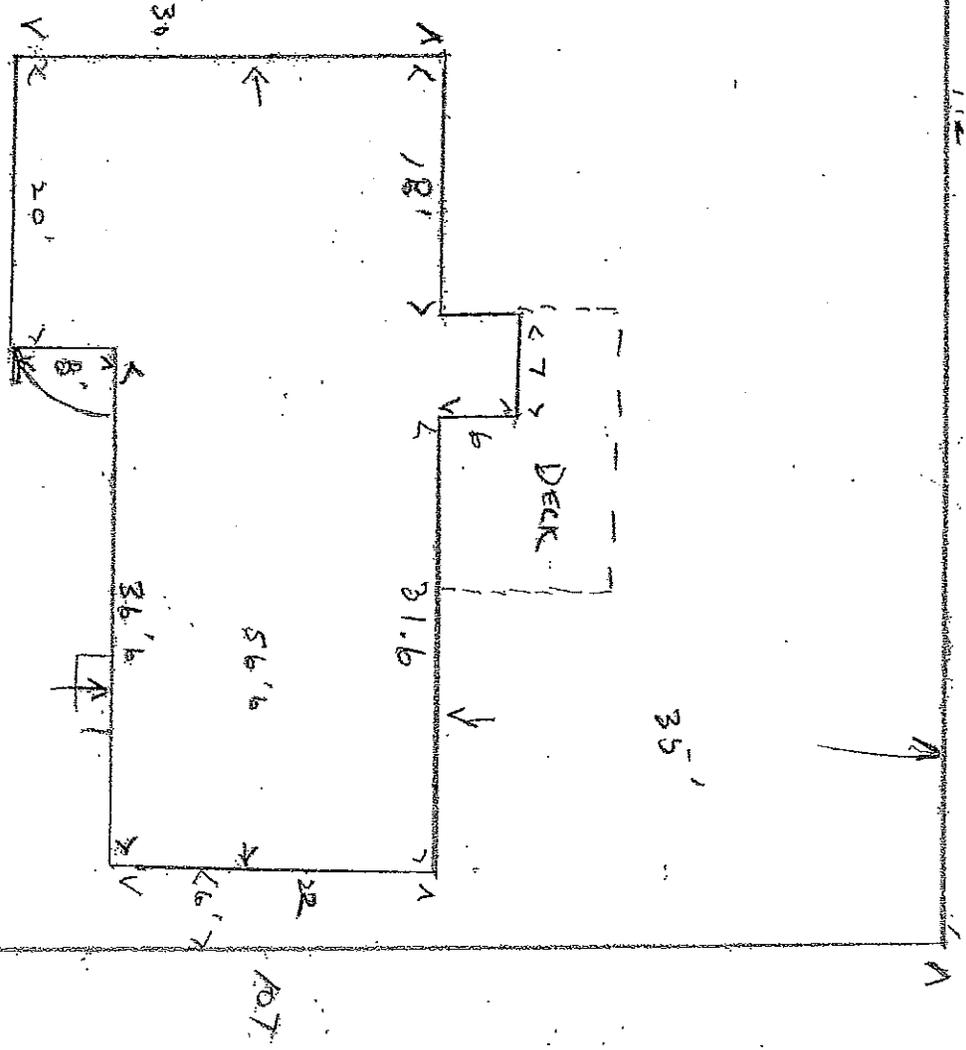
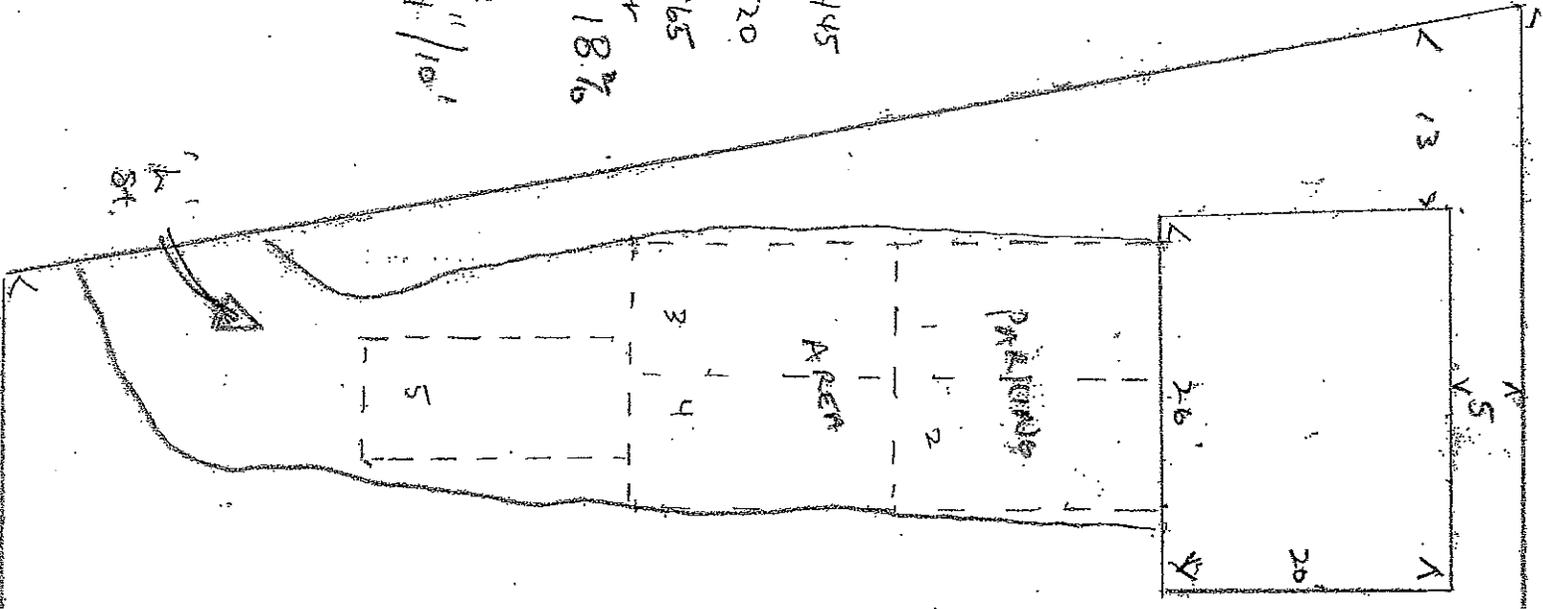
FOOT PRINT  
RESIDENCE 1445

GARAGE 520

COVERAGE = 1965

OR 18%

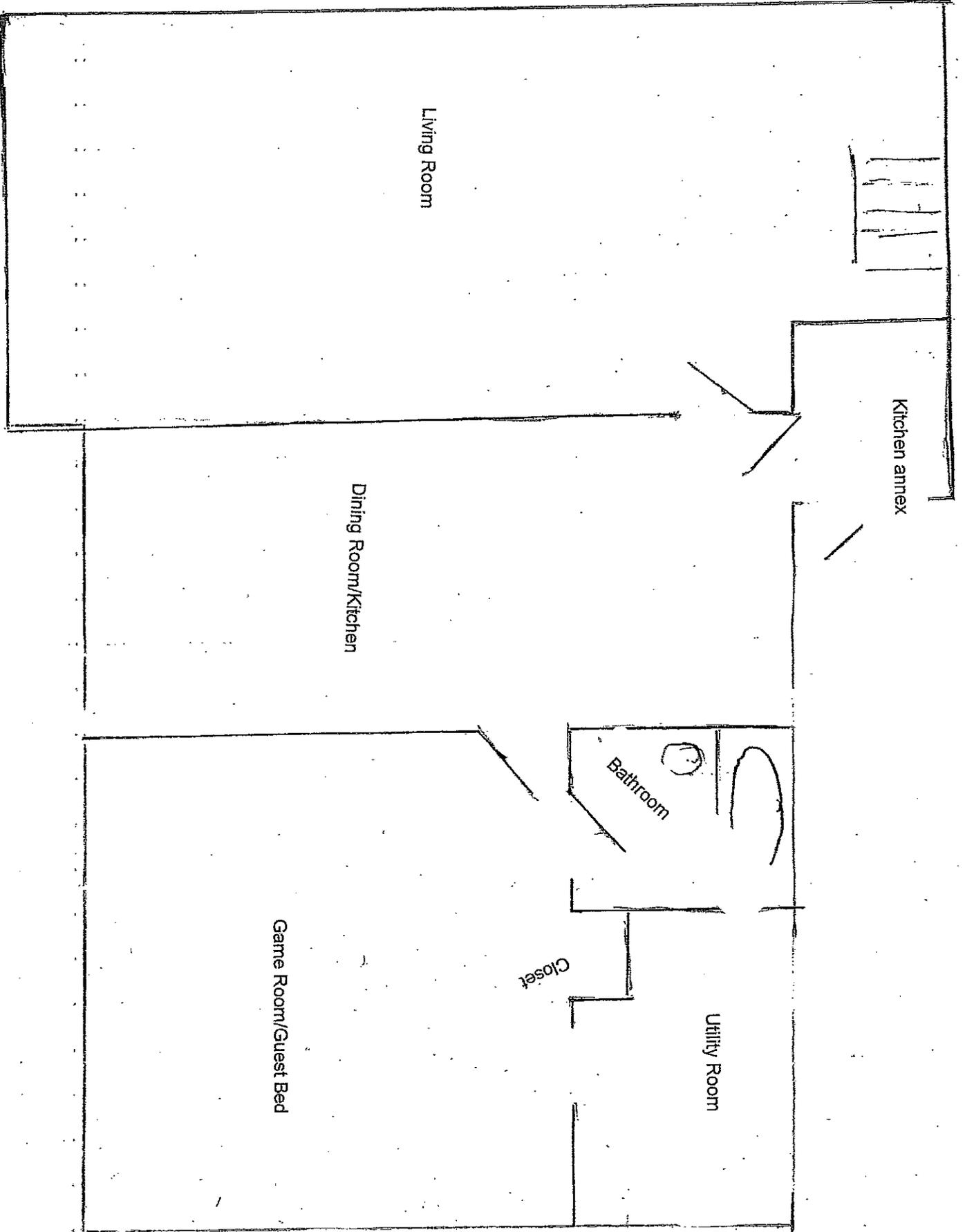
SCALE = 3/4" = 10'

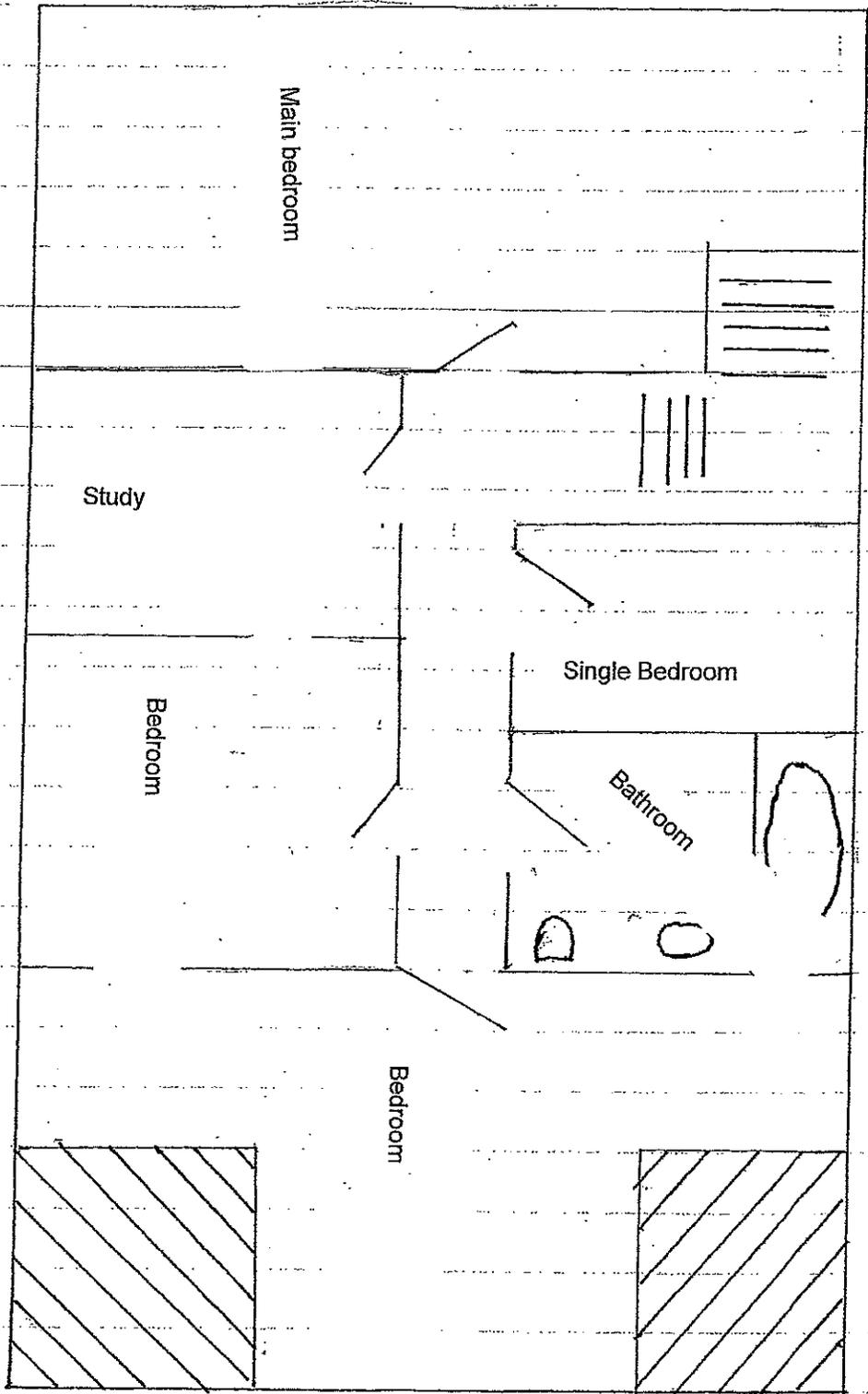


93'

50'

LOT







**City of Seaside, Planning Department**

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

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                                                                  |                                            |                          |
|----------------------------------------------------------------------------------|--------------------------------------------|--------------------------|
| NAME OF APPLICANT<br><i>George Liles</i>                                         | ADDRESS<br><i>191 SW 1st St. Warrenton</i> | ZIP CODE<br><i>97146</i> |
| STREET ADDRESS OR LOCATION OF PROPERTY<br><i>2275 N Roosevelt Rd Seaside OR.</i> |                                            |                          |

|                   |               |                      |                    |                         |                        |
|-------------------|---------------|----------------------|--------------------|-------------------------|------------------------|
| ZONE<br><i>C3</i> | OVERLAY ZONES | TOWNSHIP<br><i>6</i> | RANGE<br><i>10</i> | SECTION<br><i>15 BA</i> | TAX LOT<br><i>5804</i> |
|-------------------|---------------|----------------------|--------------------|-------------------------|------------------------|

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

*paint mural on highway side of Building*

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

|                                                      |                                                               |
|------------------------------------------------------|---------------------------------------------------------------|
| <b>OWNER:</b>                                        | <b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>           |
| PRINT NAME OF PROPERTY OWNER<br><i>Steve Olstedt</i> | PRINT NAME OF APPLICANT/REPRESENTATIVE<br><i>George Liles</i> |
| ADDRESS<br><i>P.O. Box 2363 Gearhart Ore</i>         | ADDRESS<br><i>191 SW 1st St. War OR.</i>                      |
| PHONE / FAX / EMAIL<br><i>738-2522</i>               | PHONE / FAX / EMAIL<br><i>503-861-0819</i>                    |
| SIGNATURE OF PROPERTY OWNER<br><i>[Signature]</i>    | SIGNATURE OF APPLICANT/REPRESENTATIVE<br><i>[Signature]</i>   |

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

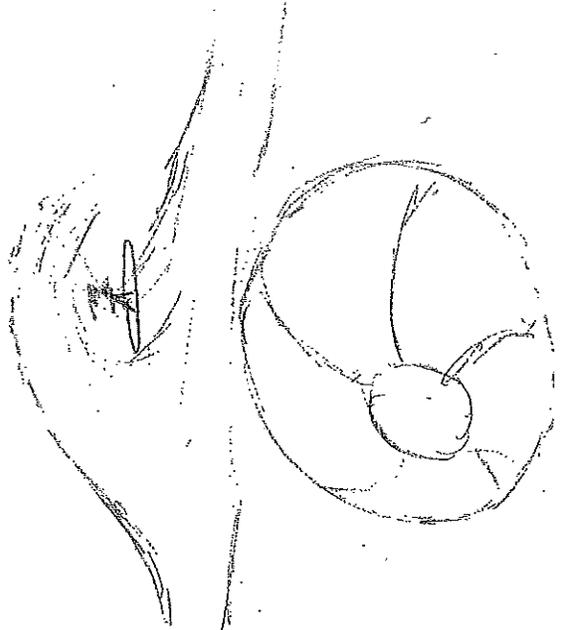
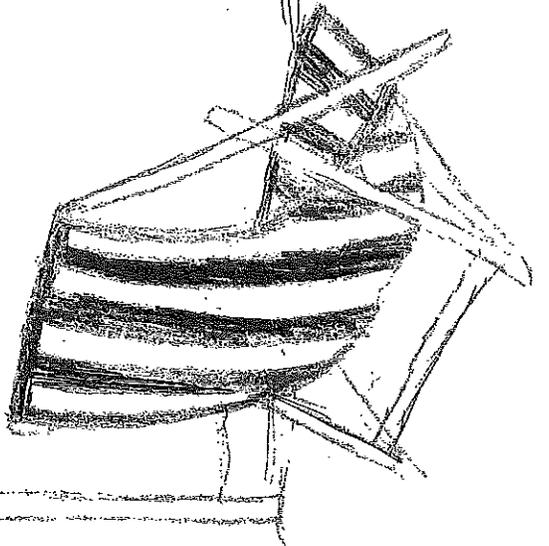
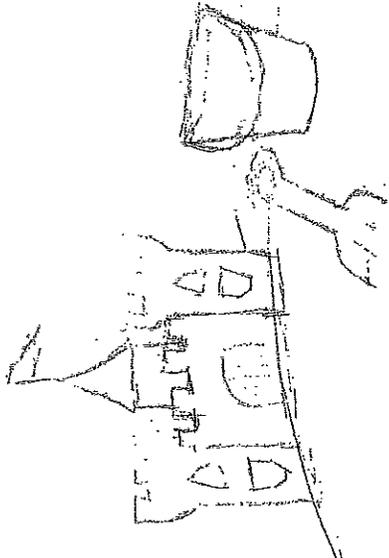
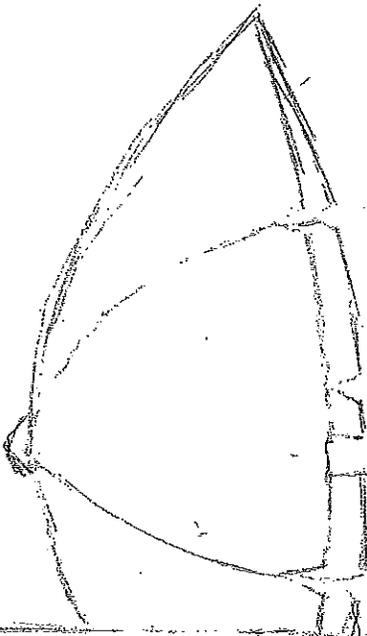
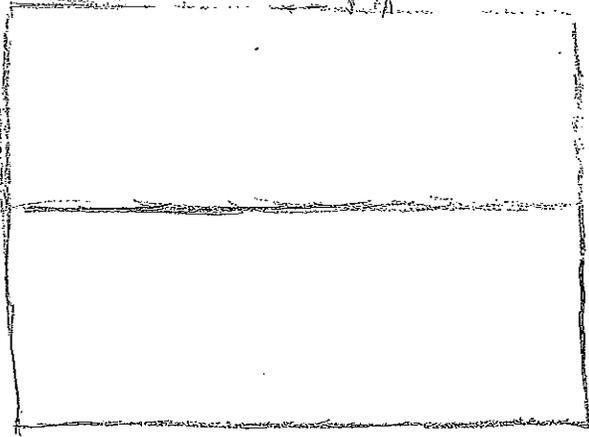
CHECK TYPE OF PERMIT REQUESTED:

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

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

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

Currently  
on Building



(Proposed sign)

# Pa Pa's at the Beach

Fish & Chips  
Clam Chowder  
and more

