

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
September 6, 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:** August 2, 2016
6. **PUBLIC HEARING:**

A.) **16-042VRD-** Is a conditional use request by **Chris and Andrea Shepard** for a **four (4) bedroom Vacation Rental Dwelling (VRD) at 2164 Beach (6-10-28BA TL 1200)**. With a maximum occupancy of not more than **ten (10)** people over the age of three. The property is zoned **High Density Residential (R3)**.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
August 2, 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: Tom Horning, Chris Hoth, Bill Carpenter, Bob Perkel, Dick Ridout, and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director
Absent: Steve Wright

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. Vice Chair Carpenter stated that he is a neighbor to 1080 Beach Drive, but he has had no ex parte contact nor does he consider this a conflict of interest.

APPROVAL OF MINUTES: July 5, 2016 and July 19, 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.) 16-020VRD & 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.**

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. Dean Hanson, 2917 Powderhorn Street, Eugene OR. They are partners in other properties here in Seaside and very happy to be part of this community looking forward to having this as a VRD. They have spent a lot of money getting this property where it is now and are hoping to get this approved.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Andy Mercer, he and his wife Sadie manage three other businesses that they are partners with the Hanson's. They live here locally and will be the property managers of this property as well.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, 800 N Roosevelt, Seaside. Erin stated that the Mills who responded, 1081 S Prom, she manages their vacation rental and she is a little bit confused about their letter and she didn't want to call and ask them about it. She knows when it was a full time rental, they had problems with fulltime tenants and their visitors parking in their parking when they weren't there. People seem to think that parking is

a problem with vacation rentals, and it can be, but she had an experience once on North Holladay that someone was parked across the driveway of a vacation rental and the renters and Erin had to go knock on doors to see who this car belonged to. It turned out it was a home owner 4 houses down that told his guest that they could park there, even though the school parking lot was the same distance away from their home. So parking works both ways. The other person, Freigang, has dealt with them before, and sure there is a lot of dust on the unpaved streets, but even if all the homes were vacant Avenue K is going to still have traffic because of people who are going to the beach. They start on Ave A and work their way all the way down Beach Drive until they find parking. Commissioner Ridout asked Erin if she is the property manager for 1081 S Prom. Erin stated yes. Commissioner Ridout stated he didn't realize that it was a vacation rental. Erin stated that there is also another home close by that is a vacation rental but they don't rent it out, they just keep the license active just in case they do decide to rent it out.

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth stated that the number of bedrooms that are in the house is how many parking spaces are required, right? Mr. Cupples stated no, we will limit their occupancy if they have insufficient parking to handle the number of bedrooms in the unit. If there are four bedrooms in a unit and they only have 2 off street parking spaces, we will automatically limit their occupancy to 6. We are not going to say, turn all of your front yard into parking. Commissioner Hoth asked the applicant about the handout that was given to the commissioners at the beginning of the meeting. It says there are two units, with two bedrooms each and the application says there is a two bedroom unit and a 3 bedroom unit. Mr. Mercer stated that was an error on his part. There is a 2 bedroom unit on the bottom floor and a 3 bedroom unit in the top floor. Commissioner Ridout thought that in one of the letters it stated that there was a potential for another unit on the second floor. Mr. Cupples stated that there were in fact two units that were upstairs, but when the building official went to do the inspection on the property he found that there had been some substandard plumbing and substandard fire separation (previous owner) so they had another dwelling unit put in that didn't meet code. The applicants (new owners) have removed the kitchen in the third unit. This was being used as a triplex but was never approved as a triplex. The applicants are making this into a lawful duplex. The applicant stated that right now the downstairs has two entrances. Mr. Mercer stated that there will be one parking space in the garage and two in front of the garage and then two parking spaces coming in from Avenue K. Commissioner Hoth asked what is the status of them creating an access off of Avenue K? Mr. Cupples stated that is in the staff report. Mr. Cupples stated that they will have to do that as part of their corrections to obtain occupancy. Commissioner Hoth asked if that is possible. Mr. Cupples stated yes and it has been discussed with public works. Commissioner Ridout asked that being this is a corner lot they are allowed to have two accesses. Mr. Cupples stated yes. Commissioner Ridout asked if the garage is long enough for cars. Mr. Mercer stated that it's a very long garage that will have owner's storage and laundry facilities plus be able to park one vehicle in the garage. Chair Romine asked, being as this is a duplex they can exceed the occupancy of 10. Mr. Cupples stated that is correct. If someone has a duplex and a group of people want to all stay at one place they usually stay in a duplex. Like the Vellutini's duplex in the cove. They can exceed what you can have in a single family dwelling because each side is considered a different unit.

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 the guidelines that staff has presented with the condition that they have access for parking from Avenue K. Commissioner Horning asked if this is a standard size lot of 50 x 100. Mr. Cupples stated yes. Mr. Hanson stated that it is a 50 x 100 foot lot. Commissioner Horning stated that on the plot map that was submitted shows the home as being 45 feet wide but the gaps between the edge of the building and the property look close to 12 feet and when he was out there he would have had a hard time parking there without his vehicle being partly in the street. Commissioner Horning asked what is the setback from the street? Mr. Cupples stated that where they will be parking it is well over 18 feet. Mr. Mercer stated that when they are using the K street parking it is 25 feet.

Commissioner Perkel seconded and the motion was carried with Commissioner Horning voted nay. Chair Romine stated the when they get a plot plan it should be to scale so they know exactly what is there.

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)**.

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals, 800 N Roosevelt, Seaside. The previous owners had a vacation rental license twice, they never lived in it full time or rented it out full time. This home is a really neat home. The owners are really excited to make some of the improvements. They are going to keep with the history and charm that the house has. It has some headroom issues and an electrical issue.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked about a cottage on the property and he assumes that it is the space above the garage. Erin stated that she has not been in that space above the garage and so she's not sure what it looks like. She thinks that the family may have used it at one time but it hasn't been used as a rental. Commissioner Hoth stated that he used to rent that space 25 years ago. Erin thinks that they will renovate that area (above the garage) later but not really sure, but it is not part of the VRD. Mr. Cupples stated that they could use the garage as a covered parking space. The upstairs is going to be locked off. Commissioner Ridout asked if these owners get a vacation rental and they start using it as a vacation rental are you telling him that they cannot use the space above the garage. Mr. Cupples stated that is correct because it will be locked off. Commissioner Ridout asked what stops them from using it. Mr. Cupples stated that the owner can use it, that's up to them but as a vacation rental it cannot be used and it will be locked so the renters will not have access to it. Commissioner Hoth stated that being as they only have parking for this amount of people, do they have to close off one of the bedrooms? Mr. Cupples stated no. Commissioner Hoth stated that the parking on this property is an issue and he had difficulty backing out and that was when no one else was there. Right now the parking is really tight and he doesn't think that people will want to jockey four cars around in that space. He knows we really don't like the stacking but that would work better and that would only reduce the occupancy from 10 to 9 and we are not taking that much away. Mr. Cupples asked if they created a circular driveway so that they pulled all the way through, would you allow them to go for the four parking spaces. Mr. Cupples stated that if the commissioners feel comfortable with having a condition that says the occupancy shall be limited to 9 with a 3 car requirement until such time an additional circular access is created then the occupancy can go to 10. Commissioner Hoth asked if the applicant would have to come back to the planning commission for that. Mr. Cupples stated that the commission could make them come back, but he wouldn't suggest they make them do that. Mr. Cupples stated that the decision would state that the occupancy will be limited to 9 until such time that a circular driveway is established. Commissioner Ridout asked if this was a paved driveway. Mr. Cupples stated no. Commissioner Ridout asked if they would be required to pave it. Mr. Cupples stated no because they are coming off of a gravel street. He also stated that in the conditions of approval it states that at any time in the future if Avenue L is paved they will have a year to pave all of their parking spaces. Erin Barker stated that one of the owner's plans is to remove all the shrubbery that makes it so difficult for the parking.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use of a three bedroom unit with three parking spaces and an occupancy of 9 no more than 10 until such time that they provide additional access from Avenue L and then they will have an occupancy of 10. Mr. Cupples stated that he would do that but not use the term 3 bedroom it would just have an occupancy of 9 until such time the circular access is completed. Commissioner Ridout seconded and the motion was carried unanimously.

C.) Mural 2275 N Roosevelt. Mr. Cupples stated the planning commission is charged with the review and approval of all murals. Staff is recommending that the planning commission approve the proposed mural subject to meeting the conditions. Mr. Cupples stated that an approval letter documenting the

Planning Commission's action will be sent to the applicant and owner of the building. For clarification the text that is on the drawing is actually part of a sign permit and the wall graphic was shown on there when submitted. The text portion is not part of the review or part of the mural. The text portion will come through the office as a sign and that is based on the sign ordinance. Chair Romine stated that the page that has no text is what is currently on the building. Mr. Cupples stated yes, the applicant came in to get a sign permit and we noted that a mural is different than a sign and the mural part of the building would have to get Planning Commission approval.

Chair Romine asked if there was anyone that would like to speak in favor of the mural. George Liles 191 SW 1st Street in Warrenton. His understanding of a sign is no verbiage at all, so his daughter painted this design on the wall. He came to the office to get a sign permit and that is when he found out that he needed to get his mural approved first. The mural is just a beach scene with an umbrella, chair and beach ball. It was just a red building with a yellow stripe and now it looks better.

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 stated that just for clarification this is only about the mural and not the sign. Mr. Cupples stated that is correct. Commissioner Hoth asked if it is blue sky or is it still a red building. Mr. Liles stated it is blue sky with a beach scene. Commissioner Hoth stated if the whole thing is painted then the whole side of the building is a mural. If there is writing on the mural then it becomes a sign. Mr. Cupples stated no. Vice Chair Carpenter stated that if the whole thing is a mural and if we are approving the mural, then the mural is approved. Commissioner Hoth stated so then they can put a sign on the mural? Mr. Cupples stated that this is just for the mural, there is no sign currently on the building just the mural. The applicant will have to come in to the office and submit a sign permit application and that will be reviewed like all other signs. The sign will be boxed out and doesn't meet the definition of a mural. It will be based upon an area calculation and he hasn't looked at it because the sign portion as not been submitted. Once the mural is done then they are going to put a sign on top of that in a geometric shape. You are only reviewing the mural. Commissioner Hoth made a motion to approve the mural. Vice Chair Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that they did R.A.R.E. interviews two weeks ago and had seven applicants and four of them were really good. He is going to be here in the middle of August and are slated to start the 2nd week in September. The key projects slated for him to do are: Tsunami & Earthquake preparedness and outreach, work on updating the Parks Master Plan, and work on a resiliency action plan for the city.

There will be a public meeting on the 15th between 6pm and 8pm at the convention center regarding the updated FEMA maps that will be coming out. We are getting ready to do a mail out to all the properties that were previously out of the flood plain and now are being put into the floodplain those individuals should receive notice. We are not sending notice to the people who are coming out of the floodplain.

COMMENTS FROM THE PUBLIC: Erin Barker stated that in light of the beach drowning that we had about a week ago, they got to thinking of all the postings that go into vacation rentals about where to park, what you can do and what you can't do. A few years ago Providence Hospital dropped off some flyers about beach safety and now they are going to put these fliers in the homes that they manage just to have people be more aware of the beach.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 7:55 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: September 6, 2016
**Applicant/
Owner:** Chris and Andrea Shepard
3601 SW River Pkwy #1014
Portland, OR 97239
Location: 2164 Beach Drive, T6-R10-S 28BA TL#1200
Subject: Conditional Use 16-042VRD; Vacation Rental Dwelling Permit

REQUEST:

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2164 Beach Drive**. The subject property is zoned **High Density Residential (R-3)** and the **applicants are** requesting a maximum occupancy of not more than ten (10) people, regardless of age, within the existing **four** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2164 Beach Drive**. The subject property is zoned **High Density Residential (R-3)** and the **applicants** are requesting a maximum occupancy of not more than ten (10) people, regardless of age, within the existing **four** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are at least **four** off-street parking spaces that are available on the site. **Four cars spaces are identified in the rear portion of the property.**
 - b. The existing **four** bedroom residence will have a limited occupancy of **ten (10) people** regardless of age.
 - c. **Andrea Shepard (owner), 2164 Beach Drive, Seaside, OR 97138 will be the local contact for the VRD (503-440-6727).**
 - d. The owner/applicants, **Chris and Andrea Shepard** have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **29%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **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 not** 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 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 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.*

6. 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.

7. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provisions in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

8. 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.

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

10. 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.

11. 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.

12. Due to the age of the home, there may be significant issues associated with compliant access to the upstairs and/or adequate bedroom headspace to qualify for transient rental.

13. Staff is assuming there is an access easement along the north property line that provides access to 2161 S Prom. An easement was not included in the applicant's submittal and it is unclear if the proposed parking encroaches into the easement.

14. Two cars could be parked inside the existing garage if it is unobstructed; however, parking only one additional car behind the garage appears to be the maximum, given the movement constraints created by stacked parking with minimal back up space. Staff is not aware of any reciprocal easement that would allow the applicant to utilize the neighbor's property for maneuvering in or out of the proposed parking spaces.

15. The two car garage is not clearly marked on the applicant's plot plan. The plan indicates the four parking spaces are located at the back of the lot and that all of the required rear yard is taken up by building, parking, or maneuvering area.

16. More than 50% of the required rear yard is taken up by building, parking, and maneuvering area. A variance will be required in order to utilize the majority of the rear yard for required parking under the VRD provisions. This is required even if the yard area has historically been surfaced & used for parking.

17. The local contact person is identified as the occupant of the proposed VRD. It is unclear if the local contact will be located within Clatsop County when the unit is being rented.

CONCLUSION TO CRITERIA #1:

There are unanswered questions concerning the number of compliant bedrooms & access within the proposed VRD, access easements, the number of parking spaces that can be realistically utilized, the rear yard parking variance, and the local address for the contact person whenever the VRD is occupied. Given these questions, staff does not believe the Vacation Rental Dwelling requirements have been adequately addressed by the applicant.

At a minimum, the following list of special and standard conditions of approval should be applied to the request if the Commission wishes to approve the request:

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 **(16-042VRD)** 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 not undergone any preliminary compliance 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. **This requirement will be reduced to two spaces if there are two or less bedrooms that will qualify for transient use.**

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 the required front & side yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.

A Variance must be obtained for the existing development in the rear yard.

6. **Local Contact:** **Andrea Shepard, 2164 Beach Dr. Seaside (503)717-5684.** The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

The Local Contact must specify how they will reside within the County while there residence is being rented for transient use.

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

Continue the request to the Commission's next meeting on October 4th at 7:00 p.m. in order to provide sufficient time for the applicant to address the questions concerning the proposed VRD, amend the parking plan & garage detail, arrange for a pre-inspection of the property and submit a variance for the rear yard landscaping.

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>Chris Shepard</i>	ADDRESS <i>2164 Beach Dr</i>	ZIP CODE <i>97138</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>Beach Dr + J Ave</i>		

ZONE <i>R-3</i>	OVERLAY ZONES	TOWNSHIP <i>4</i>	RANGE <i>10</i>	SECTION <i>28BA</i>	TAX LOT <i>1200</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Vacation Rental

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>Chris Shepard</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS <i>2164 Beach Dr 97138</i>	ADDRESS
PHONE / FAX / EMAIL <i>520 704 8727</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 checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE <i>8-2-16</i>	BY <i>DK</i>
CASE NUMBER (S) <i>16-042 V/RD</i>	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

AUG 01 2016

wife living there
no property mnger.

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

PAID

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.

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

SUBMITTAL INFORMATION

1. Applicant's Name: Chris ~~Shepard~~ Shepard 9723
2. Mailing Address: 3601 SW River Pkwy #61014 Portland OR 9723
3. Telephone #: Home 520 204 8727, 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: 2164 Beach Dr 97138
6. Tax Map Ref.: Township 11, Range 10, Section 28 BA, Tax lot # 1200
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 4 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 10 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 10. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? No. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
10. Who will be acting as the local responsible party for the VRD owner?
Name: Andrea Shepard Phone # 520 208-440-6727

ORIGINAL

20
100
430
530

9723

Address: 2164 Beach Dr[^] 97138 ^{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?

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: _____ Date: 8/1/16
-----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.

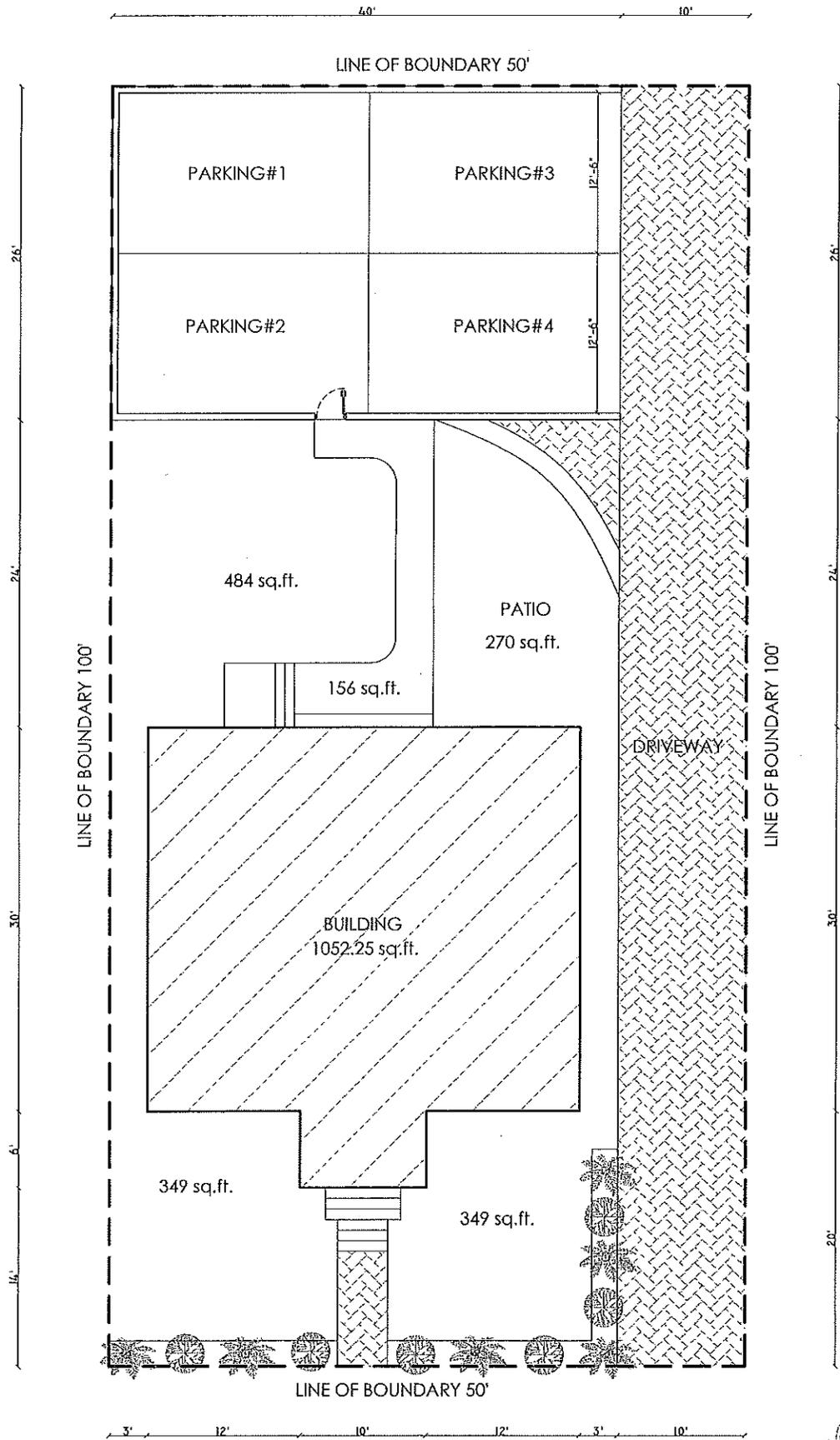
Submittal Date: _____ Amount Paid: _____

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

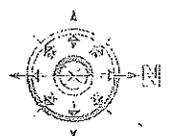
Date application was received at Community Development: \_\_\_\_\_

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

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



LOT # 17  
Block # 7  
5000 sq.ft.  
cartwring park,  
seaside OR

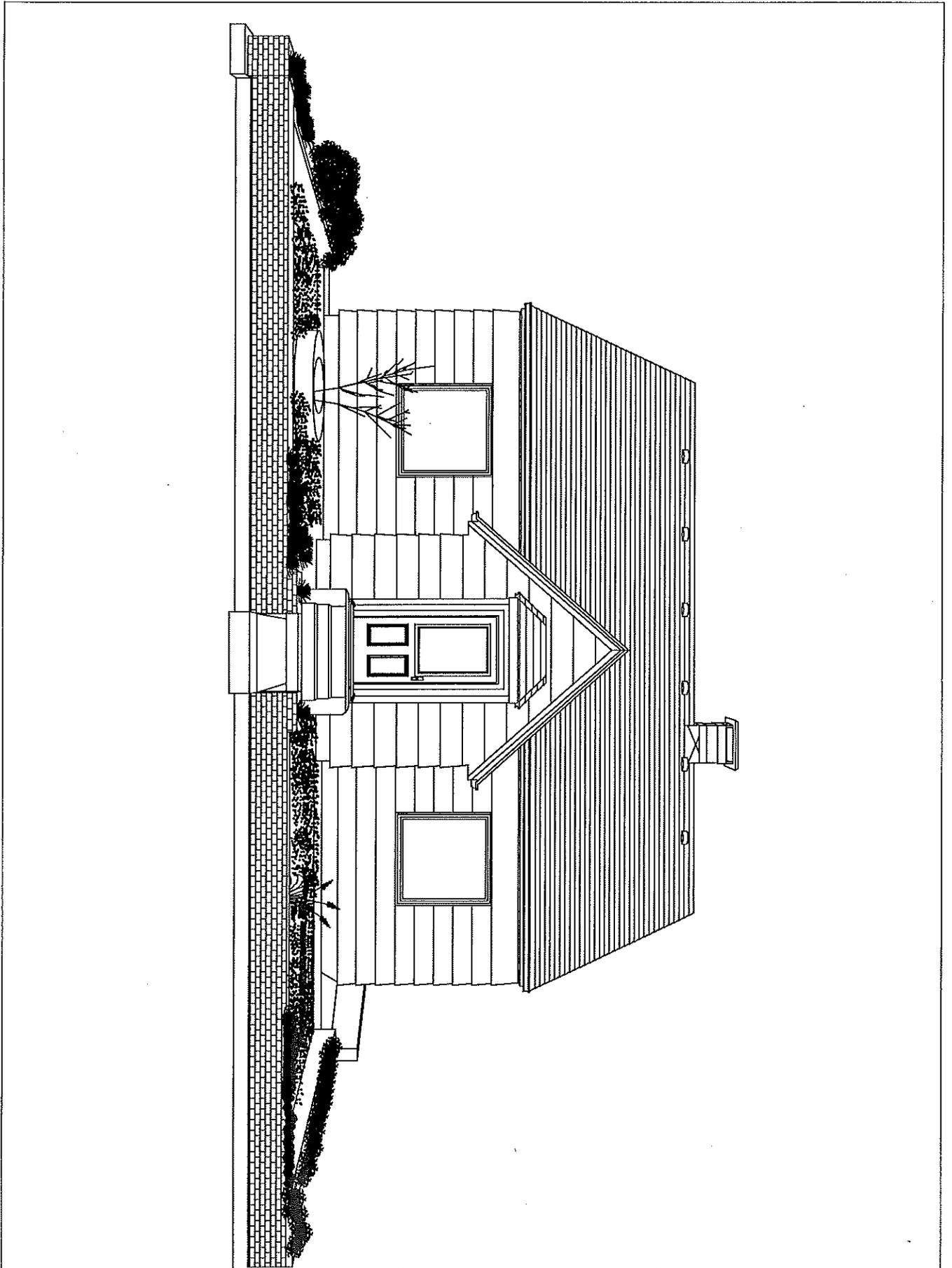


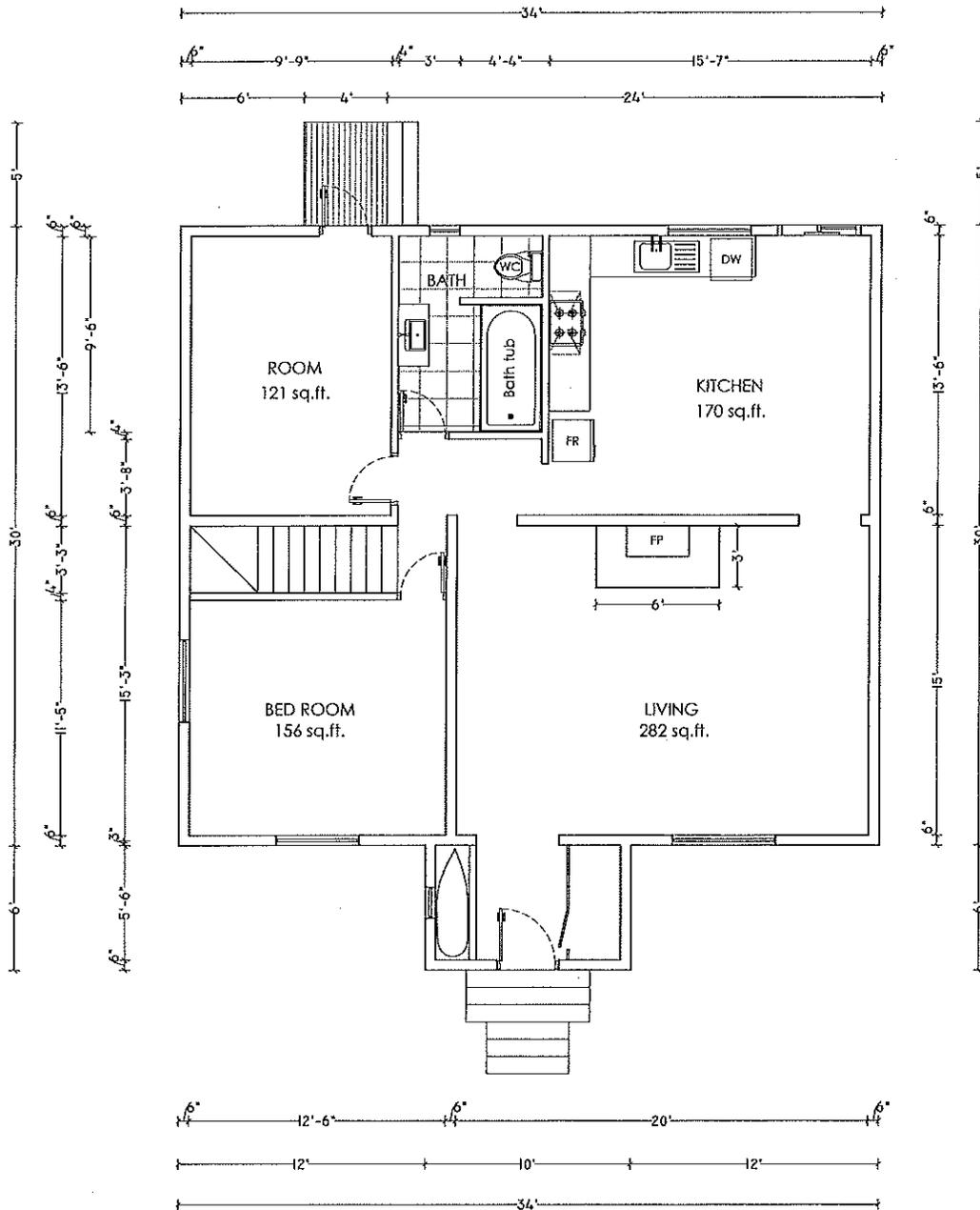
SITE PLAN

BEACH DR

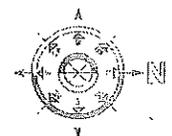
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|--------------------------------------------|---------------------------------|------------|------------|----------------------------|-----|------------|----|
| CLIENT<br>uptownpm                         | PROJECT STAGE<br>Sketch Design  | SCALE      | 1:10       | DRAWING TITLE<br>SITE PLAN |     |            |    |
|                                            |                                 | SHEET SIZE | A3         |                            |     |            |    |
| PLACE<br>2164 Beach Dr<br>Seaside OR 97138 | PROJECT DETAIL<br>New Residence | DATE       | 25.04.2016 | DRAWING NO.                | 0.0 |            |    |
|                                            |                                 |            |            | REV.                       | 01  | 25.04.2016 | jk |

**STUDIO**  
**SHREY**  
architectural  
designer

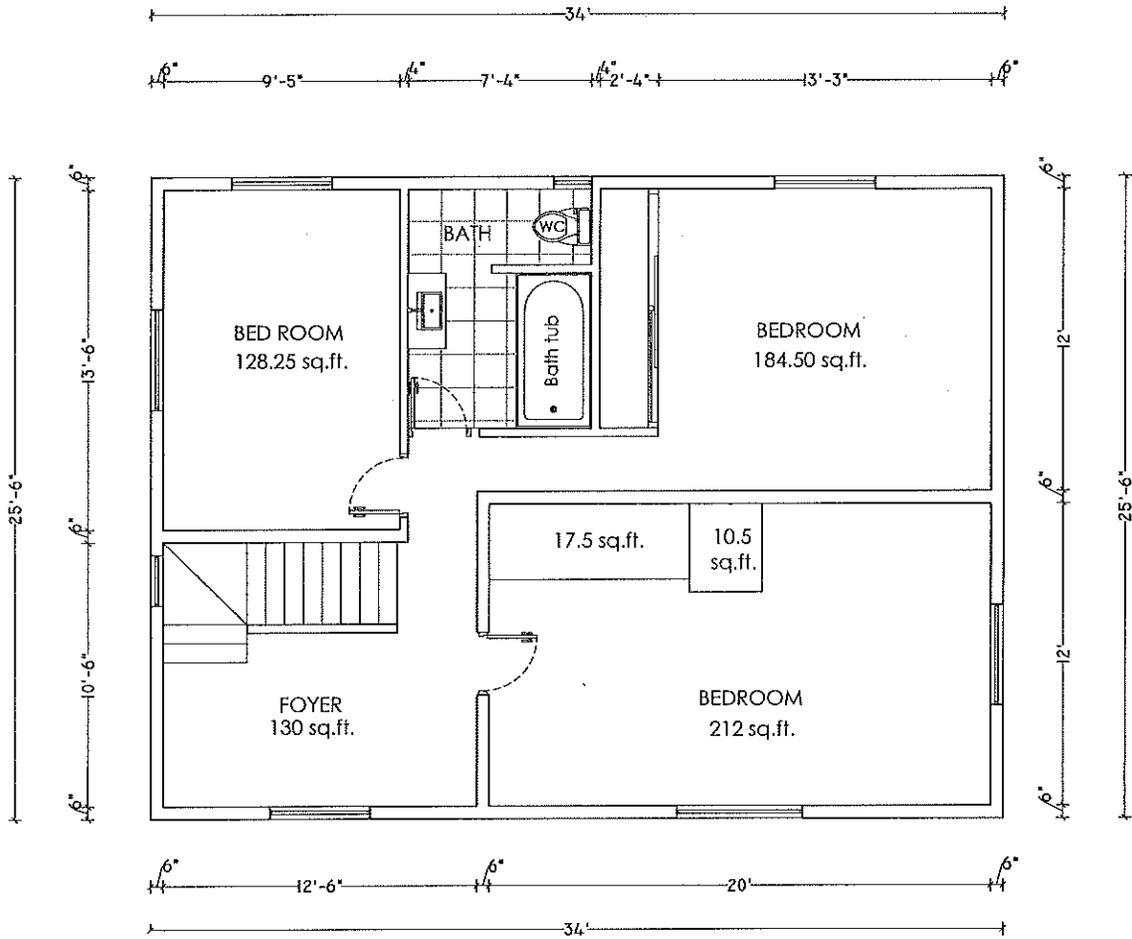




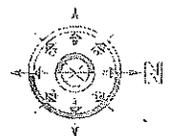
**GROUND FLOOR PLAN**



|                                            |                                 |            |            |                   |      |            |    |                                               |
|--------------------------------------------|---------------------------------|------------|------------|-------------------|------|------------|----|-----------------------------------------------|
| CLIENT<br>uplownpm                         | PROJECT STAGE<br>Sketch Design  | SCALE      | 1:10       | DRAWING TITLE     |      |            |    | <b>STUDIO SHREY</b><br>architectural designer |
|                                            |                                 | SHEET SIZE | A3         | GROUND FLOOR PLAN |      |            |    |                                               |
| PLACE<br>2164 Beach Dr<br>Seaside OR 97138 | PROJECT DETAIL<br>New Residence | DATE       | 05.04.2016 | DRAWING NO.       | 01   | 25.04.2016 | jk | SKETCH DESIGN                                 |
|                                            |                                 |            |            | REV.              | DATE | BY         |    |                                               |



**SECOND STORY FLOOR PLAN**



|                                            |                                 |            |            |                                   |      |    |               |
|--------------------------------------------|---------------------------------|------------|------------|-----------------------------------|------|----|---------------|
| CLIENT<br>uptownpm                         | PROJECT STAGE<br>Sketch Design  | SCALE      | 1:10       | DRAWING TITLE<br>UPPER FLOOR PLAN |      |    |               |
|                                            |                                 | SHEET SIZE | A3         |                                   |      |    |               |
| PLACE<br>2164 Beach Dr<br>Seaside OR 97138 | PROJECT DETAIL<br>New Residence | DATE       | 25.04.2016 | DRAWING NO.                       | 2.0  | 01 | 25.04.2016    |
|                                            |                                 |            |            | REV.                              | DATE | BY | SKETCH DESIGN |

**STUDIO SHREY**  
architectural designer