

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**April 2, 2013**  
**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:** March 5, 2013
6. **PUBLIC HEARING:**

**A.) 13-005VRD** is a request by **The Sand Chateau I LLC** for a **Four (4)** bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **1317 N Prom.**

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 criteria for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

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

**MINUTES SEASIDE PLANNING COMMISSION**  
**March 5, 2013**

**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 Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE 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 Dideum stated that she lives across the street from the vacation rental and will not be participating in the decision-making process for that particular agenda item.

**APPROVAL OF MINUTES:** Motion to approve the February 5, 2013 minutes; Commissioner Ridout made a motion to approve the minutes as submitted. Commissioner Carpenter seconded. The motion was carried unanimously.

**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.)** 13-001VRD is a request by Patrick Morrissey for a **Three (3)** bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **2020 Beach Dr.**

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. Emma Poulsen 850 2<sup>nd</sup> Avenue, Seaside. Mrs. Poulsen stated that this is a three bedroom home and has 4 parking spots. Commissioner Ridout asked if this had been a vacation rental before and Mrs. Poulsen stated no it has not been a vacation rental before. Commissioner Hoth asked if they will be using the garage. Ms. Poulsen stated yes. Commissioner Carpenter asked if there was a local phone number. Mrs. Poulsen stated that she had one. Commissioner Carpenter stated that a local number is one where you don't have to dial a one, and he would like to see a local number on the contact list and not a long distance number.

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. Tom Dideum 1941 Beach Dr. Seaside, Mr. Dideum has some concerns regarding this vacation rental based on past experience and this has been a vacation rental in the past. There have been a number of problems with this property in particular the garbage, apparently at this time they do not have garbage service and the people who are staying there now are taking their garbage up to the garbage cans on the Prom. Past experience with this property is that the size of the garbage can does not even come close to being adequate for the size of this property. They have the smallest size can available. In some occasion the

cans have been over filled and then they set the garbage on the ground, which then leads to raccoons and then the trash is spread all over the neighborhood. They need to have a trash can there that is appropriate for the facility. The can that is there now is not the right size. There doesn't seem to be any system for getting the can out to the curb on pick up day. The pick up day is Thursday. This facility it seems someone will put the garbage out on Sunday night and it will sit there until Thursday and there are usually high winds that will blow the trash can over and then the trash is littered up and down Beach Drive. Then again the neighbors have to pick up the trash and put it in their garbage can. Mr. Dideum believes that WOW has a service that they will go and get the cans and dump the trash. There is an extra charge for it but one way or the other this trash situation needs to be taken care of. The other thing that needs to be addressed with this property is that the renters need to respect the neighbor's property. Instead of walking down to Avenue S or Avenue T for beach access they are walking through the neighbors' yards. The other day they were going through the neighbor's yard carrying their trash up to the garbage cans on the Prom. The number of occupants and the number of vehicles at this residence really needs to be in compliance with the license agreement. One time Mr. Dideum counted 18 people at this residence and 7 or 8 cars parked on the property and on the street. Mr. Dideum did call the property manager at that time and they just moved their cars around the corner so that they would be out of sight. There is parking available in the garage but it has never been used. Inside the garage there is a wall that goes in between the stalls and maybe too tight for bigger vehicles to open the doors. This weekend there was a family staying at the house and Mr. Dideum saw them walk across the neighbor's yard to go to the beach and then he saw them take their trash through the neighbor's yard and assumes they put their trash in the cans on the Prom. Mr. Dideum doesn't know who they were but there was family there this weekend.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. Lois Larson, 1920 Beach Dr, Seaside. She is not opposed to the application and not opposed to them using the home as a vacation rental. The only thing that she is really concerned about is that the rules need to be abided by. They need to have garbage service and the garbage picked up weekly. Also the garage is a unique garage where there is a wall in the center of the garage and is more or less two single car garages. She doesn't think that anybody has ever used it as a garage. The rules are very important to the people who live close by.

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

Chair Romine stated that the applicant now has the opportunity for rebuttal. Brian and Emma Poulsen 850 2<sup>nd</sup> Avenue, Seaside. Brian stated that Tom and Lois's concerns are valid and noted. Vacasa is locally based here in Seaside on 2<sup>nd</sup> Avenue. As far as the garbage situation goes Vacasa uses the large garbage cans. The garbage service has not been initiated as of yet because they don't have the vacation rental approved. Brian is responsible for taking care of the garbage on all their vacation rentals. The housekeepers are supplied with bungee cords so if it is stormy they use those to keep the lids down on the cans. In regards to the beach access, the guests will be provided a map that tells them where the beach access is. Vacasa mainly deals with middle class people and if you give them instruction they usually follow the rules. If there are any problems, Brian would like you to call them as soon as possible and he will take care of any problems. Brian is aware that the garage has two separate garage doors and garage entrances to the home. The owner has given them two garage door openers to give to the guests upon check in so they will use the garage. Brian doesn't anticipate that there will ever be more than 4 cars there. Emma stated that the owners have been the only ones there since they closed escrow. Vacasa is putting the garbage service under their names so they can manage the garbage pick ups. If it is under the owners name then they have to call the owner to call the garbage company and that would take too long to resolve any garbage complaints. Brian stated that he has a truck just in case there are any issues that he can go over and pick up the garbage immediately.

Chair Romine closed the public hearing and the issue was opened for Commission discussion.

Commissioner Winters stated that vacation rentals are a huge part of our community and in order to make this work the rules need to be abided by and enforced.

Commissioner Ridout stated that at this point he is not impressed with the new owners if they are taking their garbage up to the garbage cans on the Prom and then trespassing on other people's property. When you look at one of the exceptions to the rules is that when the owners are there the rules don't apply but in this case these owners need to follow the rules more than the guests. When Commissioner

Ridout heard that this wasn't a vacation rental earlier he was surprised to hear about all the problems with this property, now he's hearing that it was a vacation rental before and was poorly managed. Emma stated that she didn't know that it was a vacation rental earlier, and that the property has new owners, and will make sure that when complaints come in that they will be handled in a very timely manner.

Commissioner Hoth stated that with the new owners and a new property manager that we now start with a clean slate.

Commissioner Ridout stated that it sounds like there have been ongoing problems with this particular vacation rental and have there been complaints filed with the City for this particular property? Was it an issue with the previous management company or issues with the previous owners? Mr. Cupples stated that there are complaints that came in, and Glenn would follow up with either the property manager or the owner as they came in, but he didn't look back to see how many complaints have come in on that particular property. Commissioner Ridout stated that he hasn't seen any complaints on that property. Mr. Cupples stated that usually the planning commission won't see the complaints until nothing is being done or being addressed. Then it will come back to the planning commission so that action can be taken through the City and even revoke their license.

Commissioner Horning stated that the neighbors need to take an active roll in enforcement in these cases. We want everyone to be successful in this but if they don't play by the rules then the City must enforce the rules that we already have. Commissioner Horning stated that the people who are complaining should let the property manager know and the planning office know of the violations that are happening so we can be aware of them. This way there can be a record of what's happening in a particular home.

Commissioner Winters stated that the planning department is doing a fine job and creating a paper trail just is adding more work for them.

Commissioner Ridout stated that it should be the responsibility of the property manager to take care of the issues: that's why we have owners have a local contact. They need to call the property manager and the property manager needs to take care of the issues. Then if they don't take care of the issues the vacation rental license should be revoked.

Commissioner Carpenter made a motion to approve the VRD under the guidelines that staff has presented with the local phone numbers being updated.

Commissioner Winters seconded and the motion was carried unanimously.

**B.) 13-003NCU:** An enlargement of a non conforming use request by Ralph Rogers. The subject property is located at 750 Avenue B and it is zoned General Commercial (C3). This request will allow a 32 sq. ft. enlargement to match the existing roof line and foundation height.

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. Ralph Rogers 1505 N Prom, Seaside. Mr. Rogers is looking to add 32 sq. ft. to the existing home at 750 Ave B. The headroom is just too tight the square footage is just too tight. Now that the laundry building is gone so is a lot of the commotion that went along with it. So now is the time to start fixing the place up. Mr. Rogers also owns the little grocery store on the corner of Avenue B and Holladay. The footing doesn't match up, so it would be nice to have everything match up and look good.

Commissioner Hoth asked if they were going to move the door over. Mr. Rogers stated that yes the door will be moved.

Commissioner Dideum asked if there was anyone living in the home right now and what are you going to do with the home once the alteration are done. Mr. Rogers stated that he will probably rent it out.

Chair Romine asked if Mr. Rogers is going to continue with the upgrades of the home. Mr. Rogers stated that the yes he is going to continue to upgrade the property.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of this project. 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 closed the public hearing and the issue was opened for Commission discussion.

Commissioner Dideum made a motion to accept this application with the conditions that staff has placed on the home that the driveway will need to be paved. Commissioner Hoth seconded the motion and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION:**

**COMMENTS FROM THE PUBLIC:**

**COMMENTS FROM COMMISSION/STAFF:** Commissioner Hoth would like to see the vacation homes come back before the commission if they become a problem.

Mr. Cupples stated that Commissioner Horning has a point because we don't know if a neighbor has contacted a property manager over and over with no resolution. We just wouldn't know until they contact us and let us know about an ongoing problem. The property manager is in a much better place to take and fix the problems if there are any. Then it should come to the planning department if the property manager isn't getting the result they need. For example, in the garbage situation the property manager should speak with the owner and try to resolve it before bringing it to the planning department. Chair Romine stated that in this day and age, with computers and having electronic files it's not that difficult to attach a complaint letter to an e-mail and send it to the owners, staff and planning commission. It doesn't necessarily need to be addressed by the Planning Department but can at least be filed in the property file. This way we can keep track of how many complaints certain management companies have and keep track of it that way.

Commissioner Ridout stated that in the staff report under Conclusion to criteria #1, item #7 states that owners are encouraged to notify the City. This should be changed to say required to, or expected to notify the city of a change in management companies.

Commissioner Dideum stated that the vacation rentals in her neighborhood have changed management companies several times and they have never been notified of the change.

Commissioner Ridout also mentioned that item 10 states that the homes are required to have a carbon monoxide detector and he believes that it goes beyond what state law requires. Mr. Cupples stated not according to Bob Mitchell the Building Official, and he won't argue with Bob, because Bob will win.

Mr. Mitchell also found in code that if the home has an occupancy of more than 10, the building will need to be sprinklered.

**ADJOURNMENT:** Adjourned at 8:00 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** March 27, 2013  
**Applicant:** The Sand Chateau 1 LLC.  
PO Box 91474  
Portland, OR 97291  
**Owner:** Reynold Roeder  
**Location:** 1317 N Prom, T6-R10-S 16DA TL#3101  
**Subject:** Conditional Use 13-005VRD; Vacation Rental Dwelling Permit

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### REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1317 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **ten (10)** 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:

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

B. 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 **1317 N Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant** is requesting a maximum occupancy of **ten (10)** within the existing **four** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **four** off-street parking spaces that are available on the site. **Two inside the garage and two in front of the garage.**
- b. The existing **four** bedroom residence will have a limited occupancy of **ten (10) people**. The limited occupancy was requested by the applicant due to the additional building code requirement that would apply for a transient occupancy greater than ten 10.

- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
  - d. The Sand Chateau 1 LLC (P.O. BOX 91474, Portland OR 97291) will be the manager for the VRD (Home 503-690-0627, Work 503-320-5540). **Larry Popkin (1580 N Roosevelt, Seaside OR 97138) will be the local contact for the VRD and he can be reached at 503-738-8400 during normal business hours or by cell phone at 503 440-9329 after hours.**
  - e. The owner/applicants, **The Sand Chateau 1 LLC** 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 **42%** of the surrounding dwellings are licensed for VRD use and all of the property is zoned **Medium Density Residential (R-2)**.
  3. All property owners within 100 feet of the subject property were notified of the applicant's request. The Community Development Department **has not** received written comments about the applicant's request.
  4. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
  5. Although the number of bedrooms and parking spaces would permit an occupancy of 12 based on the provisions in the zoning ordinance, the building official has advised the applicant the building code will require an approved sprinkler system for an occupancy over ten (10). The applicant is requesting an occupancy of ten (10) in order to avoid the building code requirement to protect the building with an approved sprinkler system.
  6. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These were reviewed with the City Council prior to adoption and they are consistent with the provision in Section 6.031 which in part states: "...the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

#### **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 **13-005**

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

2. **Parking spaces: Four (4) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.
3. **Maximum number of occupants: TEN (10) persons.** 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. The occupancy could be increased to twelve (12) persons over the age of three if the applicant meets additional building code standards in the future.
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: Larry Popkin (1580 N Roosevelt, Seaside OR 97138) will be the local contact for the VRD and he can be reached at 503-738-8400 during normal business hours or by cell phone at 503 440-9329 after hours.** 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. **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.

- 9. 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.**
- 10. 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.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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.

**15. 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.

**16. 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 **13-005VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **TEN (10)** at **1317 N Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

- This approval will become void one (1) year from the date of decision unless final plans are submitted or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

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

**Attachments:** Applicant's Submittal

**CITY OF SEASIDE  
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: The Sand Chateau I, LLC
2. Mailing Address: PO Box 91474, Portland, OR 97291
3. Telephone #: Home 503-690-0627, Work 503-320-5540, Fax None
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: 1317 N Prom, Seaside, OR 97138
6. Tax Map Ref.: Township 6N, Range 10W, Section 16DA, Tax lot # 10906
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? ~~3~~ 4 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 10. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
9. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take

**ORIGINAL**

VRD Application updated 5-5-11

20 -  
100 -  
430 -  
557 -

9602

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**CITY OF SEASIDE**

FEB 21 2013

**PAID**

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

**10. Who will be acting as the local responsible party for the VRD owner? Name:** Lawrence Popkin **Phone #** 503-738-8400. **Address:** 1580 N. Roosevelt Drive, Seaside, OR 97138. The VRD ordinance states: *A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).*

**11. What is the zone designation of subject property?** 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.).**

**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.

By: The Sand Clateau I, LLC

Applicant's Signature: [Signature] Date: 2/20/13  
*Member*

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

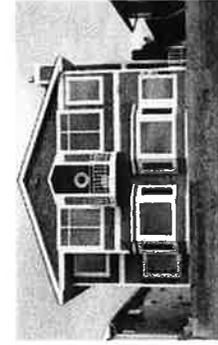
~~~~~ For Community Development Use ~~~~~

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

File Reference # 13-005 VRD Date determined to be complete: \_\_\_\_\_

If applicable, date for Planning Commission Hearing: 4-2-13





<<< Exterior photos



Top floor, from L to R: Northern MBR sink, shower, bed. Southern MBR sink, bed.



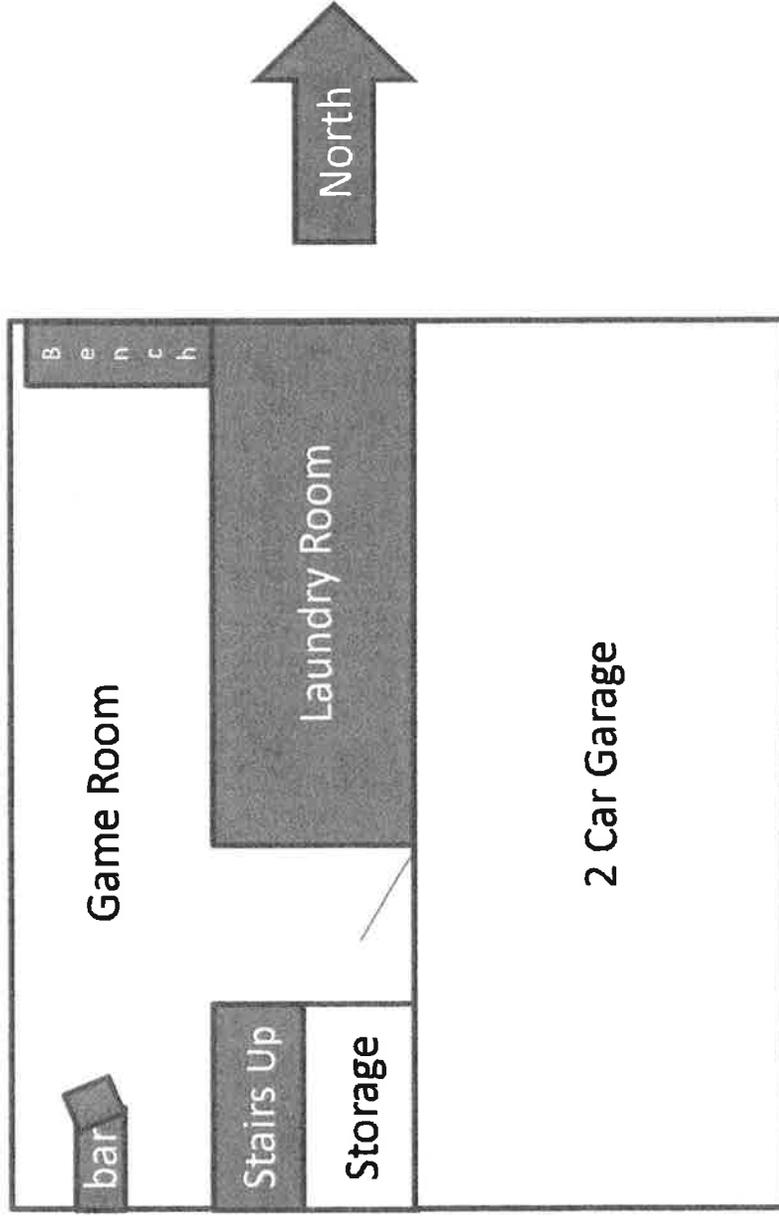
Main floor L to R: Bdrm 1, bdrm 2, den, livingroom, kitchen, view from kitchen



Bottom floor L to R: Pool/game room, laundry room, 2 car garage

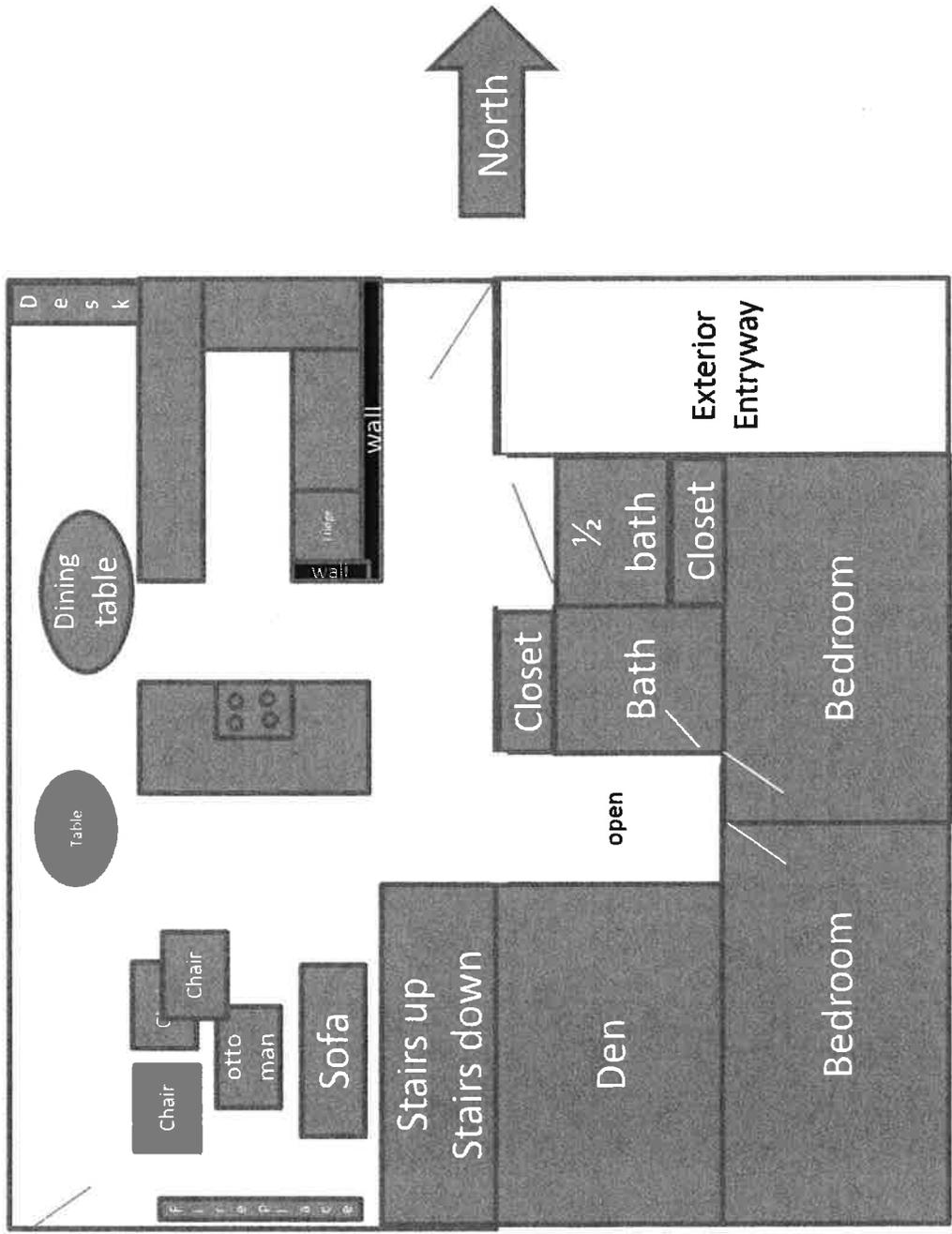
# Ground Floor

(Not to scale – see pics)



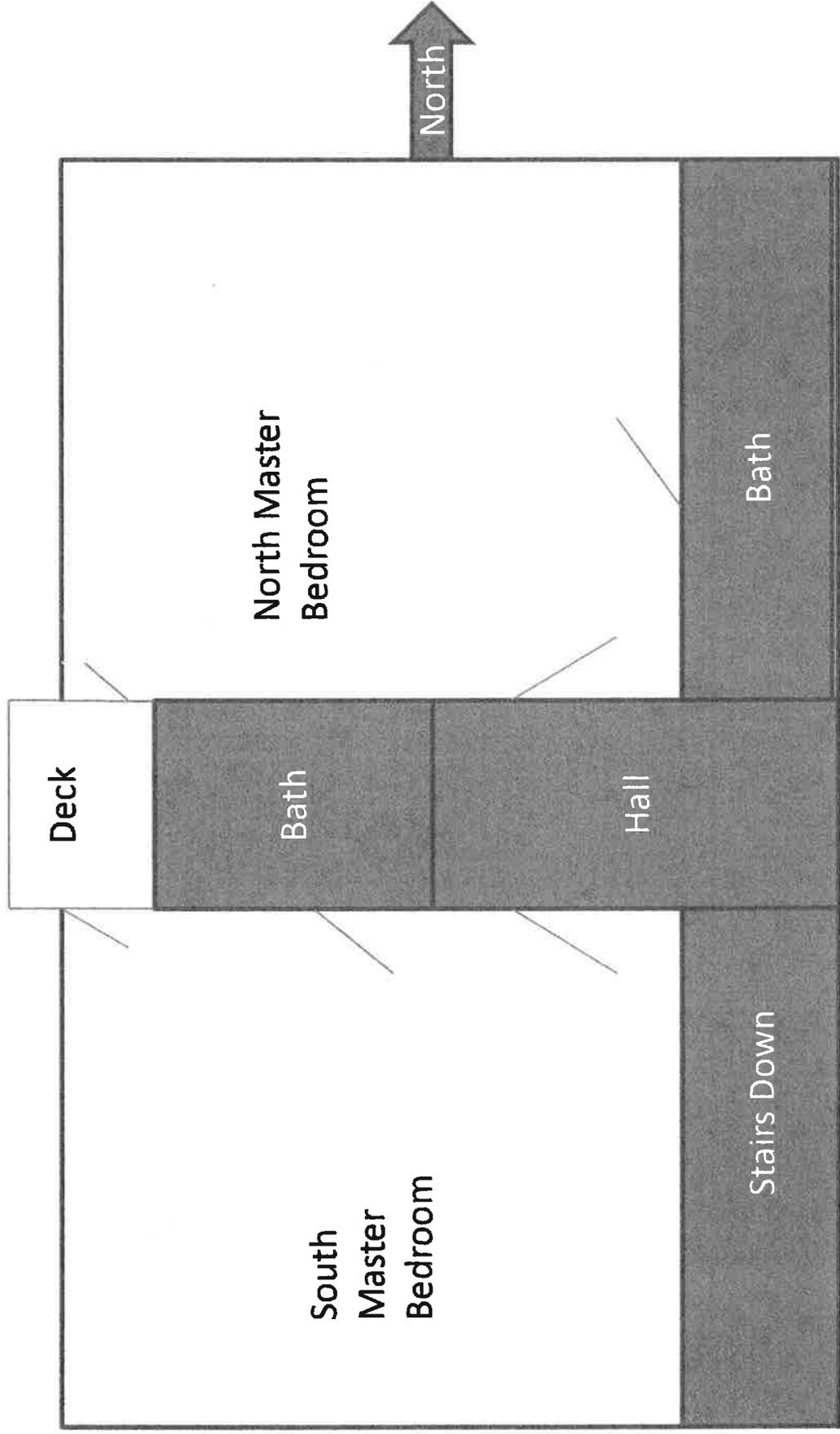
# Main Floor

(not to scale – see pictures)



# Top Floor

(not to scale – see pics)



**CITY OF SEASIDE, OREGON DRAFT OUTDOOR LIGHTING ORDINANCE**

**ORDINANCE NO. 2013- \_\_**

**AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, ADDING CHAPTER 101 TO THE CODE OF SEASIDE, ESTABLISHING OUTDOOR LIGHTING REGULATION, MAINTENANCE PROVISION, & NUISANCE LIGHTING ABATEMENT PROCEDURES.**

**WHEREAS**, the city is interested in reducing the visual glare caused by unshielded exterior lighting in Seaside; and

**WHEREAS**, the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids illumination of the surrounding environment is an efficient use of lighting; and

**WHEREAS**, the City of Seaside is interested in establishing "Dark Sky" provisions that will in time make the night sky more visible throughout the city.

**WHEREAS**, lighting that is directed at neighboring residential property can create adverse impacts and it is not specifically recognized as an enumerated nuisance under the current nuisance ordinance, Chapter 96; and

**WHEREAS**, City Council is seeking a way to promote the use of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**SECTION 1.** Amend the Code of Seaside by adding Chapter 101 to read as follows:

**CHAPTER 101: OUTDOOR LIGHTING**

**101.010 PURPOSE, FINDING, & INTENT.**

The city council finds that the installation of outdoor lighting can cause unwanted impacts within the City of Seaside and adversely affect the value, utility, and habitability of the property within the city as a whole.

The purpose of this supplementary provision is to make the lighting used for residential, commercial and public areas appropriate to the need and to keep light from shining offsite onto adjacent public rights of way or private properties. Further, it is to encourage, through regulation of type, kinds, construction, installation, and uses of outdoor illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the City

These lighting provisions contained herein are intended to achieve the following:

- (A) Develop regulations that will promote the installation of outdoor lighting that will enhance the livability of our community and minimize the impacts exterior lighting can have on surrounding properties or our environment; and
- (B) Establish guidelines for the installation of lighting that is controlled in such a way that it illuminates the subject property and avoids the inefficient illumination of the surrounding environment; and
- (C) Supplement city Nuisance Ordinance Chapter 96 and further define lighting classified as a public nuisances.

#### **101.020 REQUIREMENTS FOR INSTALLATION.**

Except as exempted by provisions of this ordinance, as of the date of adoption; the installation of outdoor lighting fixtures shall be subject to the provisions of this ordinance.

#### **101.030 SHIELDING**

All nonexempt outdoor lighting fixtures shall have translucent covers that eliminate glare or directed shielding so as to prevent direct light from the fixture to shine beyond the property limits where the fixture is installed. This means that a person standing at the adjacent property line would not see the light emitting source (See Figure 1). The "translucent cover" was added in an attempt to Consider some type of provision that would address the use of indirect lighting from inside a sign or through a n-opaque globe, similar to the lights on Broadway and the walkways along Roosevelt.

#### **101.040 PROHIBITIONS.**

- (A). Laser Source Light. The use of laser source light or any similar high intensity light when projected beyond property lines is prohibited.
- (B). Searchlights. The operation of searchlights for purposes other than public safety or emergencies is prohibited.

#### **101.050 EXEMPTIONS.**

~~(A) Nonconformance.~~

(A) Outdoor light fixtures lawfully installed prior to the effective date of this ordinance are exempt from all such requirements except as follows:

(1) All replacement of outdoor lighting fixtures (free standing & those on the exterior of a buildings); installed prior to -as-of the date of adoption, shall be subject to the provision of this ordinance.

(2) A light directed onto a neighboring property such that is declared a nuisance in accordance with City Ordinance 96.23 (B).

(B) Site lighting along the common property lines of non-residentially developed property where continuous illumination is intended. Likewise, lighting along the common property lines of all parking lots where continuous illumination is desired.

(C) Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration are exempt from these provisions. All other airport outdoor lighting must conform to this ordinance.

(D) Lights of less than 15 watts used for holiday decorations for no more than 45 days are exempt from the requirements of this ordinance.

(E) Carnivals, Fairs, or other special events that require the use of temporary outdoor lighting fixtures are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(F) Lighting for U.S. flags properly displayed; however any new flags shall be lighted with downcast lights in a manner that is dark sky compliant.

(G) Temporary exemptions to the requirements of this ordinance for up to five days per calendar year.

(H) Construction lighting necessary for an allowed use are exempt except that permanent installations at dedicated sites must conform to the requirements of this ordinance.

(I) Lights installed on public property or in the public right of way; however, all lighting must aspire to use dark sky compliant fixtures and use recessed lighting elements or indirect light sources wherever practical.

(J). Individual light fixtures with lamps of less than 1800 lumens.

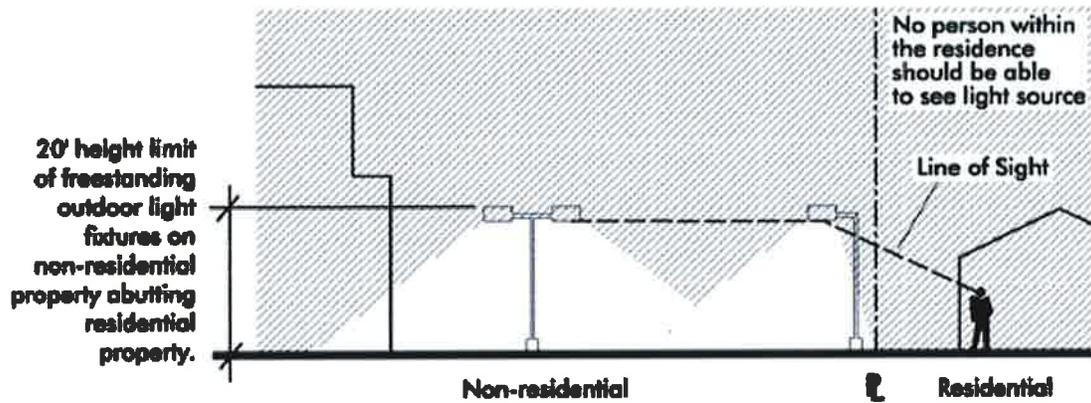
*Examples of lamps with 1800 Lumens and Less (Note, these figures must be checked)*

*The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.*

*Examples of lamp types of 1800 lumens and less are:*

- *100 Watt Standard Incandescent*
- *15 Watt Cool White Fluorescent*
- *15 Watt Compact Fluorescent*
- *18 Watt Low Pressure Sodium*

**Figure 1**  
**Shielding Provisions for Outdoor Lighting**



**This example would require editing and additional examples of appropriate fixture types should be provided.**