

**SEASIDE PLANNING COMMISSION AGENDA**  
**989 Broadway - City Hall Council Chambers**  
**July 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:** June 4 2013
- 6. PUBLIC HEARING:**

**A.). 13-018VRD** is a request by Karen Dollar, Victor Dollar, Robert & Eleanor Fuglee, and Daniel Fuglee for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **6** people. The property is located at **2233 S Columbia** and it is zoned High Density Residential (R-3).
- 7. ORDINANCE ADMINISTRATION:**
- 8. PUBLIC COMMENTS:** Not related to specific agenda items:
- 9. PLANNING COMMISSION & STAFF COMMENTS:**
- 10. ADJOURNMENT**

**MINUTES SEASIDE PLANNING COMMISSION**  
**June 4, 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/EX PARTE CONTACT:** Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

**APPROVAL OF MINUTES:** Motion to approve the May 7, 2013 minutes; Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Horning 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:** None

**ORDINANCE ADMINISTRATION:** Reconsideration of Outdoor Lighting Ordinance:

- 1.) Open Discussion
- 2.) Public Comments
- 3.) Consider Recommendation to City Council

Mr. Cupples stated that this has been discussed at several work sessions and at several Planning Commission Meetings. This draft light ordinance is now ready to either send to City Council for their review or not.

Commissioner Carpenter stated that there are people in the audience so we should open this up for public comment.

Chair Romine asked if there was anyone in the audience that would like to comment.

Mr. Cupples stated that we did receive one letter from a property owner that is in support of the lighting ordinance and that letter is in the packet.

Randall Henderson 89066 Ocean Dr, Warrenton OR 97146. Mr. Henderson stated that he is here in support of the lighting ordinance and feels that it's a great idea. If you look at other areas in the country like Sedona and Flagstaff, they have a lighting ordinance and it doesn't hinder their tourism industry. This is a very positive thing. Mr. Henderson asked about item E on the Ordinance. It seems that the way it is written isn't right. Mr. Cupples stated that there is a place that reads "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". Mr Henderson asked "where do you get the shields?" Mr. Cupples stated that in many cases you would probably have to have one fabricated. Mr. Henderson also stated that the city should have something on the website that would let people know where to buy these types of lighting fixtures and where to get the shields fabricated.

Commissioner Carpenter stated that this has been discussed many times and he has no further questions.

Commissioner Winters stated that he has talked with the City's Fire Marshall and he stated that all the exterior lights will have to be replaced if this ordinance is passed. Right now the fire department is up in Warrenton on a really large fire and when they get back into town they are going to have to clean their equipment. If this ordinance goes through they won't be able to see what they are doing because there won't be enough light. Commissioner Winters also stated that last week there was a small crime wave that went through town and people's trailers and equipment were stolen. Lighting is very important for people who want to protect their property. It doesn't cost the creators of this ordinance any money but it costs everybody else money and he feels that that should be considered also. Commissioner Winters also stated that Mr. Henderson had a good point, where do you find the shields for the lights?

Chair Romine asked Commissioner Winters about the information that he said he had for the last meeting and didn't bring, did he bring it this evening. Commissioner Winters stated no but the State has all these rules and regulations so why are we recreating something that the state takes care of. Commissioner Horning asked Mr. Cupples if he has talked to the Fire Department regarding this lighting ordinance. Mr. Cupples stated that no he has not, but by generally controlling where the lighting is shining is better than having the lighting cast all over. If you look at the football field it has directed lighting. It doesn't shine all over. It only shines on the football field.

Commissioner Dideum asked about the exemptions. If you have light that is nonconforming and it is rusted out do you have to buy a compliant light fixture? Or can you buy a fixture like for like. Mr. Cupples stated if you are replacing an existing light fixture that has rusted out then there is not permit required which means you can replace like for like. If you are adding additional light fixtures where you will need an electrical permit then yes you would need to be dark sky compliant. Commissioner Dideum also stated that the nuisance ordinance doesn't really cover lighting and that is why we need this ordinance, the nuisance ordinance covers garbage, trees, noise and noxious vegetation and all that. Lighting is missing from this list. Commissioner Ridout asked if she would recommend the nuisance ordinance be amended to include the word lighting. Commissioner Dideum stated that these other things have a section in the ordinance and asked, is lighting going to be a separate ordinance or will it be added to an existing one. Mr. Cupples stated that this is a free standing ordinance. Commissioner Hoth stated that he thinks that this is a good idea, the purpose is good, and that it's worthy of discussion and he's not sure that this ordinance itself is in the best shape to deal with these issues yet and does raise the concern of enforcement. As far as safety goes a lighting ordinance may be necessary. Commissioner Hoth feels that this is ready to go to the City Council.

Chair Horning stated that he does go walking at night and the sidewalks are not very illuminated so he carries a flash light. It wasn't until about a year and a half ago that we were at a joint work session with the city council where the planning commission made a presentation regarding the lighting ordinance. At that time the City Council thought it was a worthy topic to pursue. So the City Council is expecting something. LA County just passed a lighting ordinance and the maximum lumens that you can put out before you shield them are 40 watt incandescent. We are already regulated and this will help keep the natural areas natural and this will help keep the quality of nature as high as possible within the city. Without it, it will only get worse. Technology is leading to brighter lights and to more intrusive lighting and this is a solution to a problem that has been developing technologically. We are already enforcing lighting with the conditional uses. We are telling new developments that they must shield their lights. So we act like this is important. If City Council says we should move forward with it then let's move forward with it.

Commissioner Ridout stated that he doesn't see a need for a lighting ordinance and currently the street lighting isn't bright enough. A lot of years ago they lowered the wattage on the street lights because it was cost effective to have lower wattage. Now he can't find the key to his front door lock because the wattage is so low. We need more lighting not less. That is one of the reasons he lives in town is because of the lighting.

Commissioner Carpenter made a motion to send the lighting ordinance to the City Council as written. Commissioner Hoth seconded and the motion was carried with a 5 to 2 vote, Commissioner Winters and Commissioner Ridout voting no.

#### **COMMENTS FROM THE PUBLIC:**

Chair Romine stated that after many discussions and working through several meetings the commission has come up with a compromise and now has something to present to the City Council.

Ronnie Rose, 2960 Keepsake Dr., Seaside OR. She wants to know the process that the commission goes through to make decisions. We have a neighbor that has requested a vacation rental and as a representative of the neighborhood we are saying that the neighborhood is opposed to any vacation

rental in our neighborhood. Mr. Cupples stated that what he would like to avoid is talking about a pending VRD request. This particular VRD is a planning director decision but if you have something generic to discuss regarding vacation rentals in your subdivision whether you think that area should be excluded or whatever you can. The planning commission and city council have worked on trying to avoid certain areas within the city, but they are the appellant body for any planning director decision and so we try not to get them involved with a decision unless it's bouncing into their court. Under general statements if you have something that is not directed towards a particular application that is more appropriate and it doesn't muddle the decision making process. Ms. Rose stated that she really likes residential neighborhoods in Seaside. It's a wonderful place to live and is interested keeping the residential feel of her neighborhood.

Thomas Kenny, 491 Fairway Ct. Seaside OR. He is also against vacation rentals in their general area and has had some problems in the past. We are not against long term rentals. Vacation rentals are usually party time for a lot of people. He is from Alaska and ended up in Seaside and loves it here and would like to keep it that way. He opposes VRD's in the cove area.

**COMMENTS FROM COMMISSION/STAFF:** None

**ADJOURNMENT:** Adjourned at 7:55 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

**To:** Seaside Planning Commission  
**From:** Administrative Assistant, Debbie Kenyon  
**Date:** June 26, 2013  
**Applicant/:** Karen Dollar, Victor Dollar, Robert & Eleanor Fuglee,  
**Owners:** and Daniel Fuglee; 9937 SE Grant, Portland, OR 97216  
**Location:** 2233 S Columbia, T6-R10-S 28BA TL#3800  
**Subject:** Conditional Use 13-018VRD; Vacation Rental Dwelling Permit

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**REQUEST:**

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2233 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the **applicants are** requesting a maximum occupancy of **six** within the existing **three** bedroom dwelling.

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

**DECISION CRITERIA, FINDINGS AND CONCLUSIONS:**

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

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

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

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

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

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

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

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

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

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

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

1. The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2233 S Columbia**. The subject property is zoned **High Density Residential (R-3)** and the **applicants** are requesting a maximum occupancy of **six** within the existing **three** bedroom dwelling.

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

- a. The applicant's plot plan indicates there are **two** off-street parking spaces that are available on the site. **Two cars stacked in the driveway.**
- b. The existing **three** bedroom residence will have a limited occupancy of **six (6) people**. The limited occupancy was requested by the applicant due to the limited parking currently available on site.
- c. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
- d. **Rogers Inn Vacation Rentals (436 S Downing, Seaside, OR 97138) will be the local manager for the VRD. Bobbie Murphy will be the local contact for the VRD and she can be reached at (503) 738-7367 during**

**normal business hours or by cell phone at (971) 998-2756 after hours.**

- e. **The applicants** have read all of the standards and conditions applicable to VRDs.

3. Although the number of bedrooms and parking spaces would permit an occupancy of **six** people over the age of three based on the provisions in the zoning ordinance, the building official has indicated the building code requires an approved sprinkler system for an occupancy over **ten** regardless of age. The applicant is not planning to install an approved sprinkler system, so the additional occupancy restriction should be reflected in the conditions that govern the use of the property.

3. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings but also includes some commercial uses. Currently **20%** of the surrounding properties are licensed for VRD use and all of the property is zoned **High Density Residential (R-3) and Commercial Neighborhood (C-1)**.

4. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **has** received **one** written comment about the applicant's request and their concerns are summarized below:

- a. Although there is a fence along the common rear yard between 2232 S Downing and the proposed VRD at 2233 S Columbia, that fence does not prevent noise from barking dogs at 5 a.m.
- b. Thought this was a non rental neighborhood.
- c. Already have a restaurant & grocery store in neighborhood.
- d. People party at rentals & I can hear them.
- e. Tree limbs from the property grow over the line and they're untrimmed causing a mess. If they don't keep these maintained what good will having rules do.

5. The applicant's have not indicated if pets will be permitted in the VRD.

6. VRDs are a conditionally permitted use in the R-3 zone.

7. The restaurant & grocery store are both located in the (C-1) zone and those uses are permitted in the zone.

8. The city's noise ordinance provisions apply to VRDs and non VRD's alike. Whereas noise complaints are generally reported to the police for follow-up, VRD's are required to have a local responsible party that can help address issues, if and when they arise.

9. Specific guidelines for landscaping along property lines can be specified by the Planning Commission in order to address compatibility issues.

10. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.

11. 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."

12. . The property has undergone a preliminary compliance inspection and a list of corrections was provided to the property representative. These corrections must be completed and approved by final inspection prior to any transient rental of the property.

### **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 **(13-018 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: Two 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: Six persons over the age of three (maximum of ten regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 4. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when

they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.

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

**6. Local Contact:** **Rogers Inn Vacation Rentals (436 S Downing, Seaside, OR 97138) will be the local manager for the VRD. Bobbie Murphy will be the local contact for the VRD and she can be reached at (503) 738-7367 during normal business hours or by cell phone at (971) 998-2756 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 **13-018VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **Six (6)** at **2233 S Columbia**. This decision can be supported by the Commission adopting the

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

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

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

**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**

Daniel Fuglee

1. Applicant's Name: Karen Dollar, Victor Dollar, Robert & Eleanor Fuglee,
2. Mailing Address: 9937 SE Grant, Portland OR 97216
3. Telephone #: Home 503 255 7968, 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: 2233 S. Columbia, Seaside, OR 97138
6. Tax Map Ref.: Township 4, Range 10, Section 28B A, Tax lot # 3800 R-3
7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
8. How many bedrooms are in the dwelling? 3 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. 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

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**CITY OF SEASIDE**

MAY 10 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: Rogers Inn Vacation Rentals Phone # 503 738 7367. Address: 436 S. Downing St. 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-3. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

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

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

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

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

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

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

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

Applicant's Signature: Karen Dollar Date: 5-10-13

Eleanor Fugler Robert Fugler Daniel Fugler Victor R. Dollar  
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 ~~~~~

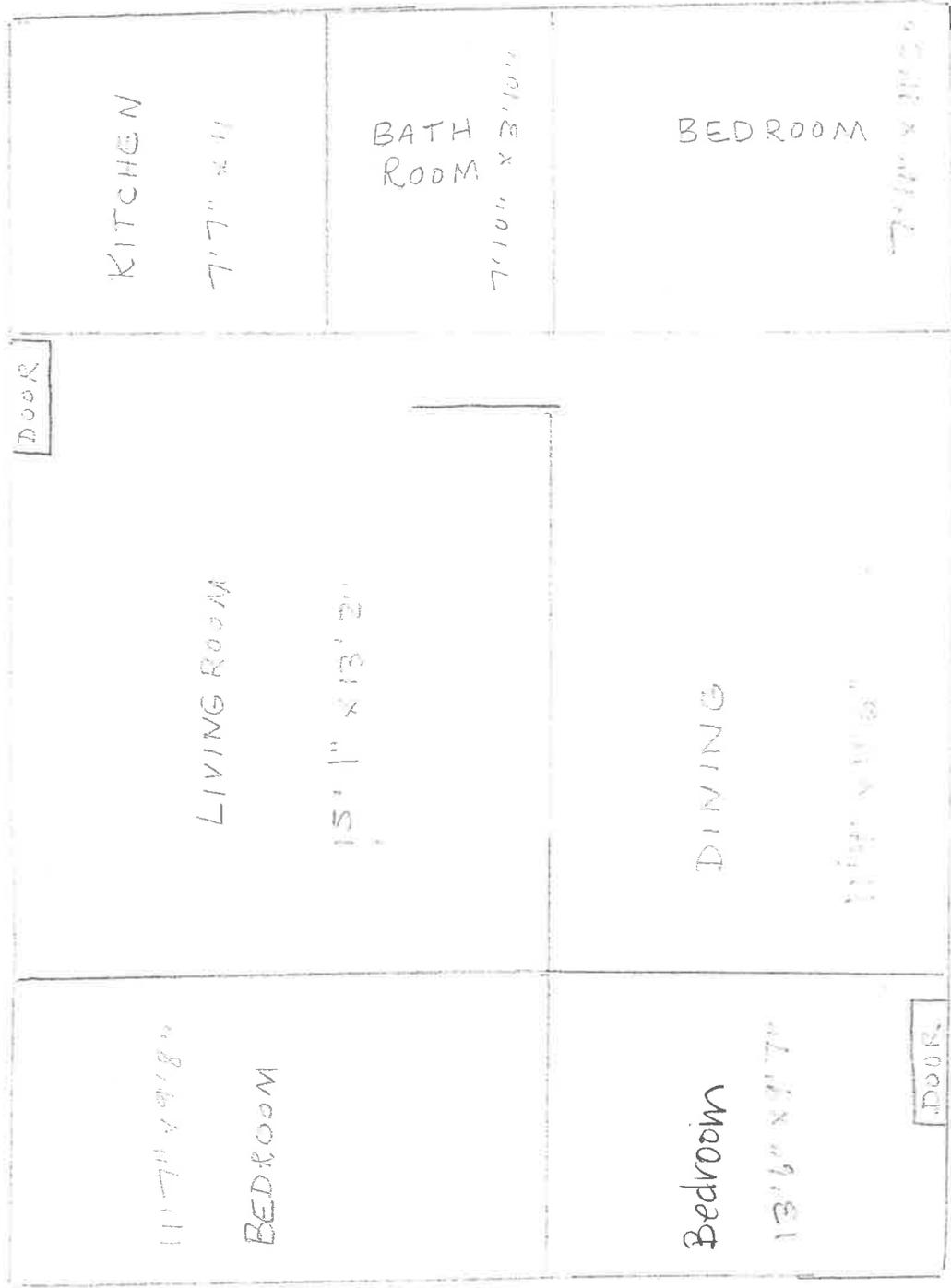
Date application was received at Community Development: \_\_\_\_\_

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

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

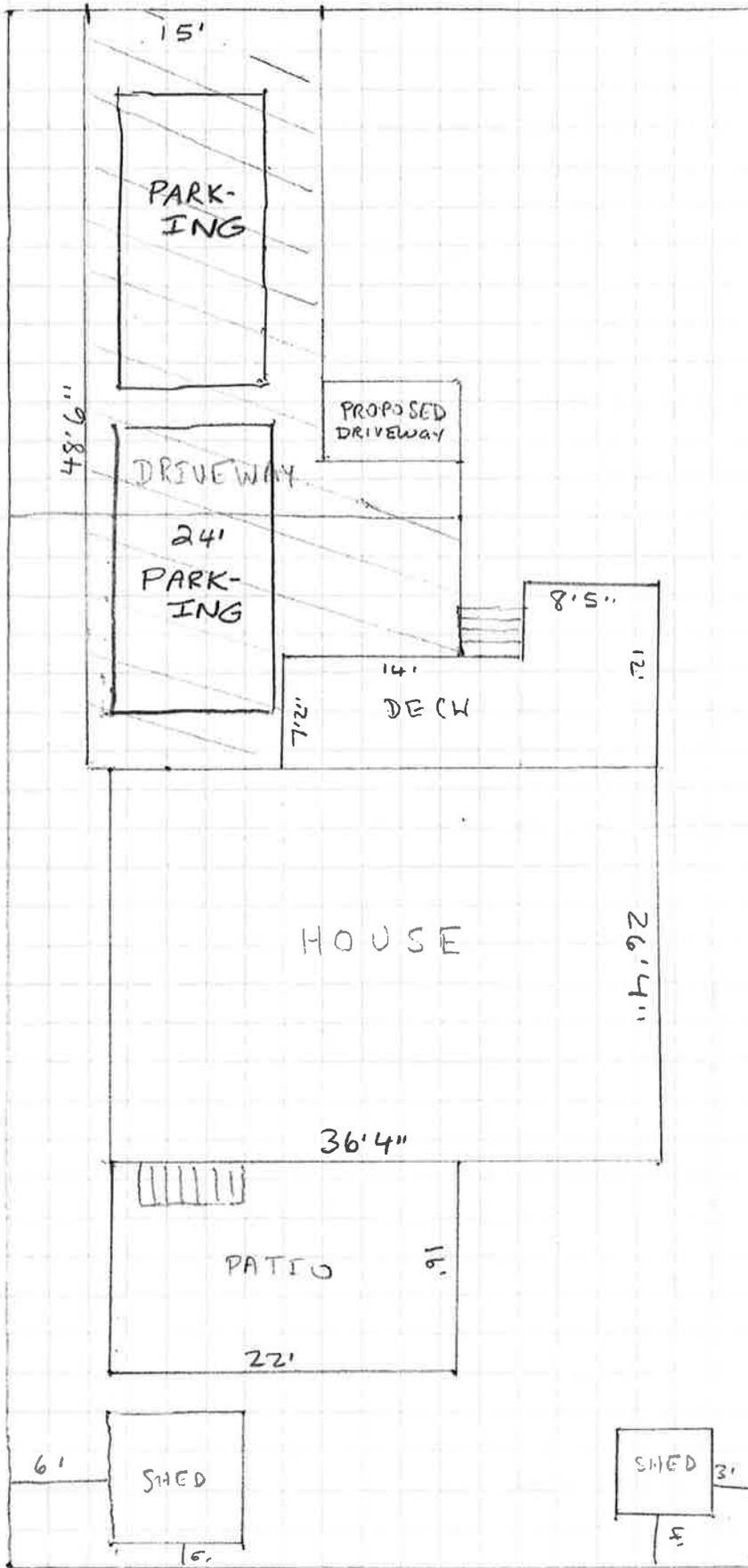
2233 S. Columbia

FRONT YARD



BACK YARD

COLUMBIA



Lot Size: 4850 sq. ft.  
 Footprint residential: 960 sq. ft.  
 Sheds: 200 sq. ft.  
 Lot coverage: 24% or 1160 sq. ft.  
 100'

SCALE:  
 1 SQUARE  
 =  
 2.5 FEET

6-17-2013

05-19-13 P12117 IN

Seaside Planning Commission  
about 2233 S. Columbia to be a rental

Please do not allow this to happen  
There is a fence between us, but  
that doesn't stop barking dogs from  
5 AM as this last weekend from the  
rental next door to above (6-15-2013)

This does not need to be a rental  
I thought it was to be a non rental  
neighborhood. Please folks I have  
lived here 20 yrs and have a grocery &  
restaurant next door & rental next to both  
How much more.

If you drive by my house you can  
see I try to make a nice home that  
looks lived in.

I'm 81 & try to be a good neighbor  
but I draw the line here.

People party at a rental because I  
hear it.

If they won't remove the large trees  
that are a problem & hang on my property  
how can I expect them to adhere to  
the rules.

\* The  
mess  
they  
make

Joanne Polaschek  
2232 S. Downing  
City

738-5472