1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. OPENING REMARKS:
4. DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:
5. APPROVAL OF MINUTES: October 1, 2019
6. PUBLIC HEARING:
   A. 19-063VRD: A conditional use request by Leslie Dorsett for a three (3) bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of six (6) people over the age of three. The property is located at 600 15th Ave (T6-R10-S15CB-13002) and it is zoned High Density Residential (R-3).
   B. 19-067CU: A conditional use request by Sunset Empire Parks and Recreation District that will allow the development of an indoor training facility at 1140 Broadway (T6, R10, 22BB t14801). The proposed metal building would be located north of the Sunset Empire’s building near the northwest corner of the Broadway Park ballfield, where the current batting cages are located. The building would be approximately 56’ by 86’ and the development has been endorsed by the Seaside Parks Advisory Committee. The subject property is currently zoned Medium Density Residential (R-2).
7. ORDINANCE ADMINISTRATION:
8. PUBLIC COMMENTS: Not related to specific agenda items:
9. PLANNING COMMISSION & STAFF COMMENTS:
10. ADJOURNMENT
CALL TO ORDER: Chair Chris Hoth called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chair Chris Hoth, Vice Chair David Pcsalski, Bill Carpenter, Lou Neubecker, Robin Montero, Jon Wickersham and Teri Carpenter. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: None

APPROVAL OF MINUTES: September 3, 2019 adopted as written.

INTRODUCTORY STATEMENTS
This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Hoth 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.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:
Chair Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Commissioner Teri Carpenter stated that she knows the Van Hornes and will be excusing herself from the vote.

AGENDA:

PUBLIC HEARING REQUIREMENTS:
The following public hearing statements were read by Chair Hoth:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.

2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.

3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:
A. Continuance: 19-033VRD A: Appeal by Todd Van Horne of a Planning Director decision to approval Jerry Johnson’s vacation rental dwelling (VRD) at 403 9th Ave. (T5-R10-16DD-TL1200). The conditional use approval was for a four (4) bedroom VRD with a maximum occupancy of nine (9) people over the age of three, no more than ten (10) regardless of age. The property is zoned High Residential Density (R3).

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Todd Van Horne read the following statement: Good evening Seaside planning commission, thank you again for this opportunity to appeal the conditional use VRD permit for 403 9th Ave. Seaside has been a part of our family for over 100 years. Since 1910, our connections to the community of Seaside have been strong. The pride of our great-grandparents in Seaside’s early years dots our family history with snapshots and memories. One of our great family traditions is to ride a surrey in the Seaside 4th of July parade. We proudly have a sign on the surrey that says, "Celebrating 5 Generations in Seaside." The approval of "conditional use VRD permits" violates the intent of zoning and as a result,
we are losing our neighborhoods and community in Seaside. The original intent of these permits was for "occasional use," not businesses being established in high density zoned neighborhoods. Outside this room is a display that has Seaside's mission statement toward excellence: "The mission of the city is to improve the livability of our city by offering exemplary public service for all citizens and guests, thereby creating a strong spirit of community and a safe and enjoyable environment for everyone."

We understand the balance of property owners and guests. Tourism is a part of the Seaside economy. This appeal is not a personal dispute with our neighbor. We have reached the tipping point by too many Vacation Rental dwellings. We are out of balance on the backs and to the detriment of our residents. I have three main points:

A violation in this conditional use permit process.
The misuse of Seaside zoning laws and conditional use permits.
The need for stronger City oversight of managing VRD property businesses.

1. **A violation of the conditional use permit process.** The City planner must notify of property owners within 100' of a conditional use VRD requests. We were notified of our property at 369 9th Ave, but not at 370 9th Ave. Although this may appear to be a technicality, due diligence by this commission should be taken assuring proper notification is followed. These properties have separate names and tax accounts. We were not notified of 370 which is a violation of the permit process. This brings about questions for other required notifications within 100'. Section 6.137 of the Seaside zoning laws, 2.E states that a spatial distribution requirement of VRD's must not exceed 20% within a 100' area. We believe there are more than 20% VRD's in this area and this approval at the time of this audit. During the September 3rd, 2019 Planning commission meeting, Planning Director Kevin Cupples, stated that 100' was determined from the center point of a property. The map given under his office's evaluation, show the 100 from the properties edge, not the center. Measuring from the properties edge this adds two more properties into the count, changing the percentage. If measured from the center point of the property, 100' affects 11 properties with now 3 VRD's or 27%, which is out of compliance.

We request the planning commission review all notifications of affected properties and clarify how 100' is determined. Has a violation has occurred?

2. **There is a misuse of our zoning laws and Conditional use permits. VRDs are not a homeowner's legal right.**

We own a cabin and a lot in a R3 High Residential zone. The main purpose of an R3 zone is to provide housing for families. There are areas of R-R (Resort Residential) that provide spaces for tourist accommodations. Mixing these without the Planning Commission's full guidance has created this problem.

Section 6.010 states the purpose of conditional use permits: "Because of their unusual characteristic or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance."

Section 6.020 PLANNING COMMISSION AUTHORITY. The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the standards and procedures set forth in Sections 6.030 through 6.140.

Section 6.137 VACATION RENTAL DWELLING (VRD)
Purpose. The Vacation Rental Dwelling Permit is in recognition of the desire of many people to rent their property on a short-term basis.

A Home owners "Desire" is not a legal right. In this case, there is no "unusual characteristic, or special characteristics," and where this VRD fits within the comprehensive plan. In the R3 zone of 9th Avenue we have been disproportionately impacted. We do not need another new VRD, we currently have 11 on 9th Avenue.

Missing in the VRD requirements is insurance. As a business license is required for a VRD permit, proof of insurance should be required. Many homeowner policies do not cover homes that are becoming rentals/VRD's. Commercial insurance should be a city requirement as this protects both the homeowners, their neighbors, and their visitors. All other seaside businesses have this requirement for commercial insurance. The city is also exposed with this risk and could potentially be sued without a commercial
 Managing property businesses are not managing the impact of the community.

The fox is guarding the hen house. We need city oversight on the community impact of VRD’s. We do not have a City Code Compliance Officer, even though the ordinances outline their role.

Section 6.137 6.F. 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.

I’ll read this note from Ruth Koch, a 92 years old residence that has lived on 9th Avenue for 60 years and the adverse effects of too many VRD’s.

(RUTH’S LETTER)

September 2nd, 2019

It has been brought to my attention that there is another property on my street at 407 9th Avenue that have intentions of using this property as a vacation rental property under the rental property agent; BEACH HOUSE VACATION RENTALS. (Erin Barker, owner/operator). I am a home owner of 320 9th Avenue for over 60 years and I am really getting overwhelmed by vacation rentals.

There are SEVEN properties that I am very familiar with of which are, 260 9th, 310 9th, 440 9th, 350 10th, 340 10th and 719 North Downing and then I could list the houses leading up to the beach that too are vacation rentals. How many rentals do I need to list to get the point across? Enough is enough. None of these houses mentioned have enough parking to sleep the amount of people they can have. Plus the friends that decide to bring their pillows too. Over the years I personally have had issues with two of Erin’s vacation rentals, one being 310 9th Avenue. They have numerous times hit my rockery wall and also my cyclone fence. Without any concern of my property. On one occasion Erin’s own employed housekeeper hit my fence, I had to call the police to have them track the house keeper down, she acknowledge the damage and paid for the damages as she claimed it on her insurance. It wasn’t Erin that cared about my property. Many occasions the garbage cans are left on the curb for days, until one of her housekeepers puts them back in the yard. Right now, I have broken reflectors and a bent fence post that need to be fixed from RENTERS hitting it. I again have brought it to Erin’s attention, not even a phone call has been received. Who’s responsible for fixing my fence that her RENTERS damaged. The other rental property is directly behind my property at 340 10th Avenue. The parties that go on ALL hours of the night. (HOT TUBBING).

END

As detailed earlier, a commercial insurance policy could have resolved this issue. We ask that this commission request the complaint log from Beach House Vacation Rentals and evaluate actions taken to resolve these complaints prior to approving this new VRD they will be managing. We also request the hiring of Code Compliance officer, to better resolve such disputes prior to adding more VRDs. In closing, we believe this commission needs further study into the issues of a permit process violation, resolution of new housing guidelines, and instituting of processes and procedures of a city code compliance off’s regarding managing property businesses and complaint resolution. As the mission statement says, “let’s create a strong spirit of community and a safe and enjoyable environment for everyone”.

Additionally, in reviewing managing property guidelines for renters, we came across a surprise on the Beach House Vacation rental’s website. It is a picture from the 4th of July parade of my family on the siren with our sign saying, “Celebrating 5 generations in Seaside”. We request you remove our image. Todd & Karen Van Horne.

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

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Jerry Johnson read the following statement. My wife Tami and I are the owners of 403 9th Avenue. Thank you for letting us state our case. First and foremost I’d like to stress that this property was bought as our weekend getaway and possibly in a few years, our full time retirement home. It was never purchased as a
"business" Investment. We started searching for a vacation home in Seaside a couple years ago. Every time we found one that was comfortably in our price range, it would get an offer and go pending before we could get down here from Seattle to look at it and make our offer. This happened about 3 or 4 times. When this property came on the market, we loved the house and location. It was somewhat more than we were looking to pay, but after missing out on so many we wanted to try to make it work. In the course of our house searching, we had learned that Seaside allowed VRD's in certain areas as long as the VRD density was under a certain percentage. This sounded like an ideal way to help us afford the higher mortgage that this house would entail. Our realtor introduced us to Erin Barker of Beach house vacation rentals, and with Erin's help, we did our due diligence to investigate the feasibility of doing this and found that it was in the right area and didn't exceed the density rules. So, we decided to take the plunge and bought it. When we applied for the VRD permit, the city inspected it and gave us a list of deficiencies that must be addressed. At considerable expense, we took care of each item on the list to bring the house up to city code for vacation rentals. In fact we literally had to raise the roof. As for the other VRD requirements, the house meets them all: location is in the area of Seaside where VRD's are allowed, existing density as per the city's own map, out of 13 homes within 100' there are only 2 VRD's (15%) and they are both on 8th Ave.- not 9th, landscaping yard and plants are well over the 50% required, and above all, parking- our driveway could easily accommodate 4 cars even though we will be advertising and renting as a maximum occupancy of 8 with only 3 cars max allowed. For these reasons alone, we feel there is no legitimate reason to deny our application.

As for the potential problems that the Van Horn's feel our house will cause, all I can say to them is give us a chance to show that those fears are unfounded. We want to avoid any problems or negative incidents even more than they do. After all, this is our second home where we plan to spend a lot of time ourselves, as well as having a substantial financial investment in it. This is why we feel very fortunate to have found Erin Barker and her company to operate the rental for us. Besides being a very conscientious, proactive and hands on rental operator, she is also a Seaside resident who takes pride in her community. And since she does live here, if there ever was a problem of some kind she could be there in minutes to take care of it. She thoroughly vets and prescreens potential clients before renting to them. Asking how many will be coming, the ages of everybody, even why they are coming to Seaside. We have already told her that we really don't want to be renting to bachelor parties, or frat houses, or other potentially disruptive clients. We would like to cater more to families. Such as a reunion where they want to stay together instead of in motel rooms or families with children who need more space than a motel room can provide. Or maybe 2 or 3 couples who want to share the expense of a house where they can be away from the downtown crowd and do their own cooking and such. I am kind of puzzled about their worries about parking. 9th Ave is already posted no parking on both sides and is patrolled by the police to ticket violators, who could just as easily be a local or a day tripper or anybody else. In fact I would be inclined to think there would be less chance of the scufflaw being a weekend renter because as stated earlier, our driveway has more than enough space for the amount of cars we will allow, and there is a giant sign on the refrigerator stating that all cars must be in the driveway.

Since we purchased this property, we have been here quite a bit moving in, and fixing it up to meet the city's requirements. I can honestly say I haven't seen the congestion, parking problems, or noisy partying that the Van Horns allude to. In fact the only 2 times I have heard any noise later in the evening it was a local full time resident having a get together on their front porch. And I have never seen a vehicle parked along the street on our block.

I think that a well-run VRD can actually have a positive rather than a negative effect on a community. Besides the usual property taxes that all homeowners pay, a VRD also generates income directly for Seaside through lodging taxes. As a rental they must also be maintained in top condition, with maintenance and repairs addressed promptly, thus contributing to the local economy through contractors, electricians, plumbers, landscapers, etc., as well as the housekeepers and other employees of the rental company. Where if it was only used occasionally by the owners, many of these repairs may be deferred "until later" or just ignored and lived with, which would allow the property to become rundown. And a well maintained home will increase in value, which tends to help increase property values of neighboring homes also. And lastly, just by being occupied more than the few weekends a year that we would be there, it can act as a deterrent to burglars, trespassers, etc. Not just for our home, but also for the other nearby part time weekenders such as the Van Horns.

Like it or not, Seaside IS a tourist town, and there is an obvious demand for VRD's. As stated earlier, for a variety of reasons a motel room does not always meet the needs of many vacationers. And if they cannot find a house to rent in Seaside they will simply take their tourist dollars to a place where they can find one.
Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Mark Nairen. 15848 27th Avenue NE, Shoreline Washington. He has a private residence at 470 9th Avenue. He is 330 feet away from the Van Horne's and the Johnson's they are both fantastic families. They both have a very solid point. He is going to lean towards Jerry and allowing a VRD for his property. And the reason is because his townhouse is private and will be private. He will be moving down here in seven years to start a business. The townhouse next to him is a rental. They've had it for a year and a half. They have five star ratings on Airbnb in the last year and a half. He has not had any issues with the neighbors, the short term rental neighbors. Everybody's been great and polite and he believes that households up to six people in two cars. His wife and daughter are down here all summer long for three months and he's down on the weekends and meets a lot of different people. He believes that Jerry and Tammy are within their rights and within the law of what Seaside has. But he can see that this is going to be a common issue and that the planning commission will be addressing this more and more and probably putting a cap on it soon. He thinks there should be a cap on it soon, probably after the first of the year. But he would like to see Jerry and Tammy proceed to have their short term rental for this. He does plan on moving down here and becoming part of the business community in seven years and his place will not be any type of rental, but it will be a private residence.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Erin Barker, 800 North Roosevelt drive in Seaside. She had no idea about the photo that was on her website with the Van Horne's. Erin goes to the parade and takes pictures. She picked up what she thought were some really cute pictures. She figured parades are public and that was a cute picture and if the Van Horne's really want it down she can do that. In reference to the property at 310 9th Avenue she has not received a phone call regarding that, so she's thinking when? Who? She has spoken to her but not in a long time, but she's called Erin before if she had a question or if there was garbage cans out. They should have side yard service there. Erin requests all the owners to have side yard service. Sometimes the garbage people, if it's a change or it's a new garbage person, it takes them a while to get the hang of it, which one is which kind of service. Because each site could have a variety of services and she's got Erin's number. So that's a bit of a surprise to her. She'll have to get to the bottom of that tomorrow because she didn't hear anything about anybody hitting the fence. When she was looking at the Van Horne's diagram she noticed 440 9th Avenue was not on the VRD list. She thought, well why do they think that's a VRD? So she Googled it to see if maybe it was an illegal VRD and I didn't find it anywhere. So she's not sure that she's trusting the accuracy of the red and green properties there. Some of them she recognizes and some of the properties, she's not sure if they just went on the website, but she knows that 719 North Downing, that's been a vacation rental with us since before she was here and that's been since 1999. Same with 310 9th Avenue. So those are probably both on older permits and 350 10th is plenty far away. She hasn't had any issues with any of these properties. Her point is with the vacation renters, 99% of the people who come to rent houses are families. Like any of you, any of us in 99% of them are rule followers. They don't run red lights, they don't rob banks. They do what they're told. They go to the store, they wait in line. You get a small percentage that are not exactly doing it right, but that's in any community, whether you live there full time or you're in another town visiting. Part of it could be operator error. They might be confused, they go down the wrong street. But most people want to do the right thing and try very hard and often call us with a question about anything parking. Do we take out the trash? No. This house has side yard service. We have it posted when the garbage goes out. So they take it from the house to the garbage. Most people really want to follow the rules and try very hard to do. The other point that I would like to bring up is she does think that the city did their calculations correct. She's never known them not to. She's hoping that they get an opportunity to clarify. They take it the edges and then go out from there. Maybe there's some confusion about the center property being the center of that oblong radius. She's not sure, but it was at 15%. It captured 13 properties and two of those are vacation rentals. They're on 8th Avenue within that hundred foot radius. And so then she looked at these addresses and I said, well, a lot of two of the 13, which are local addresses there, there are two. The rest are Portland, California, Texas, Oregon, and Washington. Not here. So when you do the math on how many are local and how many are not - 20% are local and 80% of these property owners within a hundred feet are not here full time. This is not their full time residence. Then when she looks at the 200 foot, spread out from this, there are 44 and there's three. Then you add the other ones so that's seven out of 31. When she did the math on that it came out to be 22% percent. And two of those had local addresses and 77% have addresses from Oregon, Alaska, Washington, Arizona, California, Nevada, and Colorado. So the makeup of this whole chunk of top properties that we're looking at, on average, 20% of them live here full time or have local addresses and 80% do not. So she feels that this should be approved because it's under the 20%, it shouldn't have even come to the planning commission for review. She thinks there's a fear the owner doesn't want a vacation rental next door. She's been through this before she went and tried to speak with them. She did speak Mrs. Van
Horne just so that they could understand how Beach House vet their guests. They don’t just have no communication with them. They do talk to them. They have canceled reservations. They asked for names and ages. They ask how many cars and the Makes and models. They want all this information because they’re going to make some of these go away or they’re going to say, Nope, that’s not going to work. You’re going to have to look at a different house. She doesn’t have a problem doing that because she wants to follow the rules. She wants them to follow the rules. And once she explains it to them, they go, Oh, okay, well if that doesn’t work, then what else could we look at? So they’re not objectionable to doing that. Sometimes they make a mistake and book something, not realizing that there was another rule that we’re explaining to them further. The last point she thinks is pretty important to express is that there are different types of uses in a house. Either it’s a homeowner living there full time or it’s a renter renting from a home owner or a manager full time, or it’s a home owner who only comes part-time or a homeowner who rents part time. They all have the same essential use. The reason why the short term rentals have these conditions placed on them is because years back when there were no rules, it was chaotic and people took advantage of it. Now over the last few years, there have been really good sets of rules that for the most part made sense. So in general these rules have made it very doable and to this point, the vacation rentals are of these uses the most regulated of all. She knows the neighbors including the Van Horne’s and it’s great they can have lots of people over for the holidays and park and bring their trailers and she think that’s fantastic because it’s a good family time to be together. But anyone in a short term rental cannot do that unless it’s the owners. So they are the most highly regulated and as far as consistency with the neighborhood, 80% live out of town, they’ve met the conditions, she thinks they should be approved and give them a chance.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Hank Horning’s PO Box 1142, Seaside. He resides in the Seaside and he’s a general contractor. Jerry had pulled all the necessary permits for doing the work. He did all the work for him. He would like to also address, there was a concern of the neighbor with having a fence with a tent pole on it. A suggestion may be to put a bullard on Jerrys side to prevent any vehicles that would touch or do any kind of damage to the neighbor, which may also, work for other people in the area too that have cars coming and going that the people may not be as familiar with that driveway cause they are just renting the place. He has lived along the Oregon coast for about 15 years and has noticed that coastal areas are really transitional. Lots of people think they want to live out to the coast. They live there for a while and then they moved back out. He thinks what was appealing also to Jerry was the fact that the neighborhood was coming up. Because people do come out here and change so often. Now the neighbor, yes, he had several generations here. But he thinks for the most part, overall people do a transition in and out of coastal areas pretty frequently. So his observation from this area compared to some of the other areas is that it doesn’t have an over-abundance of vacation rentals. Vacation rentals to him actually seem to improve an area where you get some of the low cost housing, especially with the beach rental properties. Some of the older ones that aren’t kept up turn into homes that are probably less desirable with drug activity and theft and different things that people do at some of these homes, which unfortunately all communities have. But the benefit of having these types of beach rentals is that they are brought up to par and kept up. One of the things as a general contractor to is that he sees things and he gives his free advice for neighbors and stuff for things he sees that might be a hazard. And one of the things, not to be negative, in any kind of way, but the neighbor that is asking to deny this has a large fir tree, which is quite large. That is pretty much dead by now. He had mentioned that to Jerry that he might want to talk to them, but he’ll just speak up for him now at this time on record. The tree is a hazard, not just to Jerry’s house, but all the other homes, including their own house. So he just wanted to note that as a hazard in the area not to go against them in any way. He would also like to find out how often does he use his property for rental and does he use the house or allow anybody else besides himself to stay there at the property?

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

Chair Hoth stated that it is time for the applicant’s rebuttal.

Mr. Van Horne stated he would like to answer a couple of direct questions, their house has never been a rental. We do allow friends to stay over on occasion, but it’s very rarely maybe once or twice a year. With regards to the trees in the back. We have had arborists look at that twice now in the last 10 years. And both times they deemed the spruce tree and the pine tree perfectly acceptable and perfectly
healthy. So yes, pine trees lean with the wind as we know. And I think that's what a gentleman is referring to. It's a leaning tree. He'll go back to some of the prior statements, just about the livability of our neighbors and our neighborhood and that's why we love it. It is a neighborhood you look out for each other. The adjacent property on the other side the East side of 430 is also opposing it in that letters by Edward Murphy who wrote a letter that is in your packet. He is eighth generation within Oregonians and his family helped haul fuel and wood down here from Portland in the early days by horse and buggy. There's a long history of that and what we like is the neighborhood and we want to keep the neighborhood where people look out for each other. Rentals on the weekends; there's no one that is actually monitoring the place. So he'll go back to the prior statement about having insurance he thinks that regardless of a bollard or something happens to an adjacent property line or a property within that has to be coverage that may not be covered by homeowner insurance. So yes, he thinks Jerry has done a great job in fixing up the house and making it rentable. But again they think that with some of the issues of transition and code compliance that you're after that we've just pause on adding more problems to the existing when you're trying to fix.

Chair Hoth stated that the discussion will be turned over to the Commissioners. Commissioner Bill Carpenter stated that he would like defer to Kevin as of the measurement of the 100 feet. Mr. Cupples stated if you look at the minutes from the last meeting page 10, line seven states. "Vice Chair Posalski asked if we measured from the center of the lot, Mr. Cupples stated no from the property lines" so none of that was incorrect. He stated that we do measure from the external property lines. The information that you have in your packet was run or was updated and actually run because we, he didn't do the 200 foot, so he asked Anne to actually run the 100 and the 200. And so you have that in your packet that just reflects those percentages. Commissioner Teri Carpenter asked if the 100 foot is oblong. Mr. Cupples stated basically you're swung a rectangular box over whole property, but you're just measuring out a hundred feet from the external property lines. Vice Chair Posalski stated so if you measured it that way rather than from the center you actually encompass more homes than if you measured it from the center. Mr. Cupples stated Mr. Van Horne's statement about that is correct. If we did measure from the center and then you switched to the outside, you would capture more. However, that's what we measured from was the external property lines to begin with. Commissioner Monter got the property owners of vacant lots notified. Mr. Cupples stated yes and Mr. Van Horne is correct in that we didn't send the same notice to the same address but we know note when we create an adjacent property list, in order to save costs of mailing, we don't mail the same notice to the same address. We don't mail five of them to the same address. It would be one notice and then it's marked as a duplicate. Commissioner Bill Carpenter stated we were advised by our city attorney that we cannot have moratorium on vacation rentals. Mr. Cupples stated that is correct. Chair Hoth asked when you do the percentage calculation, do you round up? Mr. Cupples stated we put down what the actual percentage is if there are two vacation rentals out of 13 homes that gives you a percentage of 15%. Vice Chair Posalski asked just for clarification when it hits the 20% margin is then required to be reviewed by the planning commission. Is it then prohibited? Debbie Kenyon stated no, it goes to the planning commission if it is not more than 20%. Mr. Van Horne stated this has been granted a VRD license so that should count as one of the VRD's. Vice Chair Posalski stated that at the time of the review it was not a VRD and it still is not a VRD until it gets approved. The property that is applying for a VRD is not counted as one. There isn't a cap at 20% it will come before the planning commission if it's more than 20% for review.

Commissioner Monter asked Mr. Cupples if VRD owners are required to carry a certificate insurance naming the city as additionally insured. Mr. Cupples stated no, he doesn't believe that's required to do under the city business license ordinance. Vice Chair Posalski stated when he gets his business licenses, he doesn't have to show proof of insurance. Mr. Cupples stated there is a provision if someone is getting ready to do a street vendor permit, he thinks there's a requirement to show proof of insurance for that. There are some things that require it, but he doesn't know that that's a requirement for that. Vice Chair Posalski stated like if you're getting a liquor license approved or something like that, requiring insurance. Mr. Cupples stated again, he doesn't deal with those that often, but he knows there are some that require that. Vice Chair Posalski stated that he'll address item number 3 that Mr. Van Horne had, which was managing property businesses or non-managed properties and that impact that they have on the community and the code compliance officer. It's definitely something that we as a planning commission bring on and he thinks if Mr. Van Horne sticks around for compliance. Mr. Van Horne will see some of the suggestions that we're looking at putting in place to improve the management of VRDs moving forward. Chair Hoth stated that the only issues he has is the parking and how many cars will be backing out.
Vice Chair Posalski made a motion to deny the appeal. Commission Bill Carpenter seconded the motion. The motion was carried with a five to one vote. Commission Teri Carpenter recused herself from the vote and Chair Hoth voting no.

Mrs. Karen Van Horn asked if she could say something. She feels like they have presented every single opportunity of every ordinance of this commission of Seaside to reevaluate what they believe your neighboring communities have done because this has been a problem. Cannon Beach and Gearhart have dealt with this problem and because it is taking the soul out of our communities. And they have witnessed on their little street, their little narrow street, just absolutely a disservice to the community their family. She really, in her heart of hearts feels like if you just can't make a decision to protect their neighborhoods because that's really what it is about. It really truly is about protecting our neighborhoods.

Vice Chair Posalski stated the place where your concern would come up would be at city council where they can change the ordinance. Mrs. Van Horne stated but that's fine but they paid $580 to appear here. To actually get a VRD license is $780. Just for them to be heard is just a travesty. She wanted to take their sign and instead of saying "celebrating five generations in Seaside" to say "Save our Seaside. People cannot afford to live here. VRD's are taking over the city and people that live here and work here cannot allow them to be here." And she always goes back to, if you can't afford to buy a property, then you should not buy a property. You should not do it off the backs of your neighbors. You should not allow it in neighborhood zoning and you should question that. In the past, people in Seaside have bought properties that have included their families. Vice Chair Posalski asked if long term rentals should be allowed. Mrs. Van Horne stated absolutely. Vice Chair Posalski stated that's people making money off their neighbors. Mrs. Van Horne stated, no, those are people that are living here, they're working here. And they do have long term rentals in their neighborhood. And they enjoy them and their families. They are people that go to work and they can afford to live here.

Vice Chair Posalski stated he thinks we've all agreed that housing affordability is a big issue here. Mrs. Van Horne stated they own two properties here. One was something that we wanted to invest in, but we did it to protect our neighborhood. And so what we did, we bought a property to protect our neighborhood because we knew that it was going to go into HUD housing and it was not livable. You need to really look at the impact of VRD's and you need to look at your neighbors. You need to look at Hawaii, they have completely abolished VRD's and she thinks we need to use their guidance because it is also destroying the neighborhoods. The Counties of Hawaii have said if you're in a commercial neighborhood, you can have a VRD. If you are in a residential area, you cannot. Vice Chair Posalski stated so they changed their ordinance. Mrs. Van Horne yes, the ordinance had been changed and swiftly. Vice Chair Posalski said okay, but it takes time. Mrs. Van Horne stated so are we just not in time? They have 11 on their street and it is a nightmare. They have people parking on a grass lot in front of our neighbor's house which is private property and, they have no recourse. She's just saying that at what point do you draw the line? And she understands that we have ordinances and things like that, but the ordinances are saying let's get somebody that is going to manage this process and she understand you're going there, but are they like two seconds early or are you not going to meet their needs. Chair Hoth stated unfortunately it's probably that there are two sides to this issue. One, there are people who have a problem with it and there are real problems inherent in it and we're all aware of it. The other key is, like or not, this is a tourist town and that is part of what goes on here and it's not going to go away. What we hope it will do is we can come up with some way of regulating it better. Like any issue, it has two sides. It has a dark side and light side. Sometimes it's difficult to see one or the other or do you want to look at this instance? He thinks that, even though he voted no for a specific reason, this is probably one of the types of vacation rentals that he thinks it was designed for initially. As someone who has trouble affording a house, can find a way to help finance it and may eventually become permanent residents and eventually become your neighbors and maybe in the future sitting next to you complaining about vacation rental dwellings in their neighborhood. So there are positives as well as negatives. Unfortunately we can't satisfy everybody. We are trying to come to some kind of resolution that manages them better. So if there are legitimate problems and sometimes there are that they will be addressed more specifically. We will be talking about some regulations that will limit the number that can be a little more than it is now. But as far as going them going away that's probably not realistic to him today. Mrs. Van Horne stated she had one more issue that she'd like to bring up is obviously they have a property there and the guidelines are, if you have a complaint, you have to have two written documents. Chair Hoth stated that if there are two written complaints or problems are brought to the attention of the planning director or his designee in this case, the designee refers to a compliance officer. Mrs. Van Horne asked if they would be notified. Chair Hoth stated if it was your complaint yes. Mrs. Van Horn stated okay so the other question she has is a police report considered a complaint?
Mr. Cupples stated if there’s a VRD specific complaint that someone who violates one of their conditions of approval, then your recourse is contact the property manager and if you don’t get any resolution through the property manager, then contact the city and that would be contacting our department and you’d say, something’s going on and this isn’t getting resolved. What are you going to do about it? The ordinance and the conditions of approval, say staff will basically be working with you and the property manager to try and get that result. And if it can’t be resolved, then it can be taken to the planning commission and they can work on resolving. Mrs. Van Horne said okay, that’s excellent and it’s good to know what the process is. Mr. Cupples stated but if there’s something, there’s a distinction. If someone is violating a condition of their conditional use approval, that’s really in the planning section of what you do. If in fact there’s something going on and someone’s disturbing the peace or whatever, yes, call the police. If you know that property manager and if you’ve got a responsive property manager and someone’s in a hot tub and they’re making noise, call them and they should be able to get it taken care of. But if there’s noise going on that doesn’t happen and you call the police for a noise complaint you don’t even know with a vacation rental. If someone’s there and they’re acting up, they may not be renters. It could be. In fact, one of the biggest impacts in neighborhoods is, is when the owners are down and they’re having a reception for a wedding or something like that, those are unregulated. And that’s when a lot of cars come to places maybe more so than it being rented because if it is being rented and someone’s doing that, they’re violating their condition of approval. Mrs. Van Horne stated that someone accused them of parking a trailer on their lot, they do not have a trailer. Chair Hoth stated he thinks the gentleman said that they can put a trailer on their lot and he hopes she doesn’t become too discouraged will discuss things with the city council. The planning commission will certainly craft some regulations that they will be holding public hearings for and he hopes the Van Horne’s will be attending.

B.) Contiuance: 19-054VRD: A conditional use request by Chris and Charity Richardson for a two (2) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than six (6) people over the age of three. The property is located at 1520 S Downing (T6-R10-21DC-2600) and it is zoned Medium Density Residential (R2).

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Chris Richardson, PO Box 446, Seaside, Oregon. He and his wife Charity love coming to Seaside and are very passionate about the city and its future. They plan to retire here. His wife graduated from the University of Oregon or her mom lives in Toledo in the Newport area. They both have been coming to the Oregon coast for many years now. And they’re invested in our hearts when long term in seashore and they only want to see it improve. They’ve made quite a few updates to the property already in the last couple of years. They only like to hire local contractors, local electricians, local plumbers when they are there, which is frequently, but not frequently enough. They’re here year round. They dine at the local restaurants and they spend their money at the local shops. They bought this house actually so that we could walk to places like Ken’s market and the Osprey cafe and in the U street pub. Their house is their baby. They consider themselves as locals even if we’re not 100% local just yet. They like the neighbors and their neighborhood. For the moment they are only allowing friends and family to stay at the house. They are contemplating listing the house in such a way that we have very tight control over who stays, on temporary basis. And another option we’re looking at is listing their house on a home exchange website. A Home Exchange is really just a community platform, that allows people to vet each other in advance and get to know each other kind of an advance. Everybody’s incentivized not to do damage to other people’s homes. These are community of people who have homes in other interesting parts of the United States like Seaside, Oregon. Again, this is an option that allows them quality control over who’s spending the time at their house and who’s coming to visit Seaside. And they’re just in the preliminary stages of looking at that right now. He wanted to come here and be above board, with you on that and let you know that we want to follow the guidelines to address the objections they had, that came across in the application process. One was that this VRD would commercialize the neighborhood in a negative way. He would respectfully argue quite the opposite. Again, they made improvements to the home and he thinks they have increased the overall property value. As he stated previously, they would only seek high caliber vacation renters, who would care for our property in the community as they would their own. He and his wife and plan to stay there the most frequently and in the off season. That’s actually one of our favorite times to be here. It’s a little quieter and they feel like it’s a little more like their own little place in a sense. They do not seek to rent out the home full time. They are not interested in the problems that typically come with long term rentals. Though he wishes no ill will to long term landlords. His dad was a long term landlord. He has a lot of years of experience kind of in that realm. Long term
rentals he might add don't have the same guidelines and requirements as the VRD process. To my knowledge they're within the percentile guidelines of VRD for our neighborhood. There are two long term rental duplexes across the street for 1520 South Downing and right next door to them on the South side is a four unit multiplex building which is on the corner of Downing and Lewis and Clark. So the concern was from a long term landlord. They have plenty of those in the neighborhood is at least from their perspective. They simply wish to be good neighbors and abide by the community guidelines. Thank you again for your time and consideration and he's happy to answer any questions you might have.

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

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

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

**ORDINANCE ADMINISTRATION:** Chair Hoth's understanding is that the city council would like to just make sure that the points here are clear, that if we have seen issues we resolve them and then send it off to them to compare and see what they're working on so that we can prepare something specific to present the public. Based on what he heard last night, the calculation for the density, was that it was 40% within 100 feet. If we did 200 feet it would allow for putting a whole bunch of them in one small spot. Again, these are just recommendations and so we'll stick with a hundred feet. One VRD license per owner. He doesn't think there's any deviation on that one. The acknowledgement form, that's a good idea. Annual inspections we are still ok on that one. Increase in annual fees that the commission agreed upon and that's the city council's responsibility. Also hiring the compliance person. Okay. Then we have the question of a hard cap. How are you feeling about that? He was not happy with that one necessarily. Commissioner Bil Carpenter stated he is opposed to a hard cap because some of the justification is that we don't have a count of how many homes that are within the acceptable area for VRD's and how would you put a percentage on that or how do you establish a top limit beyond which we cannot go. That's one of the primary reasons he is opposed to a hard cap. Chair Hoth stated also seems to be something that requires actual change of rules and we are trying to maintain a neighborhood's character. Commissioner Bill Carpenter stated the neighborhood character by the comp plan gives us the authority to say no more in that neighborhood. Chair Hoth stated that's true so do we kind of feel like maybe this one needs to be removed at this point? Mr. Cupples stated you are supporting a percentage cap it's really based on that area and that percentage.

Chair Hoth stated the improvements completed prior to rental he thinks we can remove that. Once we have a compliance officer that can be monitored, that's not as much of a concern. The issue of tying occupancy and bedrooms for parking the cars, he thinks that's a dead issue for him as far as he's concerned, that's it's up to the managers to have to regulate that. Vice Chair Posalski asked if this is something that's already in the ordinance. Mr. Cupples stated the way, that you structured decisions and the findings that are put together, whenever you run into a situation that you have two parking spaces and you have three bedrooms with the findings and conditions that you put on that, the findings really say for the purposes of this review, we're going to treat it as if it's a two bedroom, which means the occupancy is going to be limited. He doesn't think you need a variance for that. This way you're going to create the occupancy of that number you still advertise it as a three bedroom, but the occupancy is the most limiting factor and the maximum for the two cars and if there's only two use maybe available. Chair Hoth stated then the last one seems to be his issue only and that's stack parking. The two issues are making some sort of a formal rule or dealing with it as we have that it's up to the property managers to monitor this. We will have a compliance officer. Again, that gives him more confidence that things will be watched and dealt with. If comes back to the commission they could then apply different conditions or reducing the cars and they can even make a condition that, three cars backing down a driveway is not working. Commissioner Teri Carpenter stated her personal opinion is the garage is being counted as parking and if it was the only parking allowed then she would be ok with it. But most of the time the garage turns into rec rooms. However if we have a compliance officer then maybe that can stay go way too. Mr. Cupples stated the Sunday before last he was out looking at a garage and he re-measured the space between where the couch and the pool table is. He told the owner that wasn't acceptable. He's removing the couch, he's moving the carpets out, he's moving the pool table over. The owner stated it's not going to be rented another month and he has to have four strong guys in order to move pool table. But by moving the couch he's going to have way oversize space inside the garage. As a follow up to that, because he's tired of the people not following the
guidelines, he's instigating a $200 parking deposit. If they don't follow the guidelines of what his parking regulations are, he's going to keep the parking deposit. So he's actually putting that into place too. So in a follow up to one of the complaints saying that if people aren't parking in the garage, they will be fined. Vice Chair Posalski stated that last night we talked about getting public comment on some of these just to make sure we were on the same thing. Is that something we're expecting of public comments? Chair Hoth stated no, because this is not, oh, these are the rules now. These suggestions are based upon extensive public comment already. Vice Chair Posalski stated he's only heard from a couple of property managers. Mr. Cupples stated under public comment tonight. If someone wants to make comments on that they can. Vice Chair Posalski stated but we haven't gone through it with them and they don't have a copy of it or anything like that. Chair Hoth stated this is going to go to city council that will be published and be available. There will be public hearings, all of this stuff and it may well get revised by the time it gets back to us for modifications or additions or subtractions. Chair Hoth stated as soon as we're done with Commissioner Bill Carpenter's parking document, the next thing that would be public comments and if someone would like to comment at that time it would be great. Commissioner Bill Carpenter stated there was a handout at the work session. A summary report and in their strategy number five, it indicated streamlined and right size and minimum off street parking requirements and applies all cities and it gives a number of things. Several years ago we talked about modifying off street parking specifically for the downtown core area talking about residential over commercial. And that's all spelled out in the handout that he presented. He would like to open it up for council comments to see if there's any questions that you have. We have hashed through this once upon a time, when we are done talking about it forward it to the city council for their consideration. Vice Chair Posalski stated the only question he has is instead of making an adjustment one and a half spaces per dwelling unit is that going to make a significant difference or on one bedrooms would we be better off only requiring one space for a one bedroom? Commissioner Bill Carpenter stated he didn't know so he'll defer that over to Kevin. Mr. Cupples stated he thinks that something that you can discuss when you've got that before your process is really, you'd be on your own motion saying we want to open this up for a public hearing. And so if Commissioner Bill Carpenter makes a motion, if you want to run that past the council, you can, you can instigate that as a proposed ordinance amendment. And if that's the proposed ordinance amendment, that motion, you guys kept the ball rolling and we set up a public hearing and you hear it first. Then you make recommendations to the city council. If you want to touch base with the council before you go that route, you can do that as well. So it's up to you which way you want to take it. Commissioner Bill Carpenter stated on the case with 1.5 parking spaces that was on the larger housing complex in order to facilitate a smaller units like studio's and one bedrooms. If they had the incentive of one and a half parking spot that you might tend to go that direction. Now we can insist on any developer on doing anything but we can certainly give them incentive. Vice Chair Posalski stated maybe if we structured it for every studio or one bedroom would require one parking spot and every two bedroom would require at least two parking spots. You may make that incentive for them to make more, smaller units based on the space that they have. Commissioner Bill Carpenter stated he would like to see more units that are smaller and there is a system development fee. However, for each unit, which plays into their penciling out. Vice Chair Posalski stated that may allow them on a particular lot to get broader units in there for potentially more income if they don't have to have as much area dedicated to parking.

Mark Nairen asked if he could say something, being from Seattle they are building, but they're not giving any parking and it's starting to implode. So his suggestion would be if you have a two bedroom, you allow for two spaces. If you have one bedroom, you'll offer one space. Don't take away parking because what's going to happen is that even though the developer might make a couple more bucks, somebody's going to look at that. If they have a big family with number of cars, then they are not going to live there because they've got three cars and no place to park. Vice Chair Posalski stated currently the requirement is for every dwelling unit to have two parking spots. The other item that we have on here about resort residential over commercial more goes towards his comments. Where we're talking about not requiring parking. Commissioner Bill Carpenter stated that this is only in the downtown core area because we don't have a requirement for parking for the commercial buildings downtown for the number of square feet that they have because of agreements that were made eons ago. When they built the big parking lot that we are always looking for places to put our workers and if we can put them above the commercial buildings, residential units without imposing an impossible scenario or the landlord, but find two parking spots within 200 feet is impossible in the downtown core area. So he would say in that C-2 area that we just eliminate the requirement for parking there and the kids coming in are coming in hopefully without cars. Vice Chair Posalski stated that the ones that he is bringing in do not have cars. Commissioner Bill Carpenter stated the landlord has control over who goes up there. Chair Hoth asked what are we asking for. Feedback on whether to approach the council with this? Commissioner Bill Carpenter stated that he would make a motion that we forward this on to the council.
for their consideration. Mr. Cupples stated that will be consideration to set a public hearing with you. Commissioner Wickersham seconded the motion and it was carried unanimously.

COMMENTS FROM THE PUBLIC:
Mark Nairen once again. He would like to state about bringing with what we were talking about earlier, if we could bring a cap VRD’s on, on the amount per street. Vice Chair Posalski asked if Mr. Nairen if he has seen what we’ve put together to address that is to put a cap in most areas that we currently allow VRD’s, 40% within the 100 feet would be the absolute cap, except for those properties essentially along the Prom and the beach itself. Chair Hoth stated that we don’t have a hard cap because that gets us into all kinds of problems with current rules about value and changing your ordinance and things. The other thing, it is in a sense a cap but it’s tied to the comp plan it says we are attempting to maintain at least some semblance of neighborhood areas and if VRDs are more than there are houses, we feel that that’s not retaining the character of the neighborhood feel we have language to support.
Mark Nairen asked if there’s a way to put in, like just say houses coming up for sale to put a disclaimer to make sure that there’s this disclaimer on the listing that tells a potential person, yes, this can be used or no, this cannot be used as a VRD. Chair Hoth stated no because we wouldn’t be able to determine that until you run all the numbers and draw the lines and see if it can become a VRD. Vice Chair Posalski state these are not transferable. It’s a brand new application for a new owner. Chair Hoth stated, maybe a disclaimer should be done, but it’s not up to the city to do it. He thinks it’s probably up to the people selling the house saying that this is not guaranteed to be able to be a VRD. And if they go out to the buyer and say, yeah, you can have a VRD well then they’re probably misrepresenting and it’s up to the buyer to get the facts and to do the due diligence.
Mark Tolan 524 N Roosevelt, Seaside. He thinks because people like a certain words, we can say a hard cap is inherently established within our percentage guidelines. In fact, it’s better than saying we would do 10% in particular area because if the numbers stack up in a certain orientation, it is going to be the case where you’re going to have people who are just going to be left out. So a hard cap is inherently established within the parameters that you guys are setting forth people like that. They’re asking for it. In theory, a hard cap is established inside your parameters. Once you establish a hard cap inside our parameters. We’ve done that. There will be a stop point that protects the neighborhood. I think that’s really cool. The Commission has just logic slammed everything to get it to a point where like all these objections are getting overcome by logic common sense decision making that protects the economy. He’s looking at like where we are from a revenue standpoint for the city and we’re all looking like, oh gosh, winter’s here. Did I make enough money to get through the winter and that you guys are helping protect our economy knowing that. I want to say thank you again for that. The other thing he lost just a moment of sleep about, and hopefully, Kevin or David, you can clarify. When we look at ocean front, are we looking at the, the empty space in front as part of a percentage? Vice Chair Posalski stated let me read to you the policy that’s been initially been drafted and it might clarify it for you. It says planning commission will not support the approval of a VRD conditional use permit application. If the percentage of currently licensed VRDs within a hundred feet of an applicant’s property exceeds 40%. Then we put an exceptions, this percentage would not be applied to the RR zone cause we allow for motels, hotels and condos the surrounding percentage of 40% and then the percentage would be increased to 50% for those properties in the following period. And we basically follow the waterfront along the Cove all the way up the the ocean side of beach then across over the RR zone and up.
Basic anything that faces the ocean. Mr. Tolan stated he gets that. It just and seems like if the intent is to give a little bit more wiggle room. He heard at one point, it was like, my God, my heart went pitter patter when we said, do we care about ocean front? No, we don’t care about the million dollar ocean front homes. They’re sitting empty anyways. Those lots are generally bigger and most of them are double lots. And the other thing that’s really interesting is that those particular people who are ocean front, they’re paying way out into the water for the property tax. Chair Hoth stated if you can come up with some numbers to show there’s a better way to do this or this doesn’t work that’s certainly something we take under consideration and this could all be modified. Mark Tolan stated the language is actually detrimental to ocean front. Although he believes the attitude wasn’t for that to be the intent. Mr. Cupples stated it was actually beneficial. It’s granting the ocean front properties a right above and beyond what the people who are non-oceanfront are being allowed because of the cap as you called it under the percentage is 40% every place but on the ocean front where it was going to be allowed at 50%. Vice Chair Posalski stated this does not limit people where it’s not hard real from a planning department they could still come here, but in general situations they will not support them beyond these numbers. Mark Tolan stated he thought there was an intent to say we were going to allow a for a little bit of higher density at the ocean and kind of what he’s putting forth is that these million dollar homes, which are going to fetch the most revenue for the city by far and away have the most biggest revenue potential. Vice Chair Posalski stated if we find something that’s not working then we can address it at
that time.

COMMENTS FROM COMMISSION/STAFF:
Mr. Cupples stated just as a reminder, instead of having the meeting on November 5th, you're going to be having your next regular planning commission meeting on October 29 here in the council chambers. Chair Hoth asked if there will be a work sessions this month as well? Mr. Cupples stated as far as he knows, yes. Provided he doesn't have an accident next week. Vice Chair POSAISKI asked if we get carry as far as the timeline for the business license fees. What city council is that you're going to be able to do? Mr. Cupples stated he believes that that is being worked on right now by the city manager and probably the assistant city manager. He thinks they're pushing to try and get that on this next council agenda for its initial review.

ADJOURNMENT: Acjourned at 8:45 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant
CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: October 29, 2019
Applicant/Owner(s): Leslie Dorsett, 22708 SE 22ND PL, Sammamish, WA 98075
Subject: Conditional Use 19-063VRD; Vacation Rental Dwelling Permit @ 600 15TH Street, Seaside, T6-R10-15CB; TL13002

REQUEST:
The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at 600 15TH Ave. The subject property is zoned High Density Residential (R-3) and the applicant is requesting a maximum occupancy of six (6) people over the age of three (no more than 10 regardless of age) within the existing three (3) bedroom dwelling. The dwelling shares a common wall with the neighboring dwelling that was previously separated under a zero lot line duplex development. This home has been licensed as a VRD in the past and it was most recently approved by the Planning Director under permits 18-012VRD and 18-036V. That decision was supported by the Planning Commission following an appeal by the owner of the attached dwelling unit.

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 and will be required to sign the VRD Local Contact Acknowledgment form. 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. Mailed Notice Request: 19-063VRD: A conditional use request by Leslie Dorsett for a three (3) bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of six (6) people over the age of three. The property is located at 600 15th Avenue (T6-R10-S15CB-13002) and it is zoned High Density Residential (R-3).

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

   a. The applicant's plot plan indicates there is adequate room to provide at least two off-street parking spaces on the site for the vacation rental dwelling (two spaces along the southern property line).

   b. The applicant's plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas; except for the eastern side yard that is utilized as a dedicated access easement.

   c. The existing three bedroom dwelling/townhome will be used for the vacation rental dwelling (VRD); however, the requested occupancy is being limited to that of a two bedroom VRD due to the number of available parking spaces. The requested occupancy is six (6) people over the age of three (not more than 10 regardless of age).

   d. Bonnie Woodman, 451 16th Ave., Seaside, is identified as the local contact for the VRD and she can be reached at 503-717-5684.
e. The owner/applicants have read all of the standards and conditions applicable to VRDs.

3. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently 23% of the surrounding dwellings are licensed for VRD use within 100’ of the subject property and 11% within 200’.

4. The eastern side yard is not landscaped; however, there is currently a variance (18-036V) for that yard’s landscaping that recognizes it functions as an access to this and other neighboring properties.

5. All property owners within 100 feet of the subject property were notified of the applicant’s request. At the time of this report, the Community Development Department had not received any letters expressing concerns about the request.

6. 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. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents, however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single family dwellings, and a complaint resolution process that exceeds the “normal” restrictions applied to non-VRDs.

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

8. The property has not undergone a preliminary compliance inspection for this application; however, it did pass a recent compliance inspection prior to being licensed in 2018. All of the corrections noted during the inspection must be completed and approved prior to any transient rental of the property unless an alternative compliance period is established.

9. 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.”

10. 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 incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.

11. The Commissioners have indicated their expectation for a local contact’s response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD’s conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.

13. Ordinarily, a three bedroom VRD would have a maximum occupancy of 9 persons over the age of three and require three off-street parking spaces. The proposed VRD will utilize three bedrooms in the existing building; however, the occupancy will be limited to 6 people over the age of three. This is consistent with the allowed occupancy of a two bedroom VRD, so the limited occupancy will be used to calculate the required number of off-street parking spaces for the VRD. Not less two off-street parking spaces will be required for the proposed use based on the limited occupancy, regardless of the three bedrooms available for VRD use.

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 (19-063VRD) 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 a preliminary compliance inspection. Any corrections must be completed and verified prior to any transient rental unless an alternative time period for completion is identified for specific items.

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

   ON-STREET PARKING CANNOT BE USED BY RENTERS. PLEASE USE THE SPACES PROVIDED ON SITE.

3. Maximum number of occupants: Six (6) persons over the age of three (no more than 10 regardless of age). The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner’s responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.

4. Applicability of Restrictions: Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner’s family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas; however, the variance recognized there would be no landscaping within the eastern side yard since it functions as an access to this and other neighboring properties.

6. **Local Contact:** Bonnie Woodman, 451 16th Ave., Seaside, will be the local contact for the VRD and she can be reached at 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 sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

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 450 lumens, the equivalent of a 40 watt incandescent 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.

Although Airbnb pays the transient room tax directly to the city, owners/applicants that utilize their service are still required to report the Airbnb revenue on their quarterly returns.

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 Zoning Ordinance Section 6.137, Subsection 5 at the applicant’s expense. 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](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.

The VRD will be subject to an annual compliance inspection when the City hires a Compliance Officer whose job will be to perform regular inspections of VRDs. The owners will be notified when the annual inspections are required.

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

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

18. **Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking;
additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.

19. Repeated Violation of Conditions: As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(e), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.

20. Private use room in garage: The private room in the garage will be locked off and it will not be available for use by the VRD tenants. This space can only be utilized by the owner(s) for personal use when the VRD is not being rented.

FINAL STAFF RECOMMENDATION

Conditionally approve application 19-063VRD allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of six (6) persons over the age of three (no more than 10 regardless of age) at 600 15th Avenue. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

**Attachments:** Applicant’s Submittal
City of Seaside, Planning Department  
989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765  
Land Use Application  
Kevin Cupples, Director

**PLEASE PRINT OR TYPE**

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<th>NAME OF APPLICANT</th>
<th>ADDRESS</th>
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<td>Leslie Dorsett</td>
<td>22708 SE 22nd Pl, Sammamish, WA 98075</td>
<td>98075</td>
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<tr>
<td>STREET ADDRESS OR LOCATION OF PROPERTY</td>
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**ZONE**  
R-3

**OVERLAY ZONES**  
6 North

**TOWNSHIP**  
6 North

**RANGE**  
10 West Willamette Meridian

**SECTION**  
SW Corner Section 15

**TAX LOT**  
610 15CB 13002

**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**  
Vacation Rental Property Submitted with VRD Application.

**see Prior VRD Application for Plot Plan.**  
(Please include the appropriate plot plan. If additional space is needed or supplemental information is required, please attach.)

**OWNER:**  
Leslie Dorsett

**ADDRESS:**  
22708 SE 22nd Pl, Sammamish, WA 98075

**PHONE/FAX/EMAIL:**  
425-557-0740 pogodorsett@comcast.net

**SIGNATURE OF PROPERTY OWNER:**  
Leslie Dorsett

**FOR CITY USE ONLY—DO NOT WRITE BELOW THIS LINE:**

**CHECK TYPE OF PERMIT REQUESTED:**

☐ Conditional Use  
☐ Non Conforming  
☐ Subdivision  
☐ Zoning Code Amendment

☐ Landscape/Accessory Review  
☐ Planned Development  
☐ Temporary Use  
☐ Zoning Map Amendment

☐ Major Partition  
☐ Property Line Adjustment  
☐ Vacation Rental  
☐ Appeal

☐ Minor Partition  
☐ Setback Reduction  
☐ Variance  
☐

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City of Seaside, Planning Department  
889 Broadway, Seaside, OR 97138  
(503) 738-7100  Fax (503) 738-8765  
Land Use Application  
Kevin Cupples, Director

**Please Print or Type**

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**Street Address on Location of Property**

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**Proposed Use of Property and Purpose of Application(s):**

(Please include the appropriate plot plan. If additional space is needed or supplemental information is required, please attach)

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<th>Applicant/Representative (Other Than Owner):</th>
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<tr>
<td>Daryl D Habit</td>
<td>Emily A Stube</td>
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<tr>
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<td>600 15th St., Seaside</td>
<td>503-469-2980 / <a href="mailto:stube784@gmail.com">stube784@gmail.com</a></td>
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**Check Type of Permit Requested:**

- [ ] Conditional Use
- [ ] Landscape/Access Review
- [ ] Major Partition
- [ ] Minor Partition
- [ ] Non Conforming
- [ ] Planned Development
- [ ] Property Line Adjustment
- [ ] Subdivision
- [ ] Temporary Use
- [ ] Zoning Code Amendment
- [ ] Zoning Map Amendment
- [ ] Vacation Rental
- [ ] Variance
- [ ] Setback Reduction
- [ ] Appeal

**Planning Department Use:**

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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.

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

SUBMITTAL INFORMATION

1. Applicant’s Name: Leslie Dorsett

2. Mailing Address: 22708 SE 22nd Pl, Sammamish, WA 98074

3. Telephone #: Home 425-557-0740, Work 425-203-7378

   Fax None, E-Mail pogodarsett@comcast.net

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: 6000 15th Ave. Seaside

6. What is the total number of off-street parking spaces (9’ X 18’) that will be available for VRD occupant use? 2

   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.

7. 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; 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.
8. 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.

9. Who will be acting as the local responsible party for the VRD owner?
Name: Bonnie Woodman Phone # 503-717-5684
Address: 451 16th Ave, Seaside, OR 97138

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

10. 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.

11. 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.).

See previous VRD Application for this property at 600 15th Ave.

12. 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: 9-9-19.

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 10) 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: ______________
Pavers used for off street parking at 600 15th Ave. Emailed 9-16-19 by owner, Daryl Habit.

Second photo of pavers used for parking via a graveled street.
CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: October 29, 2019
Applicant & Representative: Chris Corder, P.O. Box 2038, Gearhart, OR 97138 & Skyler Archibald, Sunset Empire Park & Recreation District
Owner: City of Seaside, 989 Broadway, Seaside, OR 97138
Location: Area North of 1140 Broadway, Seaside, OR 97138 (T6-R10-S22BB-TL4800).
Subject: Conditional Use Request 19-067CU, Development of an Indoor Training Facility near the Broadway Park Ballfield.

REQUEST:
The applicant is requesting a conditional use that will allow the development of an indoor training facility at 1140 Broadway (T6, R10, 22BB tl:4800). The proposed metal building would be located north of the Sunset Empire Park & Recreation District’s building near the southwest corner of the Broadway Park Ballfield, where the current batting cages are located. The building would be approximately 56’ by 86’ and the development has been endorsed by the Seaside Parks Advisory Committee. The property is currently zoned Medium Density Residential (R-2) and public parks, playgrounds, and other similar owned recreational uses are conditionally permitted in the zone.

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. Request Summary: 19-067CU: A conditional use request by Sunset Empire Parks and Recreation District that will allow the development of an indoor training facility at 1140 Broadway (T6, R10, 22BB t1:4800). The proposed metal building would be located north of the Sunset Empire’s building near the southwest corner of the Broadway Park ballfield, where the current batting cages are located. The building would be approximately 56’ by 86’ and the development has been endorsed by the Seaside Parks Advisory Committee. The subject property is currently zoned Medium Density Residential (R-2).

2. The applicant’s submitted justification, memo, tax lot map, aerial photo, and site plan are adopted by reference. The applicant’s justification is summarized as follows:
   - The City of Seaside Public Works Director, on behalf of the Parks Advisory Committee, has submitted a letter supporting Sunset Empire Park & Recreation Districts proposal to develop an indoor multipurpose indoor training building.
   - The use is conditionally permitted in the Medium Density Residential (R-2) zone as a publically owned recreational use facility.
   - The building would meet setbacks and general structural guidelines.
   - The current plan would use green metal siding, hooded exterior lights, Seaside School Insignias, sidewalks and/or accessible walkways to Broadway Park & the Sunset Empire Park & Recreation building, & bike parking inside and outside the building.
   - Article 6 does not include specific standards for recreational.

3. No new parking is being proposed at this time. It would be served by the existing space that’s currently available for the ballfields and the existing surfaced area near the building. Handicapped accessible space could be required at the time plans are submitted for formal plan review.

4. Direct vehicular access to the building site is currently located on the Seaside School District’s property, and to ensure future use of that access, the applicant will need to obtain an easement from the School District or plan for alternative access in the future.

CONCLUSION TO CRITERIA #1:

The proposed multipurpose building will provide additional indoor recreational training space that will benefit the Broadway Park Ballfields in compliance with the development standards in the R-2 zone subject to the following condition.

Condition 1: The proposed development is still subject to review and authorization from the Seaside City Council prior to any formal plan submittal. Any modifications to the proposed facility required by the Council must be incorporated into the applicant’s plan. This could include, but would not be limited to, building size, location, access provisions, maintenance agreements.
FINAL STAFF RECOMMENDATION

Approve the proposed multipurpose recreational use building in Broadway Park north of the Sunset Empire Park and Recreation District building at 1140 Broadway. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to conditions.

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

- The conditional use will become void one (1) year from the date of decision unless the permit is utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.

- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance and any other applicable City of Seaside Ordinances.

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

Attachments: Applicant’s Submittal
September 6, 2019

Mr. Kevin Cupples
Planning Director
City of Seaside
989 Broadway
Seaside, OR. 97138

RE: Proposed Batting Cage - Multipurpose Building

Dear Kevin,

At the September 5, 2019 Parks Advisory Committee Meeting, Skyler Archibald of Sunset Empire Parks and Recreation presented the Proposed Batting Cage – Multipurpose Building Plans to the Committee members.

After discussions with Committee members, a vote was taken and the proposed project received a unanimous decision from the committee members to move forward with taking the project to the Planning Commission for their recommendation.

Respectfully yours,

[Signature]
Dale McDowell
Staff Representative
City of Seaside, Planning Department  
989 Broadway, Seaside, OR 97138  
(503) 738-7100  
Fax (503) 738-8765  
Kevin Cupples, Director

Land Use Application

PLEASE PRINT OR TYPE

NAME OF APPLICANT:  
CHRIS CORDER

ADDRESS:  
P.O. Box 2038  
GRAEHART, OR 97138

ZIP CODE:  
97138

STREET ADDRESS OR LOCATION OF PROPERTY:  
1100 Broadway St.  
SEASIDE, OR 97138

ZONE:  
RA

OVERLAY ZONES:  

TOWNSHIP:  
LE 10

RANGE:  
22

SECTION:  
BB

TAX LOT:  
4800

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):  
Build 56x86 steel building structure to house an indoor hitting & pitching facility along with 2 permanent restrooms, a concession stand & a storage area for Broadway Park grounds maintenance.

(Please include the appropriate plot plan.  If additional space is needed or supplemental information is required please attach)

OWNER:

SUNSET EMPIRE / SKYCRE ARCHITECT

ADDRESS:  
P.O. Box 514  
SEASIDE, OR 97138

PHONE / FAX / EMAIL:  
503.738.3311

SIGNATURE OF PROPERTY OWNER:  

APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):

CHRIS CORDER / SKYCRE ARCHITECT

ADDRESS:  
P.O. Box 2038  
GRAEHART, OR 97138

PHONE / FAX / EMAIL:  
503.440.3182

SIGNATURE OF APPLICANT/REPRESENTATIVE:  

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

☐ Conditional Use
☐ Landscape/Access Review
☐ Major Partition
☐ Minor Partition
☐ Non Conforming
☐ Planned Development
☐ Property Line Adjustment
☐ Setback Reduction
☐ Subdivision
☐ Temporary Use
☐ Vacation Rental
☐ Zoning Code Amendment
☐ Zoning Map Amendment
☐ Appeal
☐ Variance

PLANNING DEPARTMENT USE:

DATE ACCEPTED AS COMPLETE  
BY

CASE NUMBER (S)  
P.C. ACTION

OFFICE USE:

Fee  
$75

DATE FILED  
10-1-19

Receipt  
BY

U:\Planning\LAND USE APPLICATIONS\Application Cover Sheet.doc
In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

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

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

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

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

1. What is the proposed use in the zone?

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

3. How will the development meet any of the applicable standards in Article 6?
4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

* LIGHTING - HOODED EXTERIOR LIGHTS
* BUILDING COLOR - SAME AS OTHER BP BUILDINGS GAIN METAL
* SIDEWALKS/ACCESS - ADA SIDEWALKS TO 1 FROM SUNSET EMPIRE MAIN BUILDING
* BIKE RACK - 1 INSIDE 1 OUTSIDE

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

ATTACH EXTRA SHEETS IF NEEDED
Indoor Training Facility
@ Broadway Park
Project

Winter 2020
Project Summary:

This project, named the **Broadway Park Indoor Training Facility (BTF)** is designed to support the local Seaside baseball and softball programs. It also will be an additional support area for the Sunset Empire youth program as an indoor play area.

This building is proposed as a 56x86 footprint on the city of Seaside land to the north of the sunset empire building and to the west of the softball corner of broadway park where the current batting cages are. This building is proposed as an engineered pole building with steel roofing and siding that aesthetically matches the green buildings that are in the park now. There will be a Seaside Kids/Seaside Athletics sign on the building with a dedication of sponsors sign as well. The interior will be a low impact turf type flooring, plywood walls (painted school colors), 4 net systems (2 - 55' & 2 - 70'), a players lounge area/storage and will be heated with radiant floor heat. We plan to get natural gas to the building along with power, water and sewer. All of the shed water will be diverted into the storm drain system.

It is the goal and purpose of this group to provide an indoor facility that supports the Seaside baseball and softball programs throughout the year, rain or shine. Included in the proposed facility is are two ADA bathrooms, a concession stand and storage area for the Broadway park maintenance equipment.

**Access** to the facility will be from Broadway street. The building will have a perimeter sidewalk for ADA access and that access will be continued to the Sunset Empire facility with no breaks in hard/solid surface access. Use of the facility will be provided by permitted Seaside kids/Seaside High coaches and SEP RD staff only.
Parking for the facility will either be on the street, in the Broadway park parking lot, or to the north of the BTF in the area that is currently used for parking. A small bicycle rack will be provided as well on the building footprint.

The budget set for this project is $170,000.00.

The completion date goal for the facility is June 1, 2020.

The project is going to be managed by a work group of community member volunteers that are committed to getting this project complete. The project will be partial volunteer and partially sponsorship funded. We are also working with two Seaside High School seniors that will be utilizing this project as part of their Pacifica Project.

Proposed budget & Cost Analysis -

- General Conditions (permits, etc) $TBD
- Excavation and site prep - $TBD
- Building package (all materials including trusses) - $43,780.00
- Building Install (kinney & sons) - $44,000.00
- Concrete slab and Sidewalks - $31,500.00
- Electrical Package (w/o lighting) $15,000.00
- Heating HVAC (in floor heat) $15,000.00
- Interior framing $TBD
- Interior drywall $TBD
- Interior painting $TBD
- Interior sheathing $TBD
- Nets, flooring, and other equipment $16,594.00
- Total $170,000.00