

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
August 6, 2019
7:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** July 2, 2019
6. **PUBLIC HEARING:**
 - A. **19-044VRD:** A conditional use request by **Brian & Misti Dowling** for a **three (3) bedroom** Vacation Rental Dwelling (VRD) permit with a maximum occupancy of not more than **nine (9)** people over the age of three, no more than 10 regardless of age. The property is located at **441 15th Ave (T6-R10-S16DA-TL3000)** and it is zoned **Medium Density Residential (R2)**.
 - B. **19-051CU:** A conditional use request by **the City of Seaside** that will allow the development of a neighborhood park within an undeveloped right of way located east of the intersection of Huckleberry Drive and Cooper Drive. The right of way is 20' wide and 125' in length. It is located between two currently vacant lots referenced as T6-R10-S22DC-TL210 & TL300 (Situs Address 1980 & 2064 respectively), and the area has the potential to be utilized as an emergency access point with minor improvements. The property is currently zoned Medium Density Residential (R-2) and development of the neighborhood park is being supported by the Seaside Parks Advisory Committee.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
July 2, 2019

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 Posalski, Bill Carpenter, Lou Neubecker, Robin Montero and Teri Carpenter. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Jon Wickersham

APPROVAL OF MINUTES: June 4, 2019 adopted with the corrections Chair Hoth stated.

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. There was no response.

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. 19-035VRD** is a conditional use request by **Nicolina Dejeu** for a **three (3)** bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **nine (9)** people over the age of three. The property is located at **470 16th Avenue (T6-R10-16AD-TL00901)** 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. Nicole Dejeu and the owner of 470 16th Avenue, Seaside. She's not sure what to say so if the commission has any questions she is here to answer them.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Michelle Webb and she lives here locally and she is on call 24/7. Her address is 33789 Cullaby Lake Lane, Warrenton.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, Beach House vacation rental and property management. She just wants to add some information regarding the property. They used to manage this property years ago and wanted to at least

show that she does have documentation that it was a vacation rental before it went into a long term rental.

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. Bonnie Woodman, 451 16th Avenue, Seaside. She really doesn't have a problem with them. She doesn't have any objection really for them to have the VRD what she really objects to, is the fact that both the owner and the property manager are very smart individuals and for them to have put it on Airbnb and run it as an unlicensed business is wrong. Bonnie feels they should be penalized for what they have done. They can claim that they were ignorant of the fact, but when you are in any location, you find out the ABC's about what it is that you have to do in the area. She doesn't buy the fact that neither one of them knew that they could rent the place without having issues. Now they can have the VRD. She doesn't have a problem, but she feels that they should be penalized for what they have done in the past. She has their reviews that were online for Airbnb since July, 2018. These are not family members. These are people in the public that went through Airbnb to have this rented. There had to have been an exchange of monies. She objects to that and appreciates the fact that they're coming back on board and wanting to be a VRD. She doesn't like them in her neighborhood as you know she is trying to do something about controlling the VRD's in Seaside. This just keeps going on and on. She asked a representative from Tiffany Mitchell's office to be here tonight. It's a holiday and they were not able to come here. You will either see Tiffany Mitchell or one of your representatives in the future. They're on her side. They're wanting to do things in the legislature at the state capitol to try and control the VRD's. Seaside is running amuck and you need to nip it in the bud. The Norling home was the big issue before. She has an apology in that packet from somebody who had wrote in the letter defaming her and her actions at the Norling residence, he has apologized. So at least somebody has come forth and not perpetuated the lies that have been told against her. She sent the information to Kevin Cupples June 6th about the fact that this house 470 16th Avenue was running without a license. She also sent him all the information that you have there about their recommendations for renting the place. The very last page is Astoria is fining people who are listing their property on Airbnb. All you have to do is put a person's house number into the system and you can find out right away if they're on Airbnb and then you can find out through the process whether or not they have a license. She unfortunately knows two other people who are running a VRD without a license and her conscience says to bring them forth and she very likely will. So please let them have their license. She will watch them like a hawk.

Vice Chair Posalski stated that he knows that the city has a process for finding these noncompliant, rooms for room tax. Mr. Cupples stated that's what picked this one up. The owner was contacted and they stopped and canceled their rentals. Debbie contacted them and that's why they're in here now. Vice Chair Posalski stated the process for that is handled through a city hall, not through the Planning Commission. Mr. Cupples stated that is correct. They submit the application at City Hall. Vice Chair Posalski stated so any fines or anything like that are handled through there and not through the planning commission right? Mr. Cupples stated that it can be done through either whether it was done for the business license or whether it was done for the zoning ordinance. Vice Chair Posalski stated but not through the planning commission. Mr. Cupples stated that because they were renting through Airbnb, they were actually paying transient room tax over that time. Because Airbnb pays it, but they are actually supposed to report it. That's why one of the conditions of approval points that out saying that even if you're renting through Airbnb and they're making the payment of the room tax, they're still required to report to finance what they're taking in.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham, 331 8th Avenue, Seaside. He just wants to put in his 2 cents worth about the vacation rentals in general. We don't need any more in this town. They're ruining the neighborhoods. He doesn't care if they follow the requirements that the commission sets forth. The requirements are antiquated. They need to be updated. We need a complete moratorium on these things so that we don't destroy anything between the river and the ocean and that's what you're doing. There's no compliance with what you have. Obviously this planning department is overburdened because they can't keep anything under control. What do you do when you can't keep it under control? Chair Hoth stated that he's going to have to limit what Mr. Dunham is saying. This is the time to speak specifically about this vacation rental. Mr. Dunham stated we don't need any more vacation rentals we need a moratorium on them.

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. Michelle Webb stated that from April through May they were hoping to Airbnb with long term renters because she doesn't want to clean houses and Niki comes over from the city. They were hoping to have long term renters and they were able to get a month and a half renter in there. And that's what they were advertising on Airbnb to begin with. They did end up with some short term rentals. It was her idea to try it and see what would happen. They got a couple of rentals and then they got nothing. She suggested maybe Niki should contact Erin at Beach House and go back to vacation rental again and that's when they got the 45 day rental which they were happy about. When she went with Airbnb, she did contact them. It is an interview process. She did her research and they had told her that they had a contract with the City of Seaside and they would pay the taxes and send them a statement. The people that stayed 45 days paid room tax. So to her that's kind of a benefit to the city. They made sure that the taxes were collected and paid. What Airbnb did not advise them of is they did not advise her about the license. They were not actually looking to run it as a VRD. They really wanted more long term renters and the people they rented it to were people working in Astoria on a boat out of Virginia. Most of the renters are out of state, out of country. Her family came from British Columbia this week and her son's coming from California. When they cancelled all the rentals, they decided to let some people use the house. Airbnb contacted her, she's not kidding you, one day before she heard from Kevin. She has the text from Airbnb or the email they sent her and it was kind of a general email, make sure you contact the city that you're renting the home to make sure that you have all your licenses and stuff that you need through them. She called Nikki and said, you know, it's telling me we need a vacation rental license, so they ought to apply for one. Niki told her she was going to Africa and will be back in three or four days, and so they just did it Niki called and said she would get the paperwork to me as soon as she gets back from Africa. So that's where they are at. A comedy of errors. Niki Dejeu stated that in her prior letter, she hopes that the commission have all read it. She's had nothing but nightmares with fulltime renters and in this situation she could be there and be aware of what's happening. They had no clue about this and that is the God's honest truth. She didn't know and wouldn't willfully do something illegal. She would like the commission to permit her to do a vacation rental. If you read that letter about John Ethan Osbourne the police were called and drugs were being sold out of the house. They destroyed her house entirely. It was just a nightmare. She thought if she could make some money off of it and actually pay the mortgage or she might just sell it. She wasn't sure what she would do because now that she's divorced and only has one income, it's really hard to manage. So she thought that was it. So hopefully you will understand her situation. Michelle Webb stated that she had one more item, if you want to check out the advertisement, they only rent for a minimum of four days. They don't rent out on weekends and the rules are no parties they do not allow pets. And because of the parking situation that Kevin discussed and that you read, they are in agreement at this time to just give them an occupancy of six or two cars until they get the paving done they are fine with that.

Chair Hoth closed the public hearing and opened the discussion for the commission. Commissioner Montero asked if this was previously a vacation rental current. Ms. Dejeu stated yes that is correct. Commissioner Montero stated Okay, and you knew you had to have a license then, right? Ms. Dejeu stated yes, but it wasn't through Airbnb. Commissioner Montero stated that would have been through the city. You already have advertising out there for this property as a vacation rental? Ms. Dejeu stated yes, but we stopped. We froze any reservations. Bonnie Woodman spoke from the audience that it's still online. Ms. Dejeu stated that yes, it is still on line and if you look at the reservations, anybody who has requested a reservation has been denied. Commissioner Montero asked Mr. Cupples to correct me if she's wrong, the definition of a short term rental is 30 days or less. Correct. Mr. Cupples stated for periods, less than 30 days. Commissioner Montero so when something is rented through Airbnb or what have you, beyond that 30 days, how's that property classified then? Mr. Cupples stated it wouldn't be a vacation rental. Michelle Webb stated they thought they weren't getting in trouble because they had this great long term rental and they gave a big discount. Commissioner Montero stated it doesn't matter. Michelle Webb stated that's why they were hoping they would get more renters. Commissioner Montero stated that she just wants to get those points cleared up. Commissioner Bill Carpenter stated that the driveway is 40 feet long and that would fit two cars. Correct. Mr. Cupples stated Right. Commissioner Bill Carpenter stated that he would limit the occupants to six, with the two parking spaces with very strong instructions about NO parking on the streets. Michelle Webb handed out a new parking plan of what they are proposing when they have the money to do it. So this would be to change it to three bedroom with three parking spaces. He hasn't seen it yet but that's what the commission had discussed. Commissioner Bill Carpenter asked Kevin if he would have the ability to move it up to the nine after she complies. Mr. Cupples stated if that's your wish, he thinks the condition is actually written in that format and the commission has done that on others where they had limits on the occupancy until such time as it's done. Regardless of whatever happens, they're still going to pave the access up to that space within a year. Commissioner Montero asked if the applicant would have to

reapply all over again to obtain a higher occupancy. Mr. Cupples stated not if it's approved the way that it's currently written currently.

Vice Chair Posalski stated you're saying that it's okay to have the gravel driveway for a year? Mr. Cupples stated yes. Ms. Webb stated that she has some pictures of the driveway that shows how hard the gravel is. The gravel is actually below the sidewalk level, so the chances of actually getting gravel onto the sidewalk are really very minimal. Mr. Cupples stated that at the time of inspection he was actually looking at the gravel because he was trying to use it as an example to the applicant of saying, well we want to make sure that's done, so gravel doesn't get dragged out in the street and there wasn't any just because it's been there for a long time and it's been there since the house was built. Commissioner Teri Carpenter stated however the rules should still be the rules by having the driveway paved. Ms. Webb stated they still intend on getting that done within the year. Chair Hoth asked if anyone has any issues about limiting the occupancy to six and advertising it as a three bedroom. Commission Montero stated that she thinks the commission should limit the occupancy to six. Ms. Webb stated that they have already changed it on the website. Commissioner Teri Carpenter stated she still has concerns about the applicant knowingly operating the VRD without valid license. She doesn't know what the commission can actually say or do or put a restriction or penalize on it, but that is a concern of hers.

Vice Chair Posalski asked how is that controlled? If you have a six bedroom house, and can only have 10 people there. Mr. Cupples stated, if you took a literal read of the ordinance and said, well, I have a five bedroom house, then you automatically have to have five parking spaces, but your occupancy would be limited to 10 maybe. You could potentially block off a bedroom. But there are applicants from time to time that say, I don't want that many. There are people who get licensed for nine and they say, well I don't want more than eight or I don't want more than six. We had one that was a three bedroom home and they said they don't want six. Vice Chair Posalski stated he just wants to know which parts are the cause and effect. In other words, is it the three bedrooms that causes the three parking spots? And is it the three bedrooms that causes the 10 people maximum? Is it the car size? Mr. Cupples stated if you have two bedrooms, no matter what, you're not going to get an occupancy for more than six. If you have a one bedroom, you still have to have two off street parking spaces because that's the absolute minimum. If someone says I've got a limited occupancy, and not planning on having more than two people per bedroom, then with a six occupancy, even though they've got a three bedroom they can have the two parking spaces and that's based on the ordinance. Vice Chair Posalski stated so as long as the occupancy isn't over six then two parking spaces is okay. Mr. Cupples stated that is correct. That's the way it's been read and there's been discussion about that being problematic. Chair Hoth has had issues with that and Commissioner Montero has brought up issues with that. Vice Chair Posalski asked is that an issue that's going to be discussed at the end of the month joint work session with the council members? Mr. Cupples stated that it could be, but if in fact someone says, I don't want more than this many people in their house and you're going to use that as the limiting formula, then he thinks you can do that through the way you adopt findings. Commissioner Teri Carpenter stated that her concern would be, if there's four bedrooms in the house and there's only two parking spots, even if you limited to six, people are still going to use those rooms regardless. Mr. Cupples stated if you get to the extreme, he can see that. Commissioner Teri Carpenter stated especially if they're familiar with the house too. This house has four bedrooms so let's bring everybody. Chair Hoth stated especially if it has three bedrooms could be three couples, which could be three cars. Vice Chair Posalski stated that is when violations happen. Commissioner Teri Carpenter stated nobody is going to know that that's happened. Ms. Webb stated that they installed an outside camera. It's posted on their advertisement and they have an alert that comes on. They watch the property at check in and count how many people are entering the property. They're ready to go over and tell them they booked for six and six is what you got. Commissioner Teri Carpenter stated they're all good things, but when we're designing a rule it needs to be across the board for everybody and it needs to be something we can enforce. Vice Chair Posalski stated that he doesn't think we have the power on any VRD really to control how many people walk through that front door. The commission can set guidelines but people break the rules all the time.

At the end of the Commissioners discussion, Commissioner Montero made a motion that we reduce it to a two bedroom with just six people and parking for two cars. And at the time when the driveway is done, they can increase the number of bedrooms in accordance with parking spaces. Chair Hoth asked if Commissioner Montero would clarify the two bedrooms. Commissioner Montero stated two bedrooms, you pick the two you want. Maybe the third bedroom could be referred to as a bonus room at this point. They cannot advertise it as a three bedroom with two parking space. Commissioner Neubecker seconded the motion and the motion was carried with a five to one vote. Vice Chair Posalski voted no.

Mr. Cupples stated for clarification if they provide the third space, is that going to be adequate to allow for the third bedroom to be used in advertising? Commissioner Montero stated yes.

- B. 19-040CU:** A conditional use request by **Romano Development** to allow the establishment of a three unit condominium at 321 S Prom (T6, R10, 21AC TL: 11900). The proposed units would be side-by-side (townhome style) and the 1st floor would be used for parking with access from Avenue A. The property is zoned Resort Residential (RR), and although the zone permits motels outright, condominiums are a conditionally permitted use.

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. Gabe Headrick. He is the principle architect with Steelhead Architecture in Portland. Mr. Headrick stated that Kevin stated everything pretty well in the staff report. He believes that they have met all the conditions that are required for the conditional use. He would be happy to answer any questions the commission may 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. Dan Caleb, 25 Avenue A, Seaside. They are concerned about the setback in front of their property is rather small. They will be staring directly into the side of the building. Glancing at this, and he is not an expert obviously in the zoning ordinances, but he was under the impression that this would be the rear side of the building and there is a 15 foot setback on the very back of the building, which he believes is required on the rear of the building. But they are also on the rear of the building and they have a much smaller setback staring at us. He was at least hoping that they could somehow get the plans to adjust so that the setback in front of their house corresponds to the 15 foot setback that you're supposed to have from the rear of the property. They are not opposed to the development in general just opposed to the development being directly outside their front door.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham, Seaside Resident. Mr. Dunham asked if this going to be a condominium for rent or for purchase? Is this going to be a Vacation rental place? Chair Hoth stated that it's going to be for transient rental, which is different than a VRD. It will be more like condos that are already along the Prom. Mr. Dunham stated that this is going to open up a can of worms for everybody on the Prom then to take the residences away and give them an incentive to put in condominiums? He stated that there's about two vacant lots on the Prom that are empty. Chair Hoth stated that he doesn't know how many lots are vacant along the Prom. This property was one of the last lots available when the Pearl was submitted. Mr. Dunham stated there's a couple tear downs that just happened that are down on the south end. Vice Chair Posalski stated that those are in a different zone. Mr. Dunham stated so this isn't going to screw up the residential values by putting in a condo next to residential properties. Vice Chair Posalski that this property is zoned Resort Residential as opposed to the properties farther down the Prom that zoned R3 and R2. Mr. Cupples stated this is a zone that permits motels outright. Mr. Dunham asked if this going to be run as a motel. Mr. Cupples stated that condominiums are individual boxes that you're purchasing and those can be rented for transient occupancies. Mr. Dunham stated it's going to open up a can of worms down the road.

Mr. Cupples stated that you've actually got transient rental condos at the Promenade and the Sand & Sea which is right next door. Mr. Dunham asked if we need more, that's the question. Do we need more vacation rentals?

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

Chair Hoth stated that now is the time for the applicant's rebuttal. Gabe Headrick stated regarding the rentals, they are going to be held by one company. It's not going to be sold to three separate people, but they do plan on renting them out. Then regarding the setback, the notion was that Avenue A is the front, so they looked at it as the setback to the side was meeting the eight foot setback as required by code was how they interpreted it.

Erin Barker stated a bit of history 321 S Prom used to be an eight bedroom, eight bath vacation rental. There was a fire at the adjacent property that caused so much damage that it had to be demolished. She thinks it was probably 2001 it's been vacant ever since. She has seen project after project come

here. She really would rather see three condos and with it being zoned resort residential, somebody could just build a Best Western resort there. So she thinks a three condo concept works better, but it used to be an eight bedroom, eight bath VRD.

Chair Hoth asked Mr. Cupples if he could address the two issues that have kind of been raised and clarify them? One, the setbacks and the other, what is a transit rental and how's that different than a VRD? Mr. Cupples stated under the definitions in the ordinance when you have a standard lot is you've got one street frontage, you've got two sides and a rear on a corner lot based on the definitions in the ordinance you have one front yard, you have a street side yard and everything else is considered sides. So if there were six sides to the property and it's a corner lot. All the rest of those would actually be considered side yards. Chair Hoth stated just for clarification there still is a platted road along the Prom. Mr. Cupples stated correct. So that's actually a corner lot. The applicant's plan actually meets a 15 foot setback on one of the property lines and it's called out as a rear. And he wouldn't actually call that out as a rear. It would have been a five foot setback for a two story structure. Anything over two stories, the setback actually increases in that zone to eight feet. If the applicant was building a two story structure then the building next to the Calef's would be five feet away instead of eight feet, which is what the applicant is being required to do because they're actually going up to the full height in the zone. If someone just built a building there and they built a two story structure, it would be five feet from the property line would be the requirement. Chair Hoth stated so now with the transient rental what's different from the VRD's and how they're regulated. Mr. Cupples stated vacation rental dwellings normally are in single family dwellings. You can have them in a single family dwelling, you can have them in a duplex, you can have them in a tri-plex. The planning commission has talked about not allowing those in duplexes or triplexes or maybe limiting it to one or whatever, but that's all a matter of policy that hasn't been written yet. Because of the ownership of condominiums, it's customary and traditional for condominiums to actually be rented as transient rentals. In the past when you've done condominiums through a conditional use permit, they've all been done either planned development or in the RR zone. But if you're doing a condo in the RR zone, it's a conditionally permitted use. And why they put them in as a conditionally permitted use in the RR where you're allowed to do a motel? He can't answer that. He doesn't know what the nature of that was. They do have special requirements in Article six for timeshares, but they don't have special provisions for condominiums even though they're a conditionally permitted use. Chair Hoth stated that it requires a manager if there's no desk and that sort of thing. Would that manager have to be the same like a VRD or can they just be the manager of the property? How's that work? Mr. Cupples stated they would need to have a manager for the property. When we do transient rental condos, it's really through policy that we're having them meet more or less the similar standards to what a vacation rental dwelling would be. But by definition they're not a VRD. Every condominium he's seen has gone through a condominium plat and it's got different regulations through the real estate agency of how you set up a condo.

Commissioner Montero stated so right off of this conversation you mentioned in your presentation that a company is going to own these three units. Is that correct? Mr. Headrick stated that is correct. Commissioner Montero asked if Romano development is going to sell each individual unit. Mr. Headrick stated No, they will not sell it. They will hire a manager to manage the units. Commissioner Montero stated so these aren't purchased condominiums at all this, these are three rented units. Mr. Headrick stated correct. Commissioner Montero asked if they were going to be long term or short term. Commissioner Montero stated short term and short term being 30 days and under tells her that's a VRD and one of her concerns, if you look at unit A, it has three bedrooms. Mr. Headrick stated that it is a two bedroom.

Commissioner Teri Carpenter stated that her concern is the end to end parking and nobody likes that nobody ever uses it so where are people going to park? They can't park on the street. Mr. Headrick stated there's no parking on the fire access. Commissioner Teri Carpenter stated the two car garage side by side that definitely works and that's more usable. If they're going to be renting short term, then they're either a hotel or a VRD you can't say you're a condo. Vice Chair Posalski stated if this was classified as a three suite motel, they wouldn't even have to be here. Mr. Cupples stated that is correct they'd be asking for something different, because a motel is supposed to have four units not three. Mr. Cupples asked Mr. Headrick if they're actually going to file a condominium plat with this? Mr. Headrick stated yes. Mr. Cupples stated Okay. It's condominium by definition. There's a difference in the potential for ownership. They can actually sell off the individual boxes. When you file a condominium Plat, it's no longer just a multifamily dwelling. So it's not a tri-plex. It's semantics at this point or actually it's not semantics definitions, but they are treated differently under the zoning ordinance and through state law. Commissioner Teri Carpenter asked if this was at a different zone, a couple streets over, back from the Prom and then they would be under different rules. Mr. Cupples stated yes if they were in

an R2 zone or in R3 zone, which you can do condos in those, but you're looking at doing them as plan development in order to even allow them, they go through a completely different review process. Commissioner Montero asked if they have to go through a design review board or anything like that. Mr. Cupples stated no. Commissioner Montero then asked if there was any design criteria as far as the appearance. Mr. Cupples stated no. If this were proposed as a triplex and there was one owner and there was no potential condominium for it, then it would be an outright permitted use. If they wanted to do transient occupancy in it, then it would come back through for vacation rental. Commissioner Teri Carpenter stated that she has the same concerns that Commissioner Montero has. Unfortunately, the City of Seaside as far as she knows, doesn't really have any planned direction towards what they want the city to look like in the future. Vice Chair Posalski stated that it will match the convention center very well. Commissioner Montero asked what are the exterior materials? Mr. Headrick stated that they are still evaluating that at the moment. Commissioner Montero stated, so nothing blindly reflective or anything like that? Mr. Headrick stated no.

At the end of the Commissioner's discussion, Chair Hoth closed the public hearing and Commissioner Bill Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Neubecker seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that there will be a joint work session on Monday, July 29th and it starts at 6pm here in the council chambers.

COMMENTS FROM THE PUBLIC: Erin Barker presented some information that she gives to her guest that check in over the Fourth of July.

Mary Kemhus, 86183 S Wahanna. The Prom is a beautiful place and a place that draws a lot of business and tourism to Seaside. She would like to know where the responsibility lies in terms of maintaining a certain architectural flavor to Prom. Maybe that's something she can talk to somebody later, but do you have any direction in terms of how that could come about? Is that a City Council thing? Mr. Cupples stated he thinks that what Mary is talking about is generally considered some type of overlay zone that would be established in order to set some kind of building standard. There was discussion with the planning commission. It would be a combination of the Planning Commission and the City Council actually putting that into ordinance. The down side in Oregon to some extent is, if you establish those things because of a ballot measure that was passed. If someone has a property and they redevelop the property, they would get an automatic buyout of whatever restriction was put on it. But if that was established, if you set up some kind of visioning for the Prom and said, we want to try and see this type of architectural style. That was discussed of having craftsman style homes at one point and that kind of ran out of gas and they never did go forward as far as being something that wanted to be promoted in the form of ordinance. Then it was talked about by a number of the other planning commissioners, not just council members. He knows the council was involved in that too and saying, well maybe rather than putting it into hard and fast ordinance or creating an overlay zone where someone says, oh, you have to have this, not a cookie cutter form, but this particular form, which is actually kind of falling out of favor in many cases under some ordinances, they were saying, well, maybe what we should do is look at putting some guidelines together saying this is what we'd like to see. But that wouldn't be compelling them. That would be all voluntary. Mary asked how does that happen? How does that move forward? Mr. Cupples stated that she could bring it up before the Planning Commission and if the Planning Commission wanted to take that on as a project between the Planning Commission and Council. If there's interest in it, then they could move forward with it. Mary stated she knows that you all have a lot of extra time and you're looking for extra things to do. So she brings that forward now and if she can help in some way, let her know now. Chair Hoth stated that if she wanted to bring it up, we're having 29th is joint work session with the city council so she can address that and get both in one shot. Mary stated that she would totally love to do that. Unfortunately she will be incarcerated at the fair at that time.

Mr. Cupples stated that he would suggest she put that in writing and then it can be shared with the Planning Commission and Council. And he doesn't know with the last visioning that was done if there was really anything that was speaking to doing something like that. Seaside doesn't even have a design review provision in its ordinance, but some of those are big undertakings when people take them on, but they can be as big or as small as you want. There's probably some architectural firms out there that would jump on the chance to actually do some, charities that would actually explore that type of thing.

Chair Hoth asked if there was anyone else who would like to comment. Eric Dunham asked if we have anybody on board for a compliance officer for these vacation rentals and for like she was saying about properties just to get them to mow the lawn on the Prom or pick up the dog poop that's on the Prom.

Chair Hoth stated that's generally handled through the complaint process. Mr. Cupples stated if you're looking for a compliance officer right now, they had a compliance officer at the police department that was in towards the final end of running and that person hasn't worked out. He thinks they're getting ready to restart the interview process for that. Mr. Dunham asked does that mean that you guys are given up on the compliance then? Mr. Cupples stated no. Mr. Dunham asked how do we get them to mow the lawns on the Prom and how do we get them daily to double check when you okay a permit for vacation rental to make sure that they have lived up to what you said they could do. Mr. Cupples as far as someone not mowing their lawn that's a general ordinance standard. It's not even a VRD thing. Mr. Dunham asked who checks up on them when you ok a permit? Who goes by and says, okay you've done what we said you could do? Mr. Cupples stated that he goes through and does final inspection or we get documented evidence before they start renting.

Vice Chair Posalski stated to Mary that he knows that this meeting that's happening at the end of the month is really focused on the VRDs I would say that adding the additional piece that you're talking about may be pushed off beyond that. So if it doesn't get mentioned, that would be why. Mary stated okay. Not a problem. Don't worry.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:00 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Administrative Assistant, Debbie Kenyon
Date: July 22, 2019
**Applicant/
Owner(s):** Brian & Misti Dowling
23317 SE 269th Street
Maple Valley, WA 98038
Subject: Conditional Use 19-044VRD; Vacation Rental Dwelling Permit @
441 15th Avenue, T6-R10-S16DA-TL#3000

REQUEST:

The applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **441 15th Avenue**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **nine (9) people** over the age of three (no more than 10 regardless of age) within the existing **three** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

A. Parking. One 9' x 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.

B. Number of Occupants. The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request: **19-044VRD-** A conditional use request by **Brian & Misti Dowling** for a three (3) bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of not more than **nine (9)** people over the age of three, no more than 10 regardless of age. The property is located at **441 15th Avenue (6 10 16AD TL 00901)** and it is zoned **Medium Density Residential (R-2)**.
2. The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there are at least **three** off-street parking spaces that are available on the site (**two side by side in front of the garage and one inside the garage**).
 - b. The plot plan shows that parking will not take up more than 50% of the front, side or rear yard areas.
 - c. The existing **three** bedroom residence will have a limited occupancy of **nine (9) people** over the age of three (not more than 10 regardless of age).
 - d. **Erin Barker, Beach House Vacation Rentals, 800 N Roosevelt, Seaside, will be the local contact for the VRD and she can be reached at 503-440-1168.**
 - e. The owner/applicants have read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single family dwellings. Currently **23%** of the surrounding dwellings are licensed for VRD use within 100' of the subject property and **22%** within 200'.
3. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
4. The property **has not** undergone a preliminary compliance inspection. All of the corrections noted during the inspection must be completed and approved by the Community Development

Department final inspection prior to any transient rental of the property unless an alternative time period for completion is identified for specific items.

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

6. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any 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.*

7. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report the Community Development Department **had not** received any written comment objecting to the applicant's request.

8. 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.

9. The Commissioners have indicated they believe 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.

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 **(19-044VRD)** 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 and all corrections must be completed and verified by the Community Development Department prior to any transient rental unless an alternative time period for completion has been identified for specific items.

- 2. Parking spaces: Three (3) off-street parking spaces (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants.

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

- 3. Maximum number of occupants: Nine (9) persons over the age of three (no more than 10 regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
- 4. Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
- 5. Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
- 6. Local Contact: Erin Barker, Beach House Vacation Rentals, 800 N Roosevelt, Seaside will be the local contact for the VRD and she can be reached at (503) 440-1168.** The contact person must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

☒ The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the 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>. This should be used to report alleged violations that are not being addressed by the local contact or property manager.

15. Time Period for Approval, Required Re-inspection: This VRD approval shall be limited to 5 calendar years unless the dwelling is re-inspected (subject to the applicable fee) for compliance with the VRD policies and ordinances applicable at the time of the re-inspection. Re-inspection notices will be provided to the owners at the time business licenses are issued for the 5th calendar year. If the re-inspection is not completed during the 5th year, the permit will expire and a new VRD application must be approved prior to obtaining a new business license for the 6th calendar year. Compliance with the re-inspection requirements will reauthorize the VRD for an additional 5 calendar years.

16. Tsunami Information & Weather Radio: The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates "You Are Here". In addition, a NOAA weather radio, with automatic alert capabilities, must be 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.

FINAL STAFF RECOMMENDATION

Conditionally approve application **19-044VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9)** persons over the age of three (no more than 10 regardless of age) at **441 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

ALL HOMEOWNERS WITHIN 100 FEET OF 441 15TH AVE

	MapTaxlot	Owner	Situs Add	Mailing Add	City	State	Zip
1	61016DA00200	Bautista Romeo Alan	451 15th Ave	20306 NE Interlachen Lane	Fairview	OR	97024
	61016DA00300	OWNER - Dowling Brian	441 15th Ave	23317 SE 269th St	Maple Valley	WA	98038
2	61016DA00301	Brennan Elizabeth T <i>Yes</i>	431 15th Ave	1944 SE 24th Ave	Portland	OR	97214-4862
3	61016DA00400	Masterson Keith R	421 15th Ave	9560 SW Lakeside Dr	Portland	OR	97224
4	61016DA00701	Buck Frank Cory	420 14th Ave	430 14th St	Seaside	OR	97138
5	61016DA00800	Buck Frank Cory	430 14th Ave	430 14th Ave	Seaside	OR	97138-6321
6	61016DA00900	Ostrom Peter Evan	440 14th Ave	6055 SE Layfayette St	Portland	OR	97206
7	61016DA01000	French Corey Robert	450 14th Ave	PO BOX 2868	Gearhart	OR	97138
8	61016DA01100	Cook Marlyne K Revocable Trust	470 14th Ave	5270 NE Cornelius Pass Rd	Hillsboro	OR	97124
9	61016DA06100	Pease Rebecca M	450 15th Ave	PO BOX 650	Cornelius	OR	97113
10	61016DA06401	Robertson Richard D <i>Yes</i>	418 15th Ave	PO BOX 1713	Spanish Fork	UT	84660
11	61016DA06500	Kocher Gregory A/Paula J 1/2	436 15th Ave	4040 N Overlook Blvd	Portland	OR	97227-1063
12	61016DA06501	Hoelzer Wolfgang Trust	440 15th Ave	440 15th Ave	Seaside	OR	97138-6333
13	61016DA06600	Dawson William E <i>Yes</i>	446 15th Ave	827 SE 60th Ave	Hillsboro	OR	97123

3/13 = 23%

NEXT 100 FEET - HOMEOWNERS AFTER 100 FEET OF 441 15TH AVE

	MapTaxlot	Owner	Situs Add	Mailing Add	City	State	Zip
14	61016DA00101	Aughenbaugh Robert S	510 14th Ave	9033 SW 55th Ave	Portland	OR	97219-5016
15	61016DA00102	Tracey Steven	507 15th Ave	507 15th Ave	Seaside	OR	97138
16	61016DA00201	Carey William J	471 15th Ave	PO BOX 1514	The Dalles	OR	97058
	61016DA00500	Masterson Keith R		9560 SW Lakeside Dr	Portland	OR	97224-5669
17	61016DA00600	Barber Russell J	1411 N Franklin	4644 121 Ave SE	Bellevue	WA	98006
18	61016DA01200	Wolfe Donald L	350 14th Ave	4546 119th Ave SE	Bellevue	WA	98006-2740
19	61016DA01201	Kantas P James Tr	1416 Franklin	3060 SE Cornutt St	Hillsboro	OR	97123
20	61016DA05500	Layton Donald R	330 15th Ave	PO BOX 1360	Fairview	OR	97024-1360
21	61016DA05501	Dorsett Eric J <i>Yes</i>	1544 N Franklin	4503 NE 28th Ave	Portland	OR	97211
22	61016DA05900	Lewis Terry D	500 15th Ave	17111 SW Roosevelt St	Sherwood	OR	97140-8963
23	61016DA06000	Lariza Donald	471 16th Ave	1070 Eastside Rd	Hood River	OR	97031-9557
24	61016DA06200	Delegans George Michael	435 16th Ave	11216 SW Pintail Loop	Beaverton	OR	97007-8158
25	61016DA06201	VanderPol Robert P/ Peggy A <i>Yes</i>	451 16th Ave	18827 24th Ave W	Lynnwood	WA	98036-4807
26	61016DA06202	Norling Kelly J <i>Yes</i>	441 16th Ave	2607 NE 13th Ave	Portland	OR	97212-4149
27	61016DA06300	McCarty Terrance D	421 16th Ave	PO BOX 703	Seaside	OR	97138
28	61016DA06301	Heitert James D/Kathleen T Tr	1575 N Franklin	12711 SE 11th St	Vancouver	WA	98683-6309
29	61016DA06400	Brophy Ralph	410 15th Ave	10480 SW 63rd Dr	Portland	OR	97219-6653
30	61016DA06701	Cunningham's Coop LLC <i>Yes</i>	511 14th Ave	3206 SE Riesling Rd	Milwaukie	OR	97267
	61016DA06800	Hendrickson Joint Revocable Living Trust		2025 NE 44th Ave #517	Portland	OR	97213-1366
31	61016DA06801	Mittelstaedt Edward D	461 14th Ave	4021 SE Grand Ct	Portland	OR	97214
32	61016DA07000	Peters Juli M 1/2	441 14th Ave	4704 NE 50th Ave	Vancouver	WA	98661-2857
33	61016DA07001	Chilless Trust W 1/2	451 14th Ave	949 NW Overton St Unit #1202	Portland	OR	97209
34	61016DA07100	Pennings Steven C/Joan L <i>Yes</i>	1321 N Franklin	7230 SE 35th Ave	Portland	OR	97202-8318
35	61016DA07200	Ferguson Amanda	1315 N Franklin	1315 N Franklin St	Seaside	OR	

8/35 = 22%

LOCAL OWNERS IN BOLD

441 15TH AVE - 100 FEET



EXISTING VRDS w/ 100'



PROPERTY (SUBJECT PROPERTY)




Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.



441 15TH AVE - 200 FEET



 ADDITIONAL
VRDS W/ 200 FT

 SUBJECT
PROPERTY

 VRDS W/ 100 FT



City of Seaside, Planning Department

1001 Broadway, Seaside, OR 97138 (503) 738-3100 Fax (503) 738-4100

Land Use Application

Form Number: 1000-01

Project Name:

PROJECT NAME	PROJECT	APPLICANT
BELOW-4 MISC DEVELOPMENT	3500 SE ADAMS ST. SEASIDE POLICE, WA9	191246
441 15th AVE. Seaside, OR		

ZONE	APPLICANT'S REQUEST	APPLICANT'S COMMENTS	APPLICANT'S CONTACT	APPLICANT'S PHONE	APPLICANT'S FAX
R2	6	10	16DA	300	

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION:

(PLEASE INCLUDE THE following in your Plan:

1) A DETAILED MAP OF THE PROPERTY AND SURROUNDING AREA SHOWING THE PROPOSED PROJECT LOCATION AND BOUNDARIES

PROJECT NAME	APPLICANT'S NAME
BELOW-4 MISC DEVELOPMENT	
3500 SE ADAMS ST. SEASIDE POLICE, WA9	
441 15th AVE. Seaside, OR	
191246	

CHECK TYPE OF PLANNING ACTION:

- Change of Use
- Landscape/Screening Review
- Minor Planning
- Major Planning
- New Use Review
- Planned Development
- Property Use Adjustment
- In-Pace Re-zoning
- Re-zoning
- Temporary Use
- Major Review
- Variance
- Joint Use Agreement
- Other

PLANNING DEPARTMENT OF USE

19-044 V RD

DATE RECEIVED

DATE FORWARDED

19-044V

CITY OF SEASIDE

JUN 18 2019

CITY OF SEASIDE VACATION RENTAL DWELLING (VRD) APPLICATION

PAID

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.107 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 this submittal.

SUBMITTAL INFORMATION

1. Applicant's Name: BRIAN + MISHI Dowling
2. Mailing Address: 2201 SE 20th St Maple Valley WA 98038
3. Telephone #: Home 360-870-5127 Work 509-6
Fax NA e-mail bdow1525@hotmail.com
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: 441 15th Ave Seaside OR 97138
6. What is the total number of off-street parking spaces (8' X 16') that will be available for VRD occupant use? 4 The VRD ordinance states: One 8' X 16' 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? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom, minimum, 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 guest register rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the registers are secure at these locations. The number of overnight rentals 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.

ORIGINAL

V
66722 20
100
430
550

9848

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 VRC 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 VRC owner?

Name: Erin Barker Phone # 503-440-1108

Address: 600 N. Roosevelt Dr. SE #20 / POB 405 435 side, or

The VRC 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 VRC. 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?

The VRC ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 25% of the structure units within 100' of the subject property are currently licensed for VRC 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.).

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 ensure 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 the duration, may apply for a new permit in accordance with the VFD ordinance.

- A City Business License is required and all transient room tax provisions apply to VFD'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 VFD 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 VFD 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 Single-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 VFD request? YES

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

Applicant's Signature: Michelle Bowling Date: 6/17/17

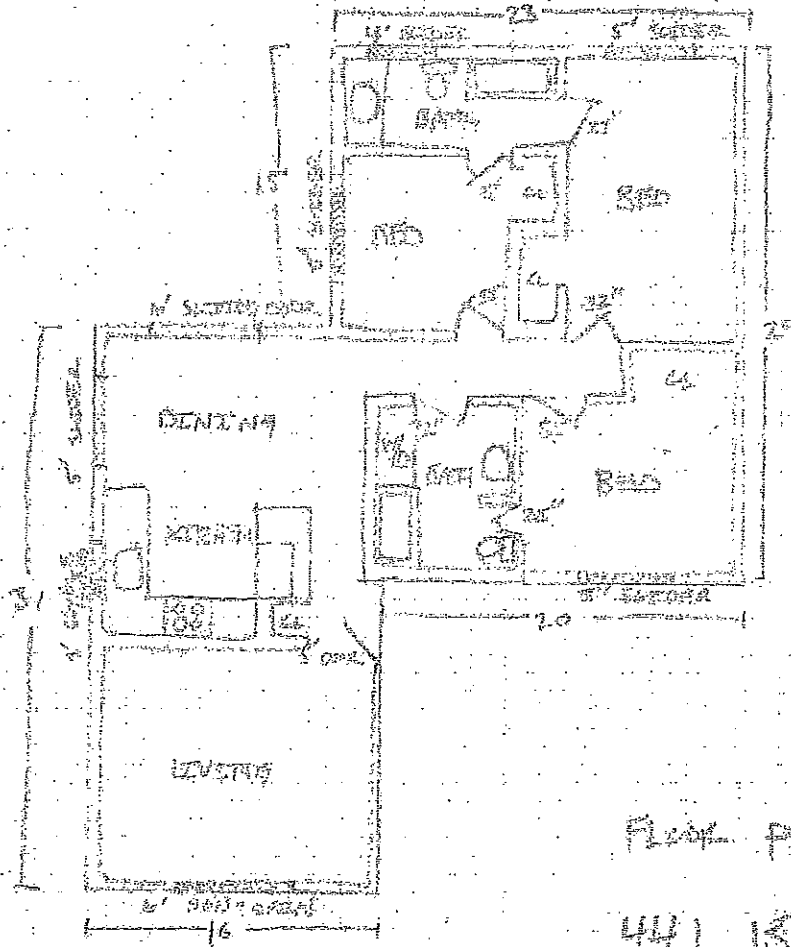
For Office Use Only

At the time of submission, the applicant must pay the annual business license fee based on the proposed occupancy of the VFD: 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 \$400.00 planning review fee must be submitted with this application. If the surrounding density of VFDs (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 VFD application is not approved, only the business license fee will be returned.

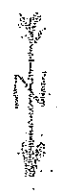
Submitted Date: _____ Amount Paid: _____



FLOOR PLAN:

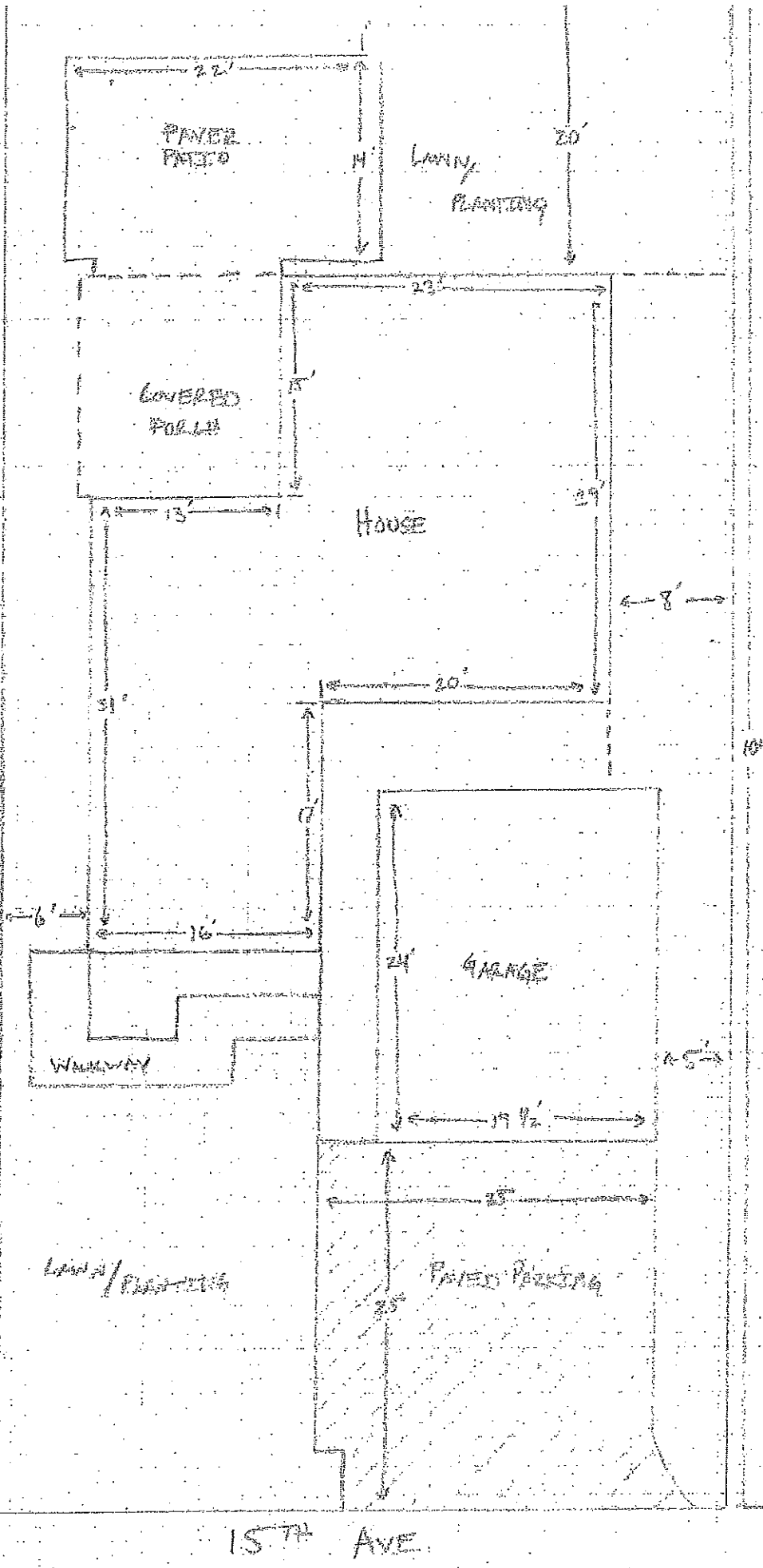
441 18th AVE

SCALE 1" = 10'



AREA

LOT	5252
FOOTPRINT	
HOUSE	1160
GARAGE	468
PATIO	516
WALKWAYS	294
TOTAL	2438
	47%



10th St

441 15th AVE

15th AVE

Brian and Misti Dowling
441 15th Ave
Seaside, OR 97138
July 30, 2019

City of Seaside Planning Commission
dkenyon@cityofseaside.com

Dear City of Seaside Planning Commission:

Thank you for taking the time to consider our Vacation Rental Dwelling permit application. While it may not affect your decision, we want to share a brief history with you. We are Brian and Misti Dowling and we purchased our home in May of 2018 after almost a year of searching. In that time, we made several trips to Seaside, toured dozens of houses, and even had two contracts fall through.

Leading up to the purchase, we had been casually talking about a vacation house for quite some time. After a long weekend in town during the summer of 2017, we decided there was no reason to delay something we knew was sure to make us happy.

My husband's family has been coming to Seaside every summer since he was young -- a tradition 40 years in the making. His affection for the small beach town is apparent with the turns and turns on the bumper cars and constant reminiscing about the fun they had here as kids.

I've been coming to the Oregon coast since college and have developed the same affinity for it. With a busy, hectic life, the coast in one place I feel like I can truly decompress and relax. Additionally, my dad will be retiring soon and I look forward to sharing the home with my parents. Despite working hard, they wouldn't be able to do something like this for themselves. As a daughter who adores her family, this might be the most rewarding reason of all.

Over the last fifteen months, we've made the 4+ hour drive from our house in Maple Valley, WA, Fridays after work on more weekends than not. In that time, we've become quite handy and have put a lot of blood, sweat, and tears into our home. Following you will find some photos of the work we've done to improve it.

We plan to use our home a lot, especially now that the projects are almost done. While not as sentimental, being able to rent it part-time is necessary to offset the expenses of owning a second home and affords us the ability to share it with others.

Sincerely,

Brian and Misti Dowling



© 2018



CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: August 6, 2019
Applicant: City of Seaside, Dale McDowell, Public Works Director,
989 Broadway, Seaside, OR 97138
Owner: City of Seaside Right of Way, 989 Broadway, Seaside, OR 97138
Location: 2000 Cooper Drive, Seaside, OR 97138 (Area between T6-R10-
S22DC-TL210 & TL300).
Subject: Conditional Use Request 19-051CU, Development of a
Neighborhood Park within the Right of Way located east of the
intersection of Huckleberry Drive and Cooper Drive.

REQUEST:

The applicant is requesting a conditional use that will allow the development of a small neighborhood park within the 20' X 125' right of way located east of the intersection of Huckleberry and Cooper Drive. The right of way was originally intended to provide potential emergency access to the abutting forest land that is currently owned by Stimson Lumber Company. The intended use would provide for improved recreational space for a basketball hoop and picnic tables while maintaining an open pathway for vehicular access in case of an emergency.

Development of the neighborhood "pocket" park is being supported by the Seaside Parks Advisory Committee, and as proposed, it would make dual use of the area for recreation and emergency access. The property is currently zoned Medium Density Residential (R-2) and public parks, playgrounds, and other publicly owned recreational facilities 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 diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary: 19-051CU: A conditional use request by the City of Seaside that will allow the development of a neighborhood park within an undeveloped right of way located east of the intersection of Huckleberry Drive and Cooper Drive. The right of way is 20' wide and 125' in length. It is located between two currently vacant lots referenced as T6-R10-S22DC-TL210 & TL300 (Situs Address 1980 & 2064 respectively), and the area has the potential to be utilized as an emergency access point with minor improvements. The property is currently zoned Medium Density Residential (R-2) and development of the neighborhood park is being supported by the Seaside Parks Advisory Committee
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 Public Works Director, on behalf of the Parks Advisory Committee, would like to establish a neighborhood pocket park within the right of way between vacant lots referenced as T6-R10-S22DC-TL210 & TL300 (Situs Address 1980 & 2064 respectively). The park would provide improved recreational space for a basketball hoop and picnic tables while maintaining an open pathway for vehicular access in case of an emergency.
 - Article 6 does not include specific standards for park development.
 - The Parks Advisory Committee has asked Public Works to work with the Planning Commission to authorize improvements that were originally suggested by representatives from the neighborhood.
2. The Public Works Director has indicated a garbage can will be provided for use at the site and he will consider how a bike rack can be incorporated into the park without adversely impacting the emergency access component of the dual use area.

CONCLUSION TO CRITERIA #1:

The proposed pocket park will provide additional recreational space for the neighborhood while maintaining an open pathway for vehicular access in case of an emergency.

FINAL STAFF RECOMMENDATION

Approve the neighborhood pocket park at 2000 Cooper Drive (the right of way located east of the intersection of Huckleberry Drive and Cooper Drive). This decision can be supported

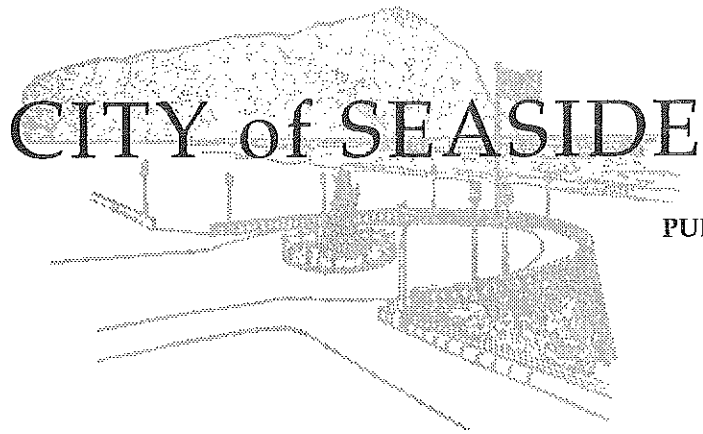
by the Commission adopting the findings, justification statements, and conclusions in this report.

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



OREGON'S
FAMOUS
ALL-YEAR
RESORT

PUBLIC WORKS DEPARTMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5112

Recommendation to Planning Commission

Date: June 12, 2019

From: Dale McDowell – Public Works Director and the Parks Advisory Committee

To: Chairman Chris Hoth and Planning Commission Members

RE: Potential Subdivision Park Space

Dear Chairman Chris Hoth and Planning Commission Members,

The City of Seaside owns a strip of land east of Cooper Drive between Tax Lots 210 and 300 (attached map). The area measures 20' x 100' and has the potential to be an evacuation access point with minor improvements.

Representatives from the neighborhood attended the most recent Parks Advisory Committee requesting that this strip of land be developed into a Neighborhood Park yet maintain the potential for an evacuation access point as well.

The drawing I have included with this request shows how this small piece of land can serve the joint use as a Pocket Park and maintain the ability to serve as an evacuation access point as well.

The Parks Advisory Committee is requesting the Public Works Department work with the Seaside Planning Commission to accomplish this task.

Respectfully yours,

A handwritten signature in cursive script that reads "Dale M. McDowell".

Dale McDowell
Public Works Director

Attachments



City of Seaside, Planning Department
 989 Broadway, Seaside, OR 97138 (503) 738-7100
Land Use Application

Fax (503) 738-8765

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Dale McDowell	ADDRESS 989 Broadway Seaside, OR.	ZIP CODE 97138
STREET ADDRESS OR LOCATION OF PROPERTY Cooper Drive between Tax Lots 210 and 300		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R-2	None	6N	10W	22	

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

Neighborhood Mini Park and Tsunami Evacuation Access Road

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER City of Seaside	PRINT NAME OF APPLICANT/REPRESENTATIVE Dale McDowell - Public Works Director
ADDRESS 989 Broadway Seaside, OR. 97138	ADDRESS 989 Broadway Seaside, OR. 97138
PHONE / FAX / EMAIL 503-738-5511 503-738-5514 kjordan@cityofseaside.us	PHONE / FAX / EMAIL 503-738-5112 503-738-8765 dmcdowell@cityofseaside.us
SIGNATURE OF PROPERTY OWNER	SIGNATURE OF APPLICANT/REPRESENTATIVE <i>Dale McDowell</i>

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) 19-051CU	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CONDITIONAL USE - ARTICLE 6

TYPE 2 - PLANNING COMMISSION DECISION

FEE: \$ 675.00

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?

Neighborhood Mini Park and Tsunami Evacuation Access Road

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

na

3. How will the development meet any of the applicable standards in Article 6?

No special standards in Article 6 are required for parks development

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.

Notification of all neighboring property owners, signage of Park Rules to include hours of use. Adequate Paved surfacing to allow Emergency Vehicle Access.

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

Clatsop County GIS Help FAQ

Search Tools Sketch Tools Advanced Print

Map Layers Search Taxlots Results

Search Taxlots

Search By: Account Number

That: Contains

FOR HELP: SEE EXAMPLES BELOW

Account Number: 22587

Taxlot: 80908CCC0800

Map Number: B.9.8CC

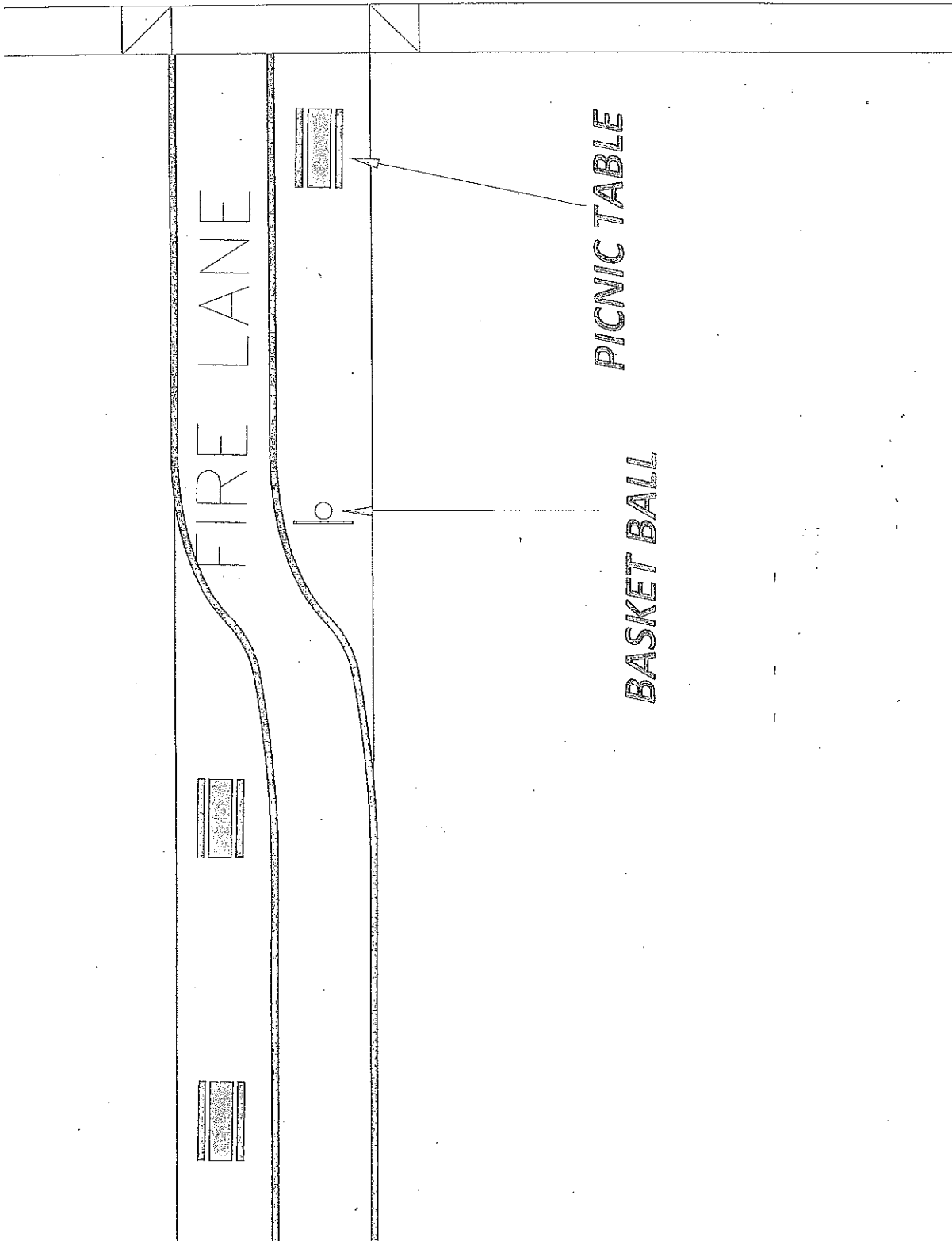
Owner: (Last Name First) No Comm

Address: If 123 Main St, enter 123 Main or 123 for best results

Cancel Go!

Basemap Photo Taxmap

COOPER



Map



Clatsop County Webmaps

Disclaimer: This map was produced using Clatsop County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation. Photos may not align with taxlots.

