



CITY OF SEASIDE PLANNING COMMISSION AGENDA

Tuesday, October 3, 2023

To provide public comment for Planning Commission meetings, participants should register prior to the meeting. Please complete the form linked below to offer public comment at an upcoming Planning Commission meeting. You may provide public comment using the following methods:

1. In-person (meetings are held at Seaside City Hall, 989 Broadway, Seaside, OR)
2. Via Zoom web conference or telephone (obtain link and register at cityofseaside.us)
3. Written comments may be submitted using this [form](#), via e-mail to publiccomment@cityofseaside.us or in person at City Hall (989 Broadway, Seaside, OR).

If you are providing public comments in person or via Zoom, please keep in mind your comments will be limited to three (3) minutes. If your comments are longer than three (3) minutes, please submit your comment in writing and utilize your three (3) minutes to summarize your written document. Please review the [Public Comment Rules of Conduct](#) prior to the meeting.

PLANNING COMMISSION MEETING: 6:00 PM

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
5. **DECLARATION OF POTENTIAL CONFLICT OF INTEREST**
6. **PUBLIC HEARING**
 - a) **769-23-000059-PLNG:** A conditional use request by Harold Zeagler for a two (2) bedroom Vacation Rental Dwelling at 230 Ave T (T6-R10-21CD TL 03900) with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.
 - b) **769-23-000060-PLNG:** A conditional use request by Deborah May Simonetti for a three (3) bedroom Vacation Rental Dwelling at 310 9th Ave (T6-R10-16DC TL 01700) with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.
 - c) **769-23-000061-PLNG:** The applicants, Neal and Melissa Walsh, are requesting a conditional use to replace the existing non-conforming structure at 120 Avenue N (T6-R10-21DB TL17501) with a structure that more closely meets the development standards in the Medium Density Residential (R-2) zone.
7. **ORDINANCE ADMINISTRATION**
8. **PUBLIC COMMENTS** Members of the public may use this time to provide comment to the Planning Commission on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.
9. **COMMENTS FROM CITY STAFF**

10. **COMMENTS FROM THE COUNCIL**

11. **ADJOURNMENT**

Complete copies of the Current Commission meeting Agenda, Packets, and Minutes can be viewed at: cityofseaside.us.

All meetings other than executive sessions are open to the public. When appropriate, the presiding officer may recognize any public member desiring to address the Commission. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-7100 if you will need any special accommodation to participate in this meeting.



CITY OF SEASIDE PLANNING COMMISSION

MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Tuesday, September 5, 2023

Planning Commission Meeting

I. Call to Order and Pledge of Allegiance

II. Roll Call

Council Members	P/A
Robin Montero, Chairperson	P
Kathy Kleczek, Vice Chairperson	P
Brandon Kraft	A
Lou Neubecker	A
Gretchen Stahmer	P
Chris Rose	P
Don Johnson	P

Staff Members	
Jeff Flory, Community Development Director	Jordan Sprague, Community Development Administrative Assistant
Anne McBride, Code Compliance Official	

Visitors in Chambers (attendance sheet)	Visitors on Zoom
Loren Williams	
Tami Williams	
Shannon Mueller	
Eric Mueller	

III. Approval of Minutes

August 1, 2023 minutes were adopted with a correction to the attendance to include Steve Olsted and Scott Santos

IV. **Declaration of Potential Conflict of Interest**

There were none

V. Public Hearings

769-23-000052-PLNG: The applicants, Loren and Tammi Williams, is requesting a conditional use for an expansion to the self-storage unit facility at 1221 S Jackson St. with a one-bedroom dwelling unit as a caretaker’s quarters within the existing building.

Community Development Director Flory presented the staff report, decision criteria findings, condition, and conclusions.

Tammi and Loren Williams, applicants, spoke on behalf of the application.

Chair Montero opened the discussion to those in favor. There were none.

Chair Montero opened the discussion to those in opposition. There were none.

Chair Montero opened the discussion to the Commission.

Commissioner Stahmer questioned the type of storage containers that will be used for the additional units.

Vice Chair Kleczek requested clarification of the locations of the new storage units and accessibility to the second floor.

Chair Montero expressed concern regarding the change of traffic to the site due to the increase of units.

Motion:	Motion to approve 769-23-000052-PLNG with the conditions provided in the staff report.			
Moved:	Johnson			
Seconded:	Kleczek			
Ayes:	Rose, Kleczek, Montero, Stahmer, Johnson	Nays: 0	Absent: Kraft, Neubecker	Recused: 0
Passed:	5-0			

769-23-000053-PLNG: The applicants, Shannon and Eric Mueller, is requesting a conditional use for a Vacation Rental Dwelling at 2416 S Edgewood St.

Community Development Director Flory presented the staff report, decision criteria findings, condition, and conclusions.

Eric and Shannon Mueller, applicants, spoke on behalf of the application.

Chair Montero opened the discussion to those in favor. There were none.

Chair Montero opened the discussion to those in opposition. There were none.

Chair Montero opened the discussion to the Commission.

Vice Chair Kleczek stated the density map was missing from the staff report.

Chair Montero expressed concerns regarding the parking area and emphasized the maximum occupancy.

Motion:	Motion to approve 769-23-000053-PLNG with the conditions provided in the staff report.			
Moved:	Kleczek			
Seconded:	Rose			
Ayes:	Rose, Kleczek, Montero, Stahmer, Johnson	Nays: 0	Absent: Neubecker, Kraft	Recused: 0
Passed:	5-0			

VI. [Ordinance Administration](#)

The Commissioner discussed deed restrictions and a future work session with direction and comments from the City Attorney.

Mr. Flory provided dates for the Comprehensive Plan Update Steering Committee meeting and a joint work session with the City Council for a presentation from 3J Consulting.

VII. Public Comments

There were none.

VIII. Planning Commission and Staff Comments

Commissioner Rose spoke about the difficulties with housing.

IX. Adjournment at 6:39 PM.

Approved by Commission on: _____

Minutes prepared by: _____
Jordan Sprague, Administrative Assistant

ROBIN MONTERO, Chairperson



APPLICATION(S):	769-23-000059-PLNG – Conditional Use
MEETING DATE:	October 3, 2023
PUBLIC HEARING:	Yes
Report Date:	September 22, 2023
Applicant:	Harold Zeagler
Owner:	Harold Zeagler
Location:	230 Avenue T, Seaside, OR 97138
Major Street Access:	Avenue T
Parcel Number(s) & Size:	T6-R10-21CD-03900 Approximately.11 Acres
Parcel Zoning:	Medium Density Residential (R-2)
Adjacent Zoning:	High Density Residential (R-3)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

A. Summary:

A conditional use request by Harold Zeagler for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.

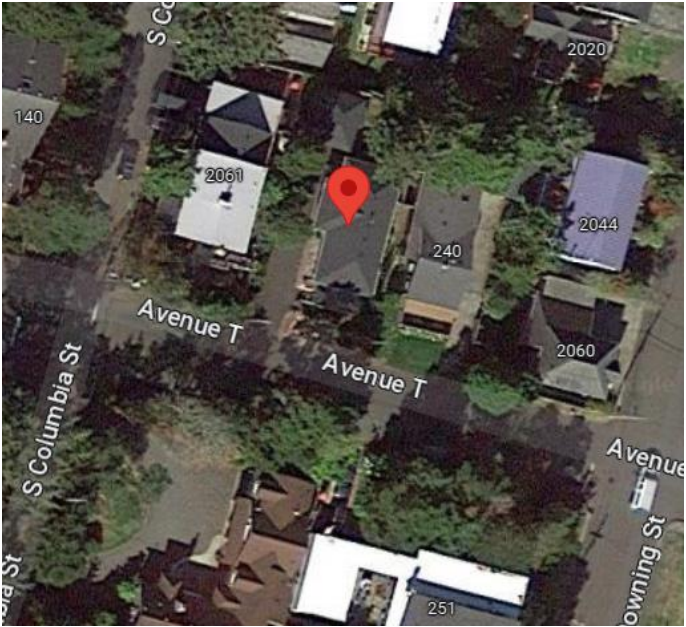
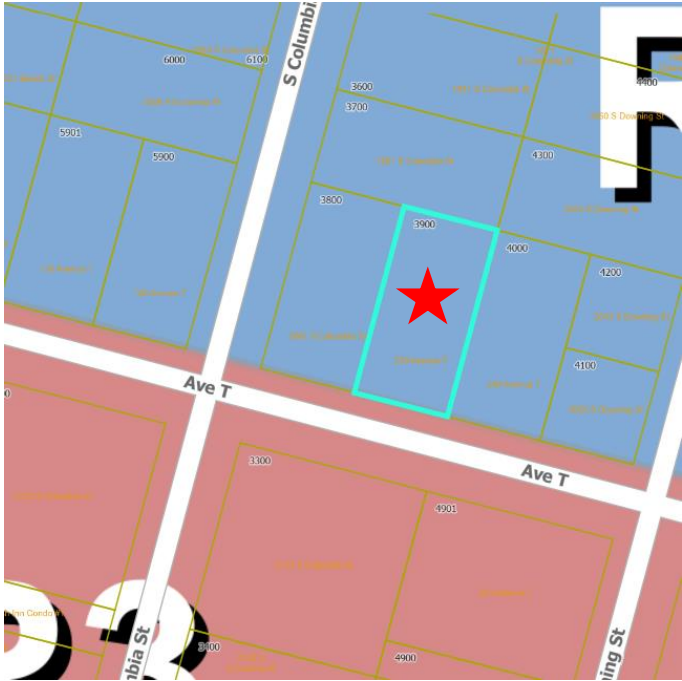
Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

B. Exhibits:

- 1. Applicant Submittals**
- 2. Site Plans**

Location: 230 Avenue T, Seaside OR 97138 (T6-R10-21CD03900)



Jeff Flory, Community Development Director
jflory@cityofseaside.us
989 Broadway, Seaside, OR 97138
(503) 738-7100

C. Background:

The applicant's property is an approximate 5,000 sq. ft. lot with sufficient space for three (3) parking spaces, however, only two parking spaces are required per their requested occupancy and number of bedrooms. The applicant stated this is his primary residence and he would like to use it as a rental when he is not here.

D. Required Dates:

This application was accepted as complete on September 12, 2023. The 120-day decision timeframe is January 10, 2024.

E. Specific Request:

A conditional use request by Harold Zeagler for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.

F. Process:

This request is being reviewed under Article 6 and Article 10 of the Seaside Zoning Ordinance. Article 6 establishes the criteria for conditional uses and Article 10 establishes the process and procedures that are applicable to this request. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

G. Community Review:

Notice of this public hearing was published in the Daily Astorian on September 14, 2023. Additionally, a mailed notice was sent on September 13, 2023, to all property owners within 100 feet of the subject property.

H. Written Comments:

At the time of this report, no written comments have been submitted to the Community Development Department.

I. Comprehensive Plan:

This property is located in the Medium-Density Residential land use designation as stated in section 3.1.2 of the Comprehensive Plan. The Comprehensive Plan states these areas are characterized by moderately dense housing on generally small lots. Uses include mostly single-family housing dwellings with a mixture of duplex or two-family units and other uses consistent with residential neighborhoods, such as churches, schools, community facilities, and parks or recreational areas. This area may also contain manufactured homes, manufactured home parks, and vacation rental dwellings.

Section 4.1 of the Comprehensive Plan states: "Since the City of Seaside is a recreational community and major tourist attraction on the Oregon Coast, it is recognized that there is a need for recreational types of housing, including beach homes, vacation rentals, motels, recreational vehicle parks, and campgrounds."

J. Zoning Ordinance Criteria for a Conditional Use:

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.

Finding: The applicant's site plan shows sufficient parking area to accommodate three off-street parking spaces. The parking spaces are stacked in the driveway on the side of the dwelling.

- 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.

Finding: The applicant's home is a two-bedroom single-family dwelling that will allow an occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.

The good neighbor rules, occupancy, and tsunami evacuation map are required to be posted in a conspicuous place within the VRD and are verified during the VRD inspection. This VRD will also be subject to annual inspections where these items are checked for compliance.

- 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.

Finding: The applicant's site plan shows the driveway and parking area do not take up more than 50% of the required front yard landscaping.

- 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).

Finding: The applicant has not listed a local contact at this time. The applicant will need to name a local contact prior to any transient rental of the 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.



3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100ft; is equal to or less than 30% or 50% depending on their proximity to the beachfront areas of Seaside. This property is within the area where the Planning Commission has determined that no more than 30% of the properties surrounding the applicant's property will be supported for VRD use. The density of VRDs surrounding the applicant's property is 23.07%.
4. The property has not undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period 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 are intended to be 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."

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

6. All property owners within 100ft of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department did not receive any letters concerning this request.

7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts on 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.
9. The property was not previously permitted as a VRD.
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. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner’s expense.
14. Outdoor fire rings, fireplaces, hot tubs, & spas can lead to late-night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late-night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the

Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners' concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.
17. The Seaside Planning Commission has established a waiting period for new applicants applying for a VRD permit on properties that were not previously licensed and newly constructed properties. This property was not previously licensed for VRD use however; the applicant has owned the property for more than 90 days.

CONCLUSION:

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 recommended conditions of approval.

L. RECOMMENDED CONDITIONS:

- I. 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 the land use file (769-23-000059-PLNG) 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 undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

- 2. PARKING SPACES:** Two (2) off-street parking spaces (9ft X 18ft 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 ten (10) persons 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:** The applicant has not named a local contact at this time. The applicant is required to name a local contact prior to any transient rental. The local contact 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 100ft. 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. COMPATABILITY:** 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 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.
- 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 ensure 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 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 VRDs. 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.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants who utilize these platforms to report this 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 an electronic complaint form can also be accessed on the City of Seaside's website:

www.cityofseaside.us/VRDComplaint

This form 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 will be subject to an annual compliance inspection (subject to an applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.

- 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 90 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, trespassing 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(s), 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. OUTDOOR FIRE RINGS, FIREPLACES, HOT TUBS, & SPA FACILITIES:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

If these hours prove to be insufficient to protect the neighboring property owners from unwanted noise or smoke, they will be further restricted by staff. The additional restriction can include prohibiting the use of the outdoor facility entirely by VRD tenants.

M. Recommendation and Alternatives:

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

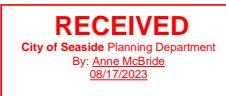
Alternative 1:

The Planning Commission may choose to continue this request to the regularly scheduled November 7, 2023, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

Alternative 2:

The Planning Commission may choose to hold the public hearing and review additional submitted comments or evidence. If new evidence justifies the denial of the applicant's request, the Planning Commission could move to deny this application.

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.



Seaside Planning Department Land Use Application



Office: 503-738-7100

E-mail: CDAdmin@CityofSeaside.us

Fax: 503-738-8765

Mailing Address: 989 Broadway Seaside, OR 97138

Physical Address: 1389 Avenue U Seaside, OR 97138

Name of Applicant: HAROLD ZEAGLER	Address: 6542 SW WINTERS RD. CORNELIUS	Zip Code: 97113
Street Address or Location of Property: 230 AVE T SEASIDE OR 97138		

Zone R2	Overlay Zones	Township	Range 61021CD03900	Section	Tax Lot
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Proposed Use of Property and Purpose of Application:

VACATION RENTAL
 THIS IS MY PRIMARY RESIDENCE &
 I WOULD LIKE TO USE IT AS
 A RENTAL WHEN I AM NOT HERE

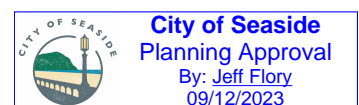
(Attach additional pages if necessary.)

Owner	Applicant/Representative (Other than Owner)
Print Name of Property Owner: HAROLD ZEAGLER	Print Name of Applicant/Representative:
Address: 6542 SW WINTERS RD	Address:
Phone: 503-502-7774	Phone:
E-mail: CANDH@COHD.NET	E-mail:
Signature of Property Owner: <i>Harold Zeagler</i>	Signature of Duly Authorized Applicant/Representative:

FOR OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE.

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Non-Conforming | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Major Partition | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Vacation Rental <input checked="" type="checkbox"/> PC | <input type="checkbox"/> PD <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: 09/12/23	By: J. Flory
File Number: 769-23-000059-PLNG	
Hearing Date: 10/03/23	P.C. Action:



RECEIVED
City of Seaside Planning Department
By: Anne McBride
08/17/2023

Vacation Rental Dwelling Property Information



VRD Address: 230 AVE T SEASIDE OR 97138

- 1. TOTAL NUMBER OF BEDROOMS: 2
- 2. TOTAL NUMBER OF OFF-STREET PARKING SPACES: 3
 - a. VRDs are required to have a minimum of two parking spaces (each space must be 9'x18') plus one additional space for each bedroom in the dwelling over two bedrooms.
- 3. OCCUPANCY REQUESTED (OVER THE AGE OF THREE) : 6
 - a. To calculate your maximum occupancy, multiply the number of bedrooms by 3. If the number of parking spaces is less than the number of bedrooms, calculate your occupancy by multiplying the number of parking spaces by 3.
- 4. DO THE REQUIRED OFF-STREET PARKING SPACES TAKE UP MORE THAN 50% OF THE VRD'S REQUIRED YARD AREAS?
Yes _____ No X
- 5. DO YOU HAVE ANY OWNERSHIP IN ANY ADDITIONAL PROPERTIES IN THE CITY OF SEASIDE?
Yes _____ No X
If yes what are the property addresses? _____
- 6. DO YOU HAVE OWNERSHIP IN ANY OTHER SHORT-TERM RENTALS? Yes _____ No X
If yes, what City/County/State are they located in?

- 7. WHO WILL BE THE LOCAL CONTACT FOR YOUR VRD?
(Your local contact must reside within Clatsop County.)
Name TBA Address _____ 24-hr Phone _____
- 8. ATTACH SCALE DRAWINGS OF YOUR SITE PLAN, FLOOR PLAN, AND PARKING MAP.

By signing this application, the applicant acknowledges that if the request requires review by the Planning Commission (Seaside Zoning Ordinance 6.137E), additional Planning Commission review fees may apply and the applicant or a duly authorized representative must attend the Public Hearing. The applicant has answered these questions truthfully and to the best of their knowledge and the applicant understands that omitting information on this application could be grounds for denial of their request for VRD Conditional Use Permit.

Applicant Signature: Harold Zeagler Date: 8-8-23

Printed Name: HAROLD ZEAGLER

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City of Seaside Planning Department
By: Anne McBride
08/17/2023

50'-0"

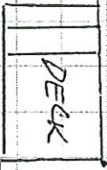
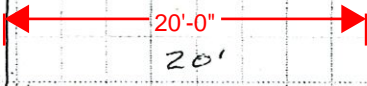
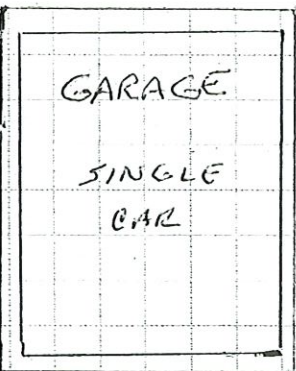
NORTH PROPERTY LINE
50'



SCALE
1" = 10 1/2'

REQUIRED
YARD AREA

**Meets 50% YARD
REQUIREMENT**
Parking Area: 216.88 Sq. Ft.
Total Yard: 833.11 Sq. Ft.
Parking/Yard: 26.03% Parking



DRIVEWAY 76' X 11'6"

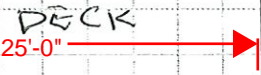
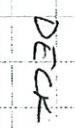
DWELLING

230 WEST
SEASIDE DR

WEST PROPERTY LINE 100'

37'4"

EAST PROPERTY LINE 100'



Parking Area
216.88 sf

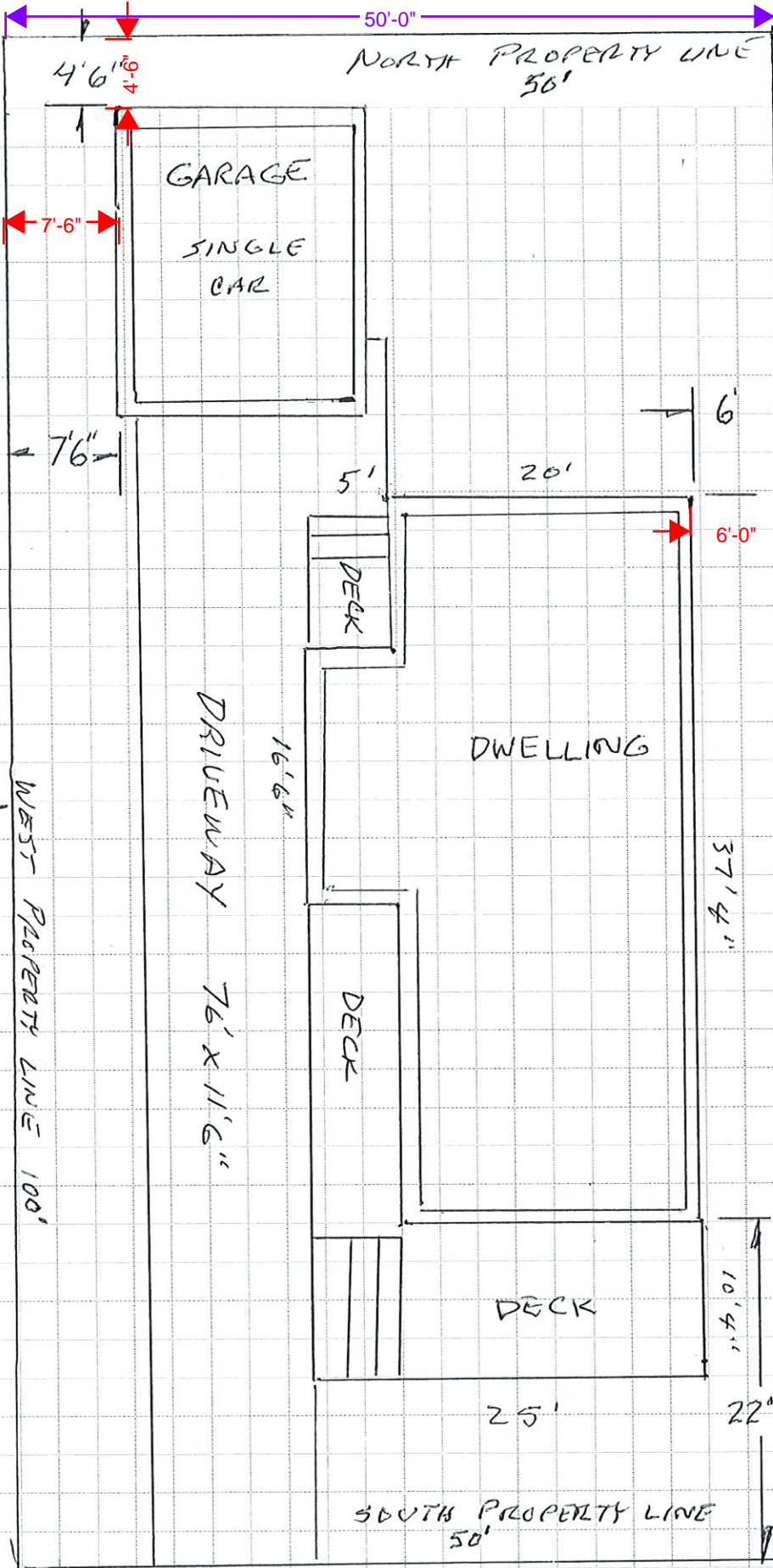
Total Yard Area
833.11 sf



SOUTH PROPERTY LINE
50'

50'-0"
AVENUE T

City of Seaside
Planning Approval
By: Anne McBride
08/17/2023



SITE PLAN

230 WEST SEASIDE DR

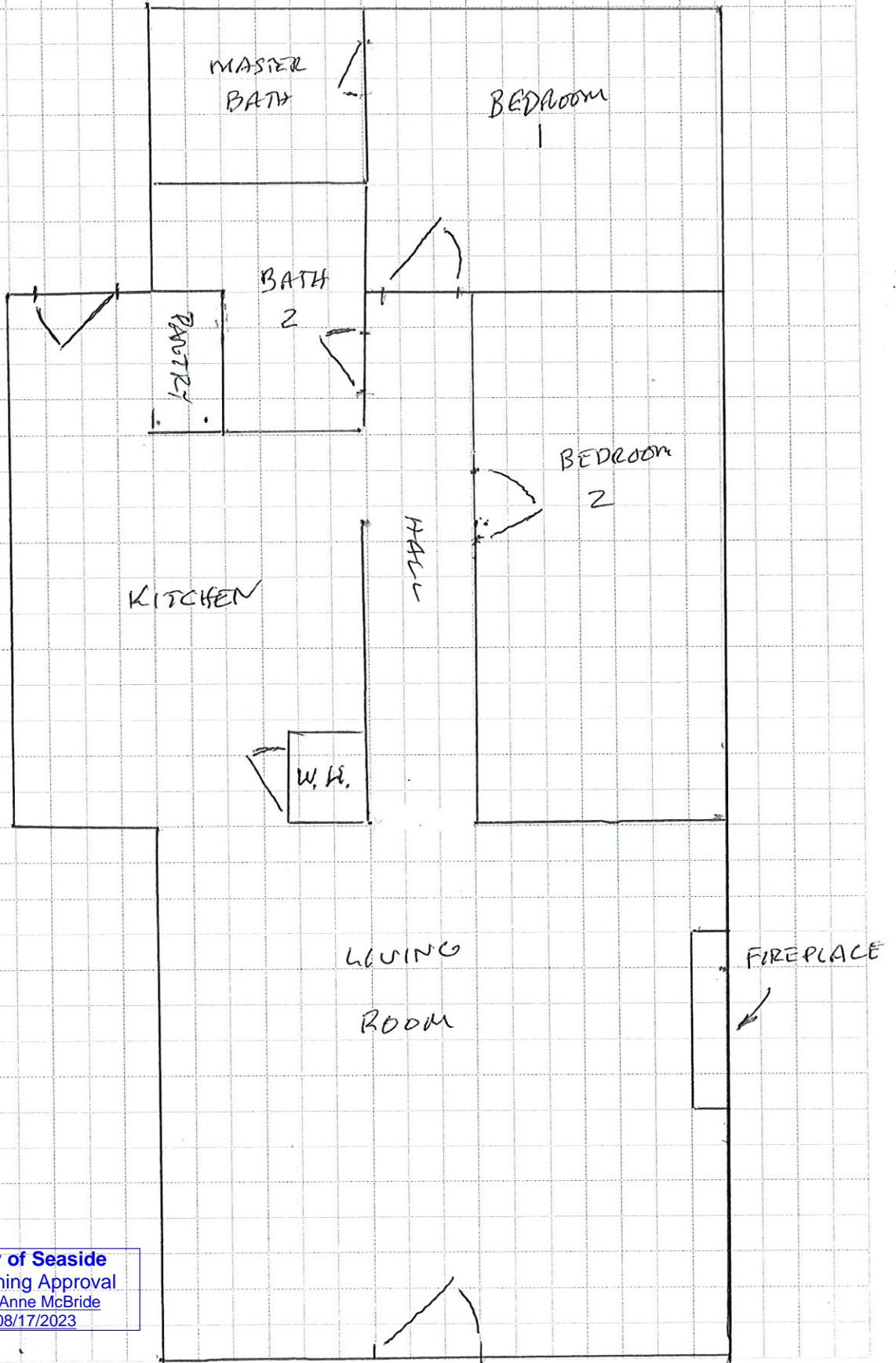
FLOOR PLAN



SCALE

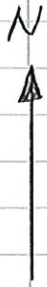
1" = 5 1/4'

(3/16)





City of Seaside
Planning Approval
By: Anne McBride
08/17/2023

PARKING MAP



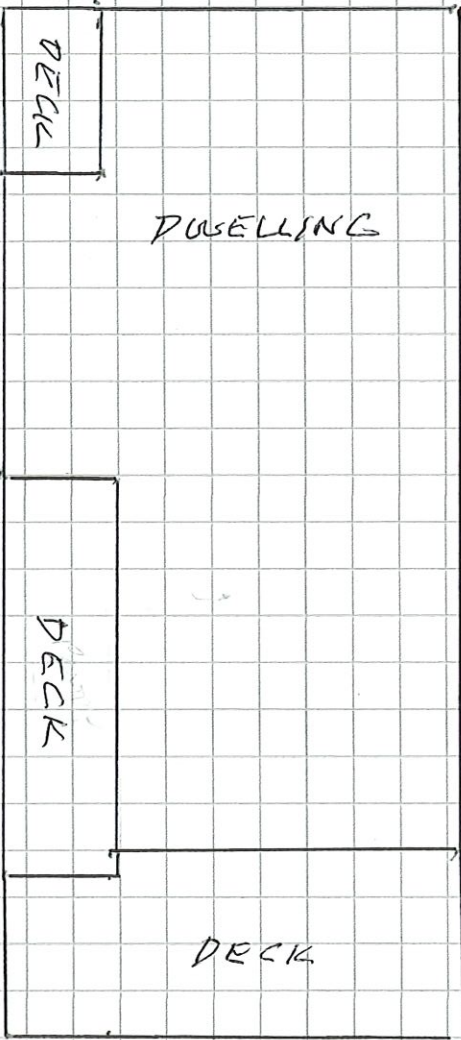
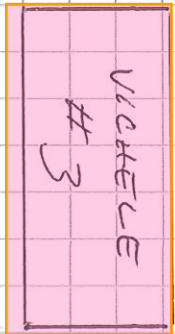
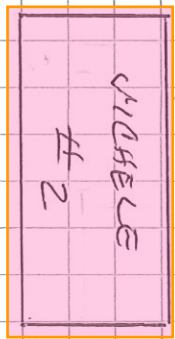
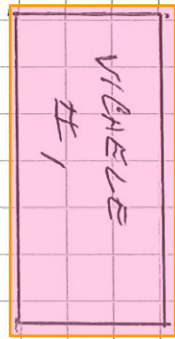
KEY

 9' x 18' CAR

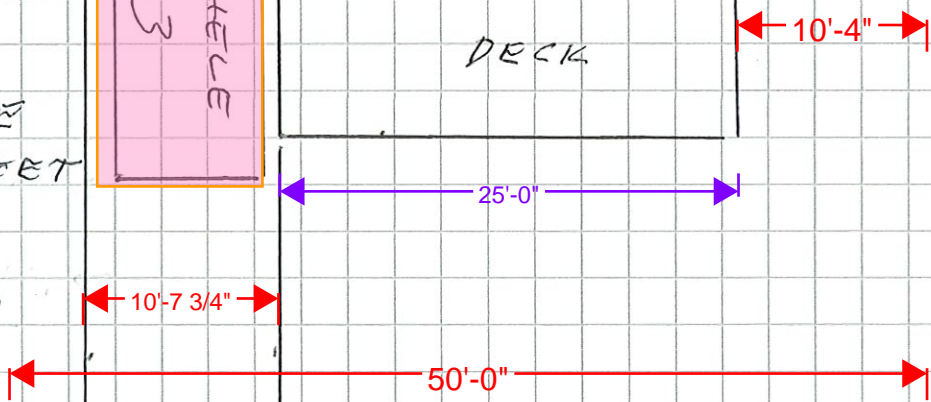
 City of Seaside
Planning Approval
By: Anne McBride
08/17/2023

SCALE

1" = 10 1/2'
(3/32)



ON STREET
PARKING CANNOT
BE USED BY
RENTERS
PLEASE USE
OFF STREET
SPACES
PROVIDED



11'6"

AVE T



APPLICATION(S):	769-23-000060-PLNG – Conditional Use
MEETING DATE:	October 3, 2023
PUBLIC HEARING:	Yes
Report Date:	September 22, 2023
Applicant:	Deborah May Simonetti
Owner:	Deborah May Simonetti
Location:	310 9 th Ave, Seaside, OR 97138
Major Street Access:	9 th Ave.
Parcel Number(s) & Size:	T6-R10-16DC-01700 Approximately .11 Acres
Parcel Zoning:	High Density Residential (R-3)
Adjacent Zoning:	High Density Residential (R-3)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

A. Summary:

A conditional use request by Deborah May Simonetti for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.

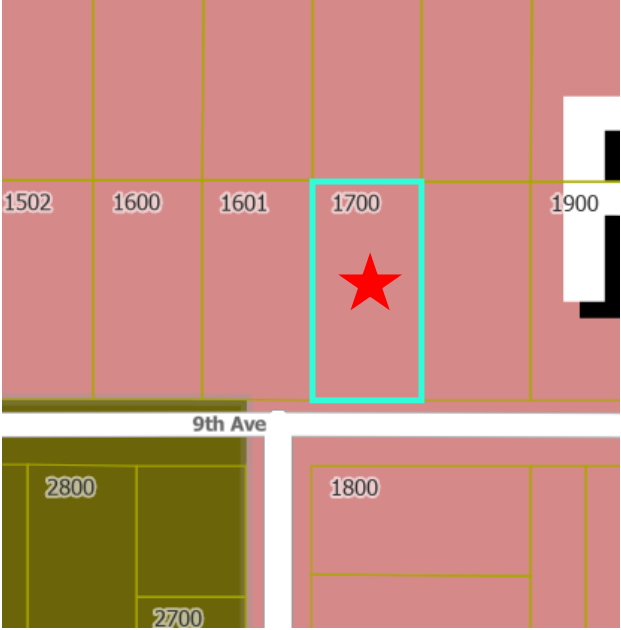
Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant’s request subject to the listed conditions.

B. Exhibits:

1. Applicant Submittals
2. Site Plans

Location: 310 9th Ave, Seaside, OR 97138 (T6-R10-21CD-03900)



Jeff Flory, Community Development Director
jflory@cityofseaside.us
989 Broadway, Seaside, OR 97138
(503) 738-7100

C. Background:

The applicant's property is an approximate 5,000 sq. ft. lot with sufficient space for three (3) parking spaces. The off-street parking spaces are stacked in the driveway. The driveway is currently gravel and approval of this VRD application will require the driveway to be paved or surfaced to meet the requirements of city ordinances. The property was previously permitted as a VRD.

D. Required Dates:

This application was accepted as complete on September 11, 2023. The 120-day decision timeframe is January 09, 2024.

E. Specific Request:

A conditional use request by Deborah May Simonetti for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.

F. Process:

This request is being reviewed under Article 6 and Article 10 of the Seaside Zoning Ordinance. Article 6 establishes the criteria for conditional uses and Article 10 establishes the process and procedures that are applicable to this request. The specific review criterion for Vacation Rental Dwellings is included in Section 6.137 of the Ordinance.

G. Community Review:

Notice of this public hearing was published in the Daily Astorian on September 14, 2023. Additionally, a mailed notice was sent on September 13, 2023, to all property owners within 100 feet of the subject property.

H. Written Comments:

At the time of this report, no written comments have been submitted to the Community Development Department.

I. Comprehensive Plan:

This property is located in the High-Density Residential land use designation as stated in section 3.1.2 of the Comprehensive Plan. The Comprehensive Plan states that high-density residential zones are the locations for apartment houses as well as some mix of single-family, duplex, and other uses consistent with high-density residential areas. The Comprehensive Plan states that dwelling units in this area should be for full-time residential use.

Section 4.1 of the Comprehensive Plan states: "Since the City of Seaside is a recreational community and major tourist attraction on the Oregon Coast, it is recognized that there is a need for recreational types of housing, including beach homes, vacation rentals, motels, recreational vehicle parks, and campgrounds."

J. Zoning Ordinance Criteria for a Conditional Use:

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.**

Finding: The applicant's site plan shows sufficient parking area to accommodate three off-street parking spaces. The applicant is proposing two stacked parking spaces and creating a new off-street space in the front yard area.

- 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.

Finding: The applicant's home is a three-bedroom single-family dwelling that will allow an occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.

The good neighbor rules, occupancy, and tsunami evacuation map are required to be posted in a conspicuous place within the VRD and are verified during the VRD inspection. This VRD will also be subject to annual inspections where these items are checked for compliance.

- 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.**

Finding: The applicant's site plan shows the driveway and parking area do not take up more than 50% of the required front yard landscaping.

- 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).**

Finding: The applicant has listed a local property management company, Beachhouse Vacation Rentals as the local contact.

- 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.**

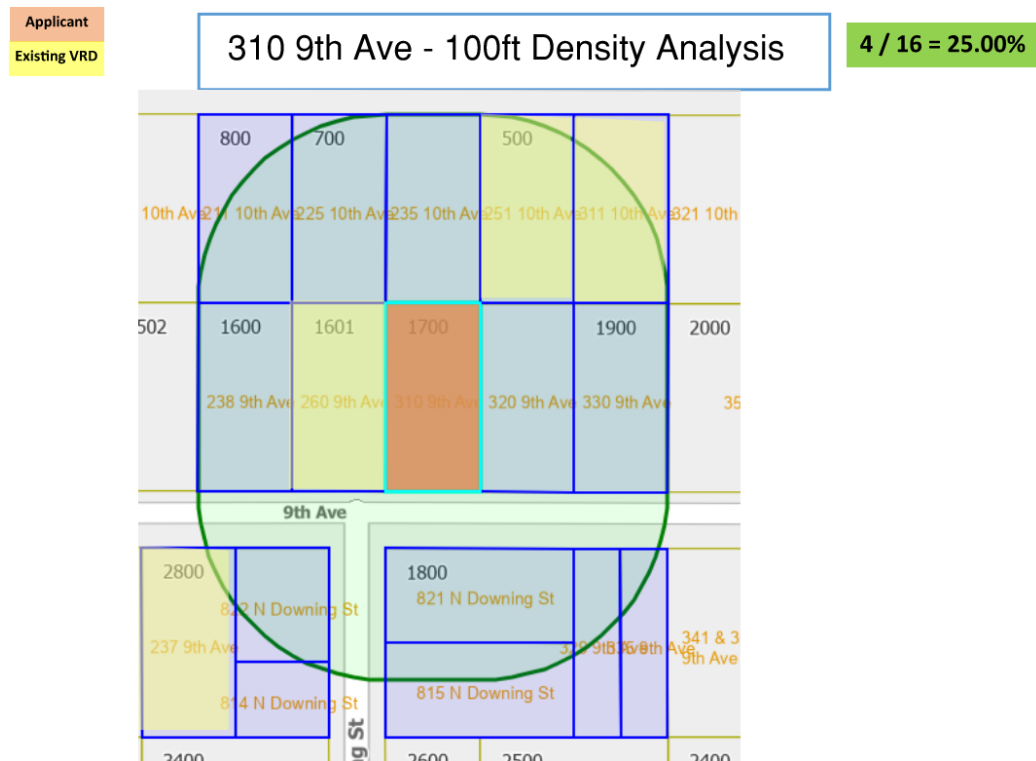
2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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.

Finding: The density of surrounding VRDs within 100ft of the applicant's property is 25%. This application is being reviewed by the Planning Commission per the spatial distribution requirements. Should there be justification to add or modify conditions; the Planning Commission should discuss those justifications and determine what additional conditions or modifications to conditions could be placed on the property to alleviate any negative impact on the surrounding neighbors.

K. Additional Findings, Conclusions, and Justification Statements:

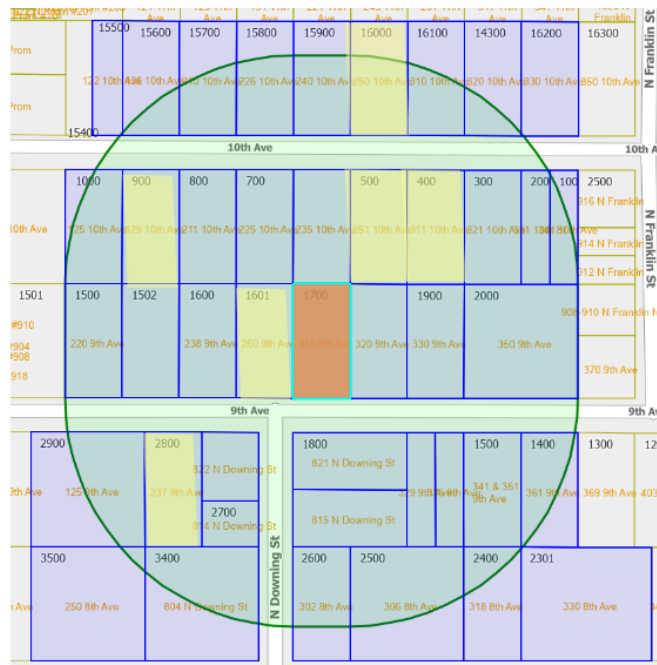
1. The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least three (3) off-street parking spaces, two spaces are stacked in the applicant's driveway and a new space is proposed in the front yard area.
 - b. The three (3) bedroom single-family dwelling will have a limited occupancy of nine (9) persons over the age of three, three no more than (10) persons regardless of age.
 - c. The plot plan shows that parking (driveway) will not take up more than 50% of the required front yard area.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently, 25% of the surrounding properties within 100ft of the subject property are licensed for VRD use and 14.28% are licensed within 200ft. All of the surrounding properties within 100 ft are zoned High-Density Residential (R-3).



Applicant
Existing VRD

310 9th Ave - 200ft Density Analysis

6 / 42 = 14.28%



Density as of August 28, 2023

3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100ft; is equal to or less than 30% or 50% depending on their proximity to the beachfront areas of Seaside. This property is within the area where the Planning Commission has determined that no more than 30% of the properties surrounding the applicant's property will be supported for VRD use. The density of VRDs surrounding the applicant's property is 25%.
4. The property is required to complete a VRD compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period 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 are intended to be 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."

In recognition of the Planning Commission's efforts and in keeping with the purpose statement for conditional uses, these conditions are incorporated into any

decision to approve a VRD in an effort to promote compatibility of the proposed VRD with surrounding uses.

6. All property owners within 100ft of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department did not receive any letters concerning this request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts on 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.
9. The property was previously permitted as a VRD.
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. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fireplaces, hot tubs, & spas can lead to late-night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late-night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.

15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners' concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.
16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.
17. The Seaside Planning Commission has established a waiting period for new applicants applying for a VRD permit on properties that were not previously licensed and newly constructed properties. This property was previously licensed for VRD use.

CONCLUSION:

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 recommended conditions of approval.

L. RECOMMENDED CONDITIONS:

- I. 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 the land use file (769-23-000060-PLNG) 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 undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

- 2. PARKING SPACES:** Three (3) off-street parking spaces (9ft X 18ft 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.**

☒ The applicant's parking area is currently gravel and does not meet the standards in the ordinance. The applicant's off-street parking spaces and their access are required to be paved or surfaced as approved by the Community Development Director within one (1) year of the date of this approval.

- 3. MAXIMUM NUMBER OF OCCUPANTS:** Nine (9) persons over the age of three, no more than ten (10) persons 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:** The applicant has named Beachhouse Vacation Rentals, a local property management company that can be reached at 503-440-1168 as the local contact. The local contact 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 100ft. 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. COMPATABILITY:** 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 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.

- 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 ensure 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 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 VRDs. 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.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants who utilize these platforms to report this 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 an electronic complaint form can also be accessed on the City of Seaside's website:

www.cityofseaside.us/VRDComplaint

This form 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 will be subject to an annual compliance inspection (subject to an applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.
- 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 90 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, trespassing 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(s), 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. OUTDOOR FIRE RINGS, FIREPLACES, HOT TUBS, & SPA FACILITIES:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity. It is recommended the rules include a reminder there should be NO EXCESSIVE NOISE AT ANY TIME and renters should be considerate of the residents that live around the rental dwelling they are staying at.

If these hours prove to be insufficient to protect the neighboring property owners from unwanted noise or smoke, they will be further restricted by staff. The additional restriction can include prohibiting the use of the outdoor facility entirely by VRD tenants.

M. Recommendation and Alternatives:

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

Alternative 1:

The Planning Commission may choose to continue this request to the regularly scheduled November 7, 2023, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

Alternative 2:

The Planning Commission may choose to hold the public hearing and review additional submitted comments or evidence. If new evidence justifies the denial of the applicant's request, the Planning Commission could move to deny this application.

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.

RECEIVED
 City of Seaside Planning Department
 By: Anne McBride
 08/17/2023

Seaside Planning Department Land Use Application



Office: 503-738-7100

E-mail: CDAAdmin@CityofSeaside.us

Fax: 503-738-8765

Mailing Address: 989 Broadway Seaside, OR 97138

Physical Address: 1389 Avenue U Seaside, OR 97138

Name of Applicant: <i>Deborah May Simonetti</i>	Address: <i>4434 Sydney Rose Ct SW Olympia WA 98501</i>
Street Address or Location of Property: <i>310 9th Ave Seaside Or 97138</i>	

Zone R3	Overlay Zones	Township 6	Range 10	Section 21DC	Tax Lot 03900
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Proposed Use of Property and Purpose of Application:

Vacation home which we would also like to rent out. Existing garage will not be used by rentals (owners only). We have two families using the house, but would like to rent when aren't able to use it.

(Attach additional pages if necessary.)

Cody Allister ^{Owner} Print Name of Property Owner: <i>Deborah Simonetti, Robert Simonetti</i> Address: <i>Glynnia wa 98501</i> <i>4434 Sydney Rose Ct SE</i> Phone: <i>360 701 0987</i> E-mail: <i>debspt@comcast.net</i> Signature of Property Owner: <i>[Signature]</i>	Matthew Simonetti, Applicant/Representative (Other than Owner) Print Name of Applicant/Representative: Address: Phone: E-mail: Signature of Duly Authorized Applicant/Representative: <i>[Signature]</i>
--	--

Deborah Simonetti
Robert Simonetti

FOR OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE.

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Non-Conforming | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Major Partition | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Vacation Rental <input checked="" type="checkbox"/> PC | <input type="checkbox"/> PD <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: 09/11/23	By: J. Flory
File Number: 769-23-000060-PLNG	
Hearing Date: 10/03/23	P.C. Action:

City of Seaside
 Planning Approval
 By: Jeff Flory
 09/11/2023

RECEIVED
City of Seaside Planning Department
By: Anne McBride
08/17/2023

Vacation Rental Dwelling Property Information



VRD Address: 310 9TH AVE SEASIDE, OR 97138

1. TOTAL NUMBER OF BEDROOMS: 3
2. TOTAL NUMBER OF OFF-STREET PARKING SPACES: 3
 - a. VRDs are required to have a minimum of two parking spaces (each space must be 9'x18') plus one additional space for each bedroom in the dwelling over two bedrooms.
3. OCCUPANCY REQUESTED (OVER THE AGE OF THREE) : 9
 - a. To calculate your maximum occupancy, multiply the number of bedrooms by 3. If the number of parking spaces is less than the number of bedrooms, calculate your occupancy by multiplying the number of parking spaces by 3.
4. DO THE REQUIRED OFF-STREET PARKING SPACES TAKE UP MORE THAN 50% OF THE VRD'S REQUIRED YARD AREAS?
Yes ___ No X
5. DO YOU HAVE ANY OWNERSHIP IN ANY ADDITIONAL PROPERTIES IN THE CITY OF SEASIDE?
Yes ___ No X
If yes what are the property addresses? _____
6. DO YOU HAVE OWNERSHIP IN ANY OTHER SHORT-TERM RENTALS? Yes X No ___
If yes, what City/County/State are they located in?
Single unit condo in Sunriver OR (Robert & Deborah Simonetti)
7. WHO WILL BE THE LOCAL CONTACT FOR YOUR VRD?
(Your local contact must reside within Clatsop County.)
Name ERIN BARKER Address 318 S HOLLADAY DR 24-hr Phone 503.440.1168
SEASIDE, OR 97138
8. ATTACH SCALE DRAWINGS OF YOUR SITE PLAN, FLOOR PLAN, AND PARKING MAP.

By signing this application, the applicant acknowledges that if the request requires review by the Planning Commission (Seaside Zoning Ordinance 6.137E), additional Planning Commission review fees may apply and the applicant or a duly authorized representative must attend the Public Hearing. The applicant has answered these questions truthfully and to the best of their knowledge and the applicant understands that omitting information on this application could be grounds for denial of their request for VRD Conditional Use Permit.

Applicant Signature: [Signature] Date: 08.11.2023

Printed Name: CODY ALLISTON / Robert Simonetti
Deborah Simonetti

PROJECT Floor plan
SUBJECT

DATE _____

COMPUTED BY _____

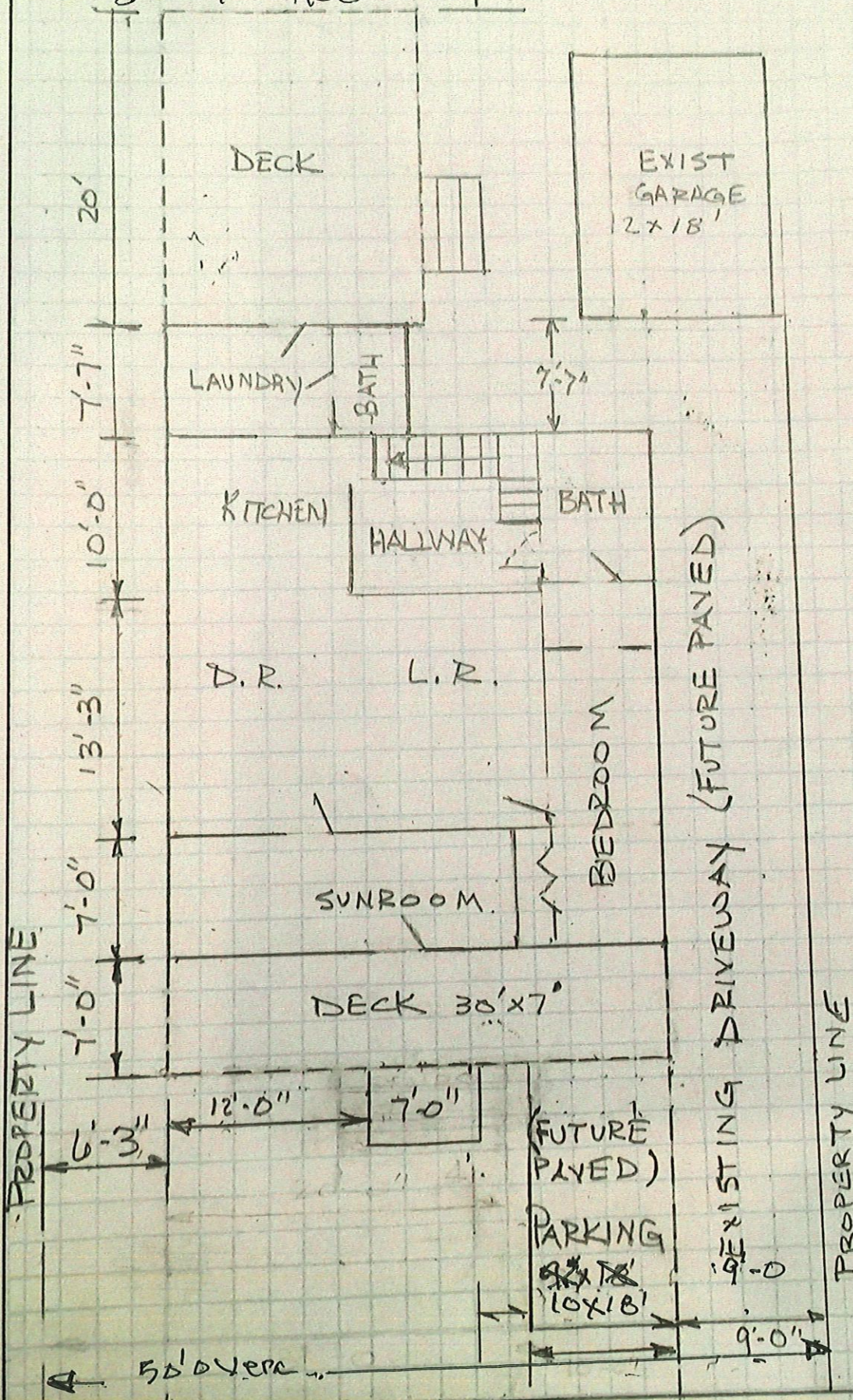
CHECKED BY _____

310 9th Ave

13'-0" (to Property Line)

NA

RECEIVED
City of Seaside Planning Department
By: Anne McBride
08/17/2023



City of Seaside
Planning Approval
By: Anne McBride
08/28/2023

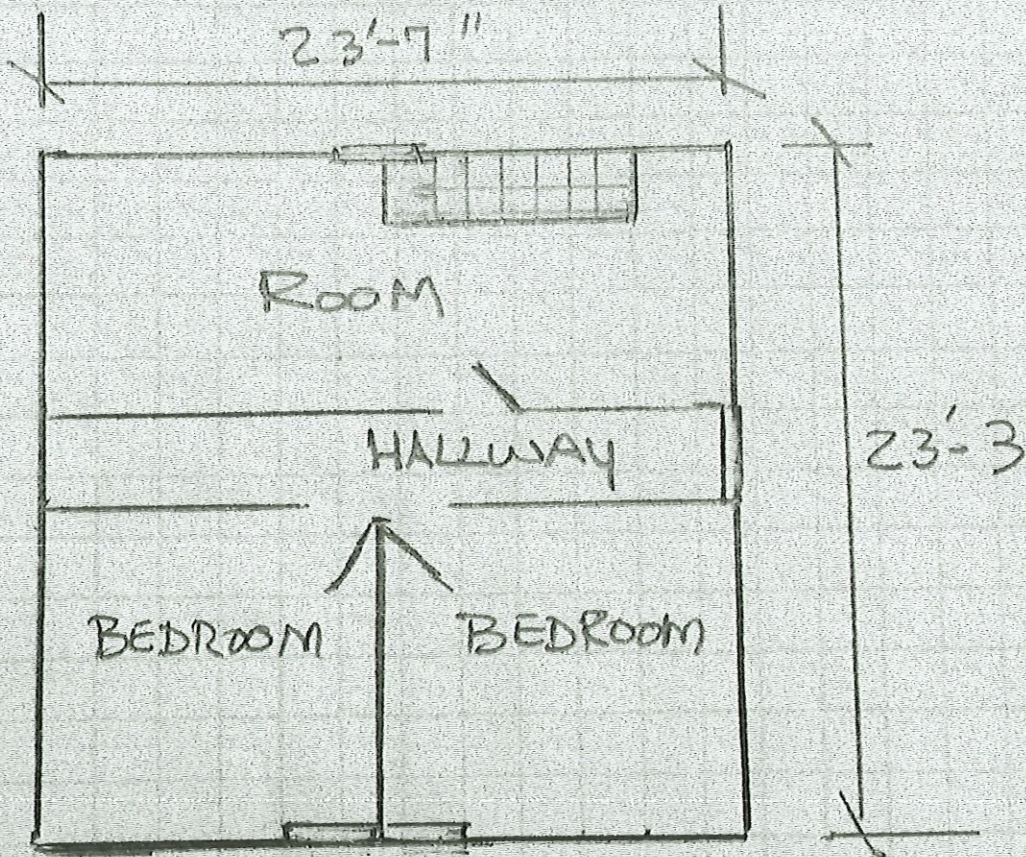
13' = 2 ft

RECEIVED

City of Seaside Planning Department
By: Anne McBride
08/17/2023

FLOOR PLAN

UPSTAIRS



1 square = 2'-0"

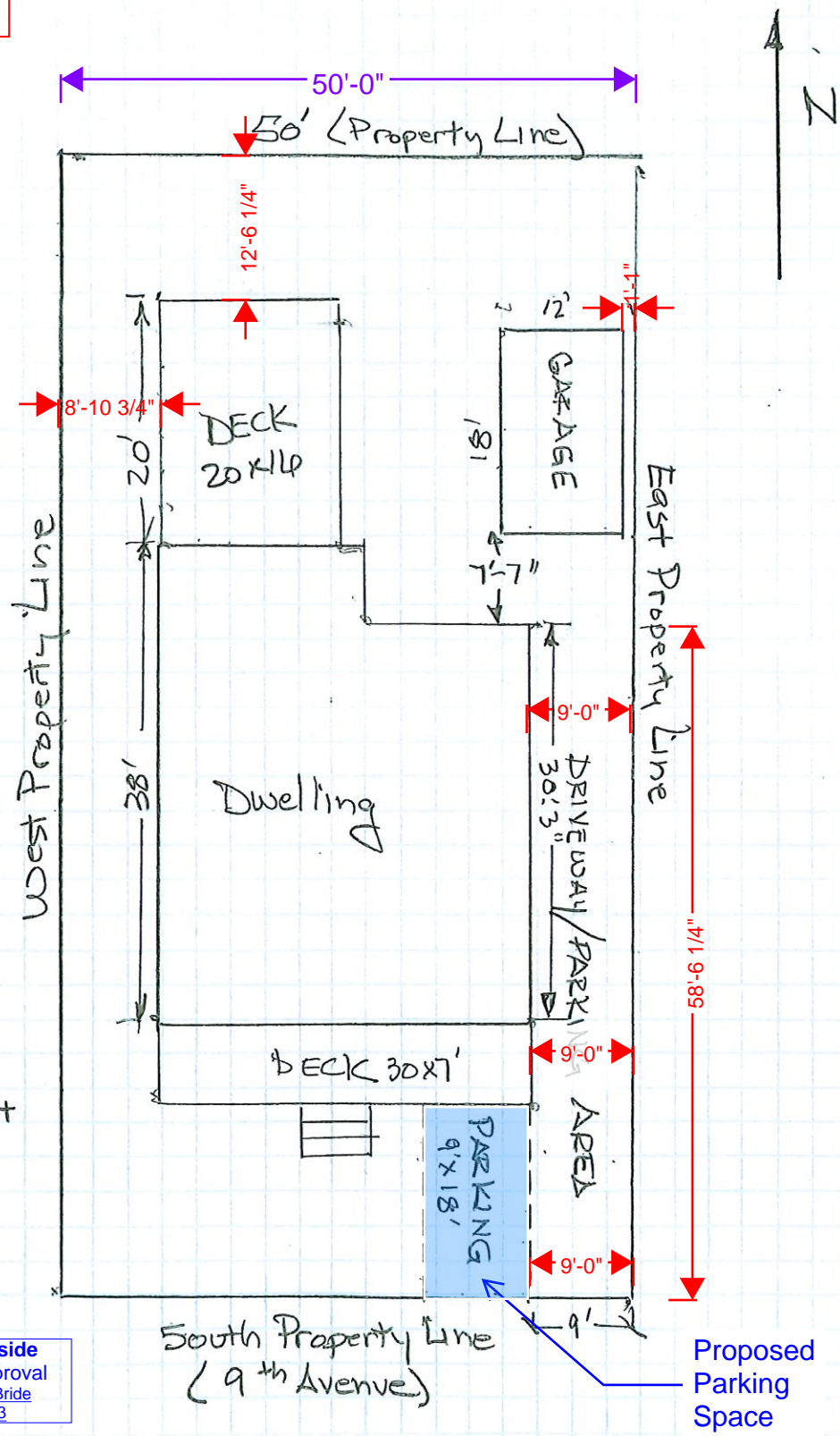


City of Seaside
Planning Approval
By: Anne McBride
08/28/2023

PROJECT SITE PLAN
SUBJECT 310 9th Ave Seaside OR
97138

DATE _____
COMPUTED BY R. Simonetti
CHECKED BY _____

RECEIVED
City of Seaside Planning Department
By: Anne McBride
08/17/2023



Scale:
1 square = 3 ft

 City of Seaside
Planning Approval
By: Anne McBride
08/28/2023

Proposed
Parking
Space

RECEIVED
City of Seaside Planning Department
By: Anne McBride
08/28/2023

PARKING
MAP

310 9th AVE
SEASIDE



WEST PROPERTY LINE

NORTH PROPERTY LINE

50'-0"

13'

16'

DECK
20'x16'

GARAGE

11'-0"

11'-0"

DWELLING

38'

EAST PROPERTY LINE



Public Works approval
by: mdimmick
08/30/2023 11:48:10 AM

**MEETS 50% YARD
REQUIREMENT**

Parking: 312 Sq. Ft.
Yard: 750 Sq. Ft.
Parking/Yard: 41.60% Parking



City of Seaside
Planning Approval
By: Anne McBride
08/28/2023

SCALE

1sq = 2'-0"

VEH # 3
9'x18'

PROPOSED
PARKING
SPACE

SUNROOM

DECK 31'-9" x 7'

38'-6"

15'-0"
SETBACK

TOTAL YARDAGE
750.16 sf

PARKING
312.89 sf

VEH # 2
9'x18'

VEH # 1
8'-9" x 18'

PENCE

19' 4" (FENCE TO FIELD)

49'-0"
9th AVENUE





APPLICATION(S):	769-23-000061-PLNG – Conditional Use
MEETING DATE:	October 3, 2023
PUBLIC HEARING:	Yes
Report Date:	September 22, 2023
Applicant:	Neal and Melissa Walsh
Owner:	Neal and Melissa Walsh
Location:	120 Avenue N, Seaside OR 97138
Major Street Access:	Avenue N
Parcel Number(s) & Size:	T6-R10-21DB17501 Approximately 2,338 sq. ft.
Parcel Zoning:	Medium Density Residential (R-2)
Adjacent Zoning:	Medium Density Residential (R-2)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

A. Summary:

A conditional use request by Neal and Melissa Walsh to replace the existing non-conforming structure with a structure that more closely meets the development standards in the zone.

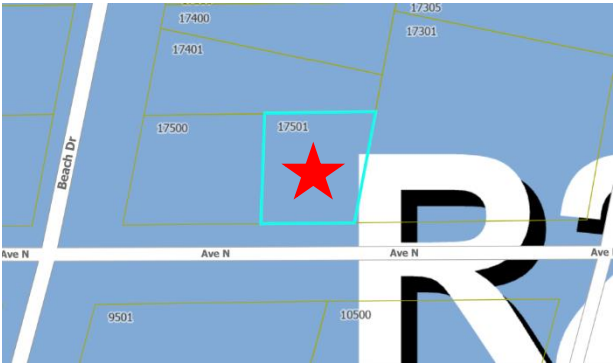
Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant’s request subject to the listed conditions.

B. Exhibits:

- 1. Applicant Submittals**
- 2. Site Plans**
- 3. Previous Planning Commission Approvals**

Location: 120 Avenue N, Seaside, OR 97138 (T6-R10-214DB17501)



Jeff Flory, Community Development Director
jflory@cityofseaside.us
989 Broadway, Seaside, OR 97138
(503) 738-7100

C. Background:

This applicant's property is located on Avenue N and contains an approximate 940 sq. ft. single-family dwelling on an approximate 2,338 sq. ft. lot. The applicant's property is non-conforming as the dwelling does not meet the setback requirements in the zone and does not contain off-street parking.

The applicants were previously approved by the Planning Commission for a similar project in 2010 and 2018. Those decisions are attached to this report. The project never moved forward under the previous approvals and Conditional Use approvals expire after one year if the use is not implemented or construction has taken place.

D. Required Dates:

This application was accepted as complete on September 11, 2023. The 120-day decision timeframe is January 09, 2024.

E. Specific Request:

A conditional use request by Neal and Melissa Walsh to replace the existing non-conforming structure with a structure that more closely meets the development standards in the zone. The applicant's proposal will redevelop the property to more closely conform to the ordinance.

F. Process:

This request is being reviewed under Article 6, Article 8, and Article 10 of the Seaside Zoning Ordinance. Article 6 establishes the criteria for conditional uses, Article 8 establishes the criteria for nonconforming uses, and Article 10 establishes the process and procedures that are applicable to this request.

G. Community Review:

Notice of this public hearing was published in the Daily Astorian on September 14, 2023. Additionally, a mailed notice was sent on September 13, 2023, to all property owners within 100 feet of the subject property.

H. Written Comments:

The Community Development Department received one written comment in support of this request. The residents at 1280 Beach Dr. stated the new structure being proposed at the subject address will enhance the neighborhood.

I. Comprehensive Plan:

The applicant's property is located within the medium-density residential land use designation. These areas are characterized by moderately dense housing on generally small lots. The area includes much of the older areas of the city which contain a wide variety of uses not in keeping with the character of the predominant uses in the neighborhood. These "nonconforming" types of uses must be recognized and should be allowed to continue; however, their long-range use should be discouraged.

The applicant's request will improve the current non-conformances on the property by closer conformance to setback requirements and providing off-street parking that does not currently exist.

J. Zoning Ordinance Criteria for a Conditional Use:

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 (but are not limited to) the following:

1. **Increasing the required lot size or yard dimension.** *Finding: The applicant's property is an existing 2,338 sq. ft. lot. The lot size is unable to change. The applicant is proposing to redevelop the property so that the dwelling more closely meets the setback requirements in the zone. The dwelling is currently located right on the property line adjacent to Avenue N. The applicant's redevelopment plan proposes a 10ft setback in the front yard bringing the dwelling closer to the setback requirements for the zone. Additionally, the structure is not currently set back from the rear lot line and some of the side lot lines. The redevelopment plan proposes to meet the side yard setbacks and provide a 7ft setback from the rear yard.*
2. **Limiting the height of buildings.** *Finding: The R-2 zone allows the height of structures to be no more than 35ft. The applicant's two-story dwelling will not exceed this height.*
3. **Controlling the location and number of vehicle access points.** *Finding: The driveway will be located on Avenue N and will require a sidewalk and ADA-accessible driveway apron.*
4. **Increasing the street width.** *Finding: No streets are proposed.*
5. **Increasing the number of required off-street parking spaces.** *Finding: The applicant's current dwelling does not provide any off-street parking spaces. The applicant is proposing two 9ft x 18ft parking spaces, one inside the garage, and one parallel to the public right of way in the front yard utilizing permeable vegetative pavers.*
6. **Limiting the number, size, location and lighting of signs.** *Finding: No signage is proposed.*
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.** *Finding: The applicant's property already has vegetative screening and fencing from the adjacent properties. No new fencing or screening is proposed.*
8. **Designating sites for open space.** *Finding: The applicant's proposal provides for a lot coverage of less than 40%, the maximum allowed by the ordinance. The remaining area will be maintained as open space.*

Section 8.060 DESTRUCTION OF A NONCONFORMING STRUCTURE OR USE I.

If a nonconforming use and/or structure is damaged or destroyed by any cause, a future use and/or structure shall conform to this Ordinance unless it is replaced or reestablished in accordance with the following provisions.

- A. The use and/or structure may be reconstructed in the same manner and to the extent (e.g. configuration, size, height, occupancy) that it existed prior to the damage or destruction if the

reconstruction begins within twelve (12) months. As with any reconstruction, the work must comply with applicable building and fire life safety codes; or,

- B. The use and/or structure may be modified in an effort to more closely conform to the development standards and/or use provision in the ordinance if the Planning Commission approves a conditional use permit for the proposed modification. The conditional use must be applied for within 6 months from the date of the damage or destruction and the reconstruction must be completed within a time frame established by the Planning Commission. (ORD. 2001-14, effective 12-12-2001)

Finding: The applicant's proposal is to demolish the existing structure and build a new, two-story, dwelling. The applicant's redevelopment will cause the property to conform more closely with setback requirements, meet the lot coverage requirements in the R-2 zone, and provide the required two (2) off-street parking spaces that do not currently exist.

Per 8.060 (B) the Planning Commission may allow a use and/or structure to be modified in an effort to more closely conform to the development standards in the ordinance through a conditional use process. The Planning Commission will also need to establish a time frame for reconstruction.

K. Additional Findings, Conclusions, and Justification Statements:

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

The applicant is requesting a conditional use that will allow the replacement of an existing non-conforming structure. The proposal will improve the structure and the development plan will achieve greater compliance with some of the development standards applicable in the zone.

2. The Seaside Zoning Ordinance allows property owners to rebuild non-conforming structures in the same manner and to the extent that they existed prior to the damage or destruction. The Planning Commission is authorized to review redevelopment proposals that would achieve greater compliance with the development standards without meeting the letter of the ordinance.

CONCLUSION:

The ordinance requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard recommended conditions of approval.

L. RECOMMENDED CONDITIONS:

Condition 1: Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission before any final approval.

Condition 2: The applicant will need to install a sidewalk along the property's frontage on Avenue N. Construction of the sidewalk and driveway apron requires approval from Public Works.

Condition 3: The applicant's final development plans must show that all exterior lighting fixtures will be designed to eliminate glare in accordance with the City's outdoor lighting ordinance.

M. Recommendation and Alternatives:

Staff Recommendation:

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements, and conclusions in this report and approve the applicant's request subject to the listed conditions.

Alternative 1:

The Planning Commission may choose to continue this request to the regularly scheduled November 7, 2023, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

Alternative 2:

The Planning Commission may choose to hold the public hearing and review additional submitted comments or evidence. If new evidence justifies the denial of the applicant's request, the Planning Commission could move to deny this application.

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.

Seaside Planning Department Land Use Application



Office: 503-738-7100

E-mail: CDAdmin@CityofSeaside.us

Fax: 503-738-8765

Mailing Address: 989 Broadway Seaside, OR 97138

Physical Address: 1389 Avenue U Seaside, OR 97138

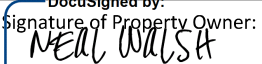

Name of Applicant: Neal and Melissa Walsh	Address: 1236 Battery Ave Baltimore MD	Zip Code: 21230
Street Address or Location of Property: 120 Avenue N, Seaside OR		

Zone R-2	Overlay Zones	Township 6N	Range 10W	Section 21DB	Tax Lot 17501
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Proposed Use of Property and Purpose of Application:

Requesting a conditional use that will allow replacement of the existing non-conforming structure. This property is zoned Medium density Residential (R-2) and the property is located in the mid-block, on the north side of Ave N.

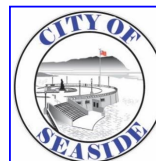
(Attach additional pages if necessary.)

Owner	Applicant/Representative (Other than Owner)
Print Name of Property Owner: Neal and Melissa Walsh	Print Name of Applicant/Representative:
Address: 236 Battery Ave Baltimore MD	Address:
Phone: 5038997622	Phone:
E-mail: nwalsh@baltimoreaircoil.com	E-mail:
DocuSigned by: Signature of Property Owner:  6683858724E043D...	DocuSigned by: Signature of Duly Authorized Applicant/Representative:  6DD8B07053A8447...

FOR OFFICE USE ONLY—DO NOT WRITE BELOW THIS LINE.

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Non-Conforming | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development | <input type="checkbox"/> Temporary Use | <input type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> Major Partition | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Vacation Rental <input type="checkbox"/> PC <input type="checkbox"/> PD | <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: 09/11/23	By: J. Flory
File Number: 769-23-000061-PLNG	
Hearing Date: 10/03/23	P.C. Action:



City of Seaside
Planning Approval
 By: Jeff Flory
09/11/2023

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?

Two story residential home with 3 bedrooms and 2.5 bathrooms with 2 dedicated parking spaces on the property.

The home will have a nice exterior to make it feel like it belongs at the beach. The new home will be setback unlike the current home. The existing home will be removed and replace with the new proposed home.

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

The development will conform to the required structure size, Off street parking for two spaces, city setback, and any other requirements.

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

We will comply with all standards in the zone and other applicable supplementary provisions that may be required.

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.

Will follow all code and residential requirements for permitting, zoning, noise, flood, etc.

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

CONCEPT/BINDER REVIEW CHECKLIST

FLOOR PLAN PAGES

- GENERAL:
- COMPARE GARAGE ORIENTATION TO PLOT PLAN
 - ROOM NAME CHANGES
 - ATTIC ACCESS LOCATION(S)
 - CRAWL SPACE ACCESS LOCATION(S)

FLOORING (CONFIRM FLOORING TYPES BY ROOM AND ASSOCIATED TRANSITIONS):

- CARPET VINYL
- LAMINATE/ LVP HARDWOOD
- TILE TRANSITIONS
- AREA MATRIX

ELECTRICAL (CONFIRM EACH LOCATION):

- EXTRA OUTLETS TV / PHONE / INTERNET
- CHRISTMAS LTG. CEILING FAN PRE WIRE
- RECESSED LIGHTS PENDANT LTG. (ROUGH IN)
- UNDER CAB. LTG. DEDICATED OUTLETS

PLUMBING (CONFIRM EACH LOCATION):

- UPG. KITCHEN SINK DISPOSAL
- BATH SINKS UTILITY SINK (ROUGH IN)
- HOSE BIBS BAR/PREP SINK

MECHANICAL (CONFIRM EACH LOCATION & TYPE):

- HVAC (INTERIOR & EXTERIOR)
- WATER HEATER
- WASHER/ DRYER ORIENTATION
- PRESSURE TANK LOOP
- OPTIONAL GAS LINES

MISC. OPTIONAL ITEMS:

- ADTNL. WINDOW(S) PATIO COVER
- ADTNL. DOOR(S) GARAGE DOOR OPENER
- FIRE PLACE FINISHED GARAGE
- SKY LIGHT(S) INSULATED INTR. WALLS

ELEVATION PAGES

- GENERAL:
- GARAGE ORIENTATION
 - ELEVATION STYLE

OPTIONS (CONFIRM EACH LOCATION):

- GARAGE DOOR STYLE EXTERIOR TRIM
- ADDITIONAL WINDOW(S) DECK LEDGER
- ADDITIONAL DOOR(S) PATIO COVER
- FIREPLACE

SITE CONDITIONS (CONFIRM EXTERIOR GRADE MATCHES YOUR PROPERTY):

- CONFIRM ALL ELEVATIONS REPRESENT ACTUAL SITE CONDITIONS

CABINET PAGE

GENERAL (CONFIRM LOCATION OF STANDARD ITEMS):

- DISHWASHER SINK LOCATION
- REFRIGERATOR RANGE
- MICROHOOD ISLAND/ PENINSULA
- DOORS & DRAWERS EATING BAR (WHERE APPLICABLE)

OPTIONAL:

- GOURMET KITCHEN UNDER CAB. LIGHTING
- ADTL. CABINETS PULL OUT SHELVES
- BATH VANITY HGT. FIREPLACE & MANTLE

THE WALSH CONCEPT

1,417 SF



NOTE:

- 1) ACTUAL LOCATION OF ELECTRICAL OUTLETS, HEATERS, THERMOSTATS, AND ALL ELECTRICAL COMPONENTS SHALL BE DETERMINED BY THE ELECTRICIAN AND INSTALLED TO CODE.
- 2) THESE PLANS ARE GENERALIZED AS OPPOSED TO SPECIFIC. THE FINAL MEASUREMENTS AND LAYOUT OF THE STRUCTURE WILL DIFFER SOMEWHAT FROM WHAT IS SHOWN.
- 3) ONE NO-COST REVISION IS ALLOWED TO CORRECT AN ERROR, OTHERWISE REVISIONS REQUIRE AN ADDITIONAL \$500 DRAFTING FEE.
- 4) NEW OPTIONS AND MINOR CHANGES CAN BE REDLINED ON THE DRAWING BY YOUR HOME OWNERSHIP COUNSELOR
- 5) ONCE THE FINAL CONCEPT IS SIGNED AND THE HOME ORDER IS ACCEPTED (RATIFIED), NO CHANGES ARE ALLOWED. PLEASE SEE THE CHANGE ORDER POLICY DOCUMENT.

CONCEPT REVISION NUMBER : XXXXXX-XX

DRAWN BY: CF

APPROVED :

OWNER

OWNER

OFFICER, ADAIR HOMES

DATE

7/27/23



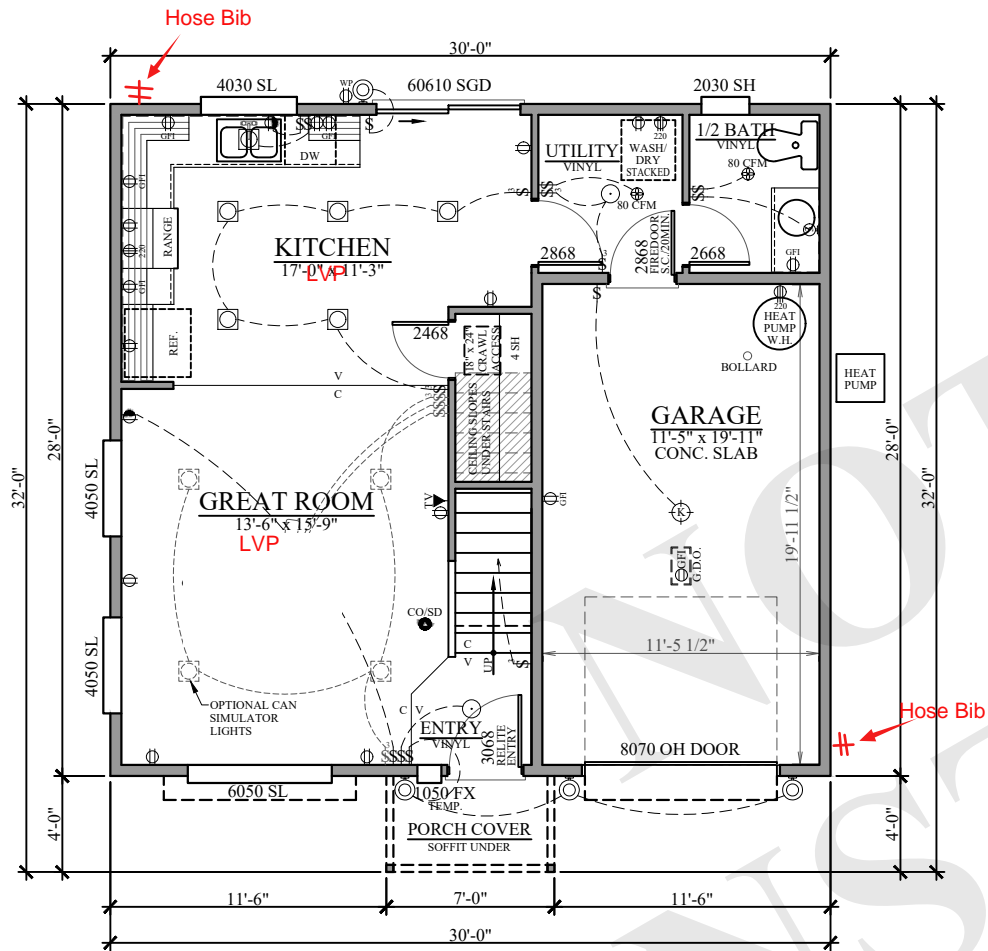
ADAIR HOMES

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THE WALSH CONCEPT

1,417 SF

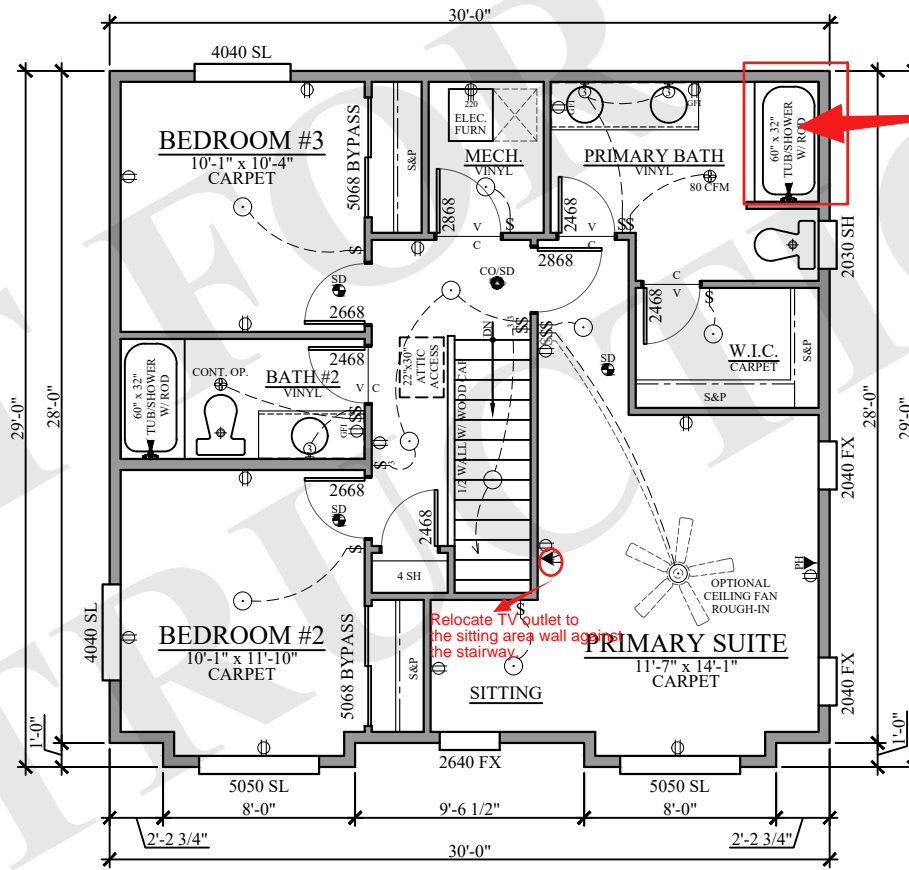
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MAIN FLOOR PLAN

594 SF

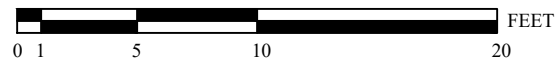
1/8" = 1'-0"



UPPER FLOOR PLAN

823 SF

1/8" = 1'-0"



AREA LEGEND	
FLOORING	
ENTRY	22 SF
GREAT ROOM	210 SF
KITCHEN	160 SF
PANTRY/STORAGE	22 SF
UTILITY	40 SF
1/2 BATH	30 SF
STAIRS	74 SF
HALLWAY	61 SF
MECHANICAL	30 SF
BEDROOM #2	132 SF
BATH #2	31 SF
BEDROOM #3	121 SF
PRIMARY SUITE	252 SF
PRIMARY BATH	62 SF
COUNTERTOPS	
KITCHEN	28 SF
PRIMARY BATH	12 SF
BATH #2	9 SF
1/2 BATH	7 SF
BACKSPLASH	
KITCHEN	16 LF
PRIMARY BATH	8 LF
BATH #2	7 LF
1/2 BATH	6 LF

ELECTRICAL LEGEND	
ELECTRICAL	SYMBOL
DUCTLESS HEAT PUMP HEAD	MINI SPLIT
CADET - 1600W	1600 W
CADET - 700W	700 W
CADET - 900W	900 W
CADET - 1600W - CEILING	1600 W
CADET - 700W - CEILING	700 W
CADET - 900W - CEILING	900 W
THERMOSTAT	⊕
FAN - CONTINUOUS OPERATING	CONT. OP.
FAN - 80 CFM	80 CFM
FAN - CEILING ROUGH-IN	⊕
LIGHT - WALL MOUNT - EXT.	⊕
LIGHT - DINING ROOM	⊕
LIGHT - KEYLESS	⊕
LIGHT - FOYER - 1 OR 2 STORY	⊕
LIGHT - MUSHROOM	⊕
LIGHT - PENDANT	⊕
LIGHT - LIGHT ROUGH-IN	⊕
LIGHT - LOW PROFILE LED	⊕
LIGHT - W. M. - VANITY - 2, 3, OR 4B	⊕
OUTLET - CEILING GFI	⊕
OUTLET - 110	⊕
OUTLET - 110 QUADPLEX	⊕
OUTLET - WATER PROOF	⊕
OUTLET - 220	⊕
OUTLET - GFI	⊕
OUTLET - HALF HOT	⊕
OUTLET - 3 PRONG RV EXTR. (120v)	RV
OUTLET - PHONE	PH
OUTLET - TV	TV
HEAT DETECTOR	HD
SMOKE DETECTOR	SD
SMOKE/CO DETECTOR	CO/SD
SWITCH - 1, 3, OR 4 WAY	\$\$\$
SWITCH - DIMMER	⊕

APPROVED :

OWNER

DATE

OWNER

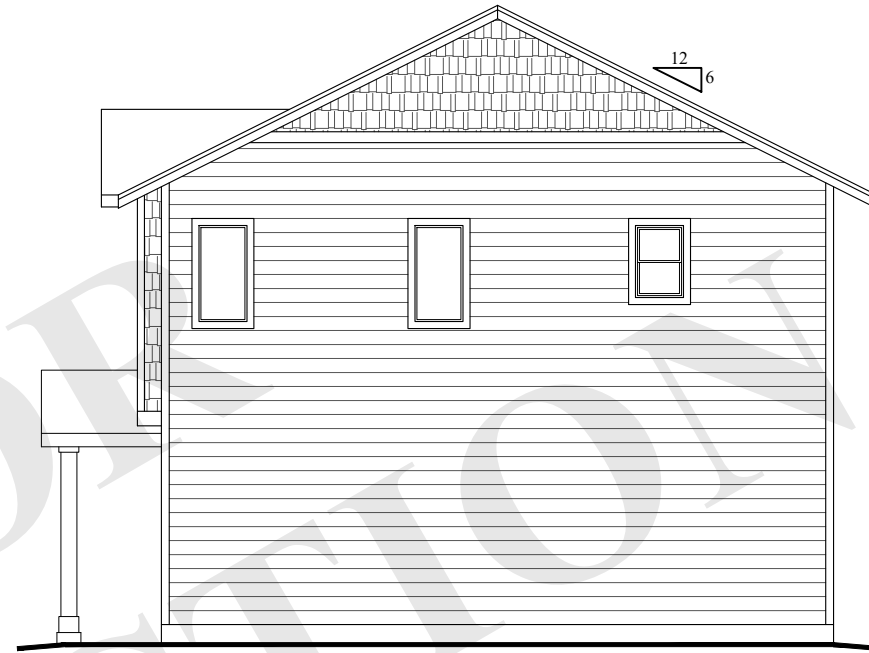
OFFICER, ADAIR HOMES

7/27/23

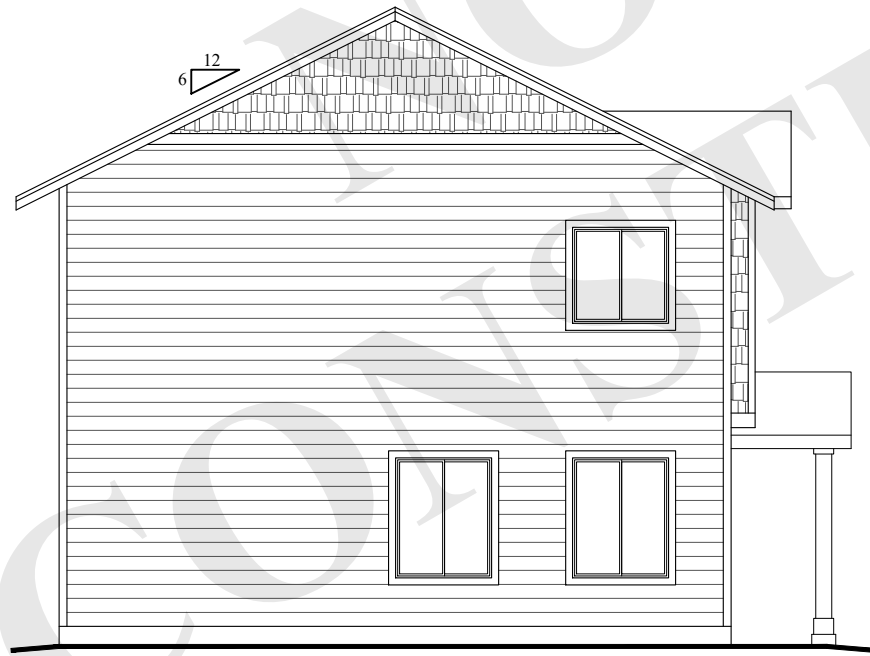
THE WALSH CONCEPT
1,417 SF



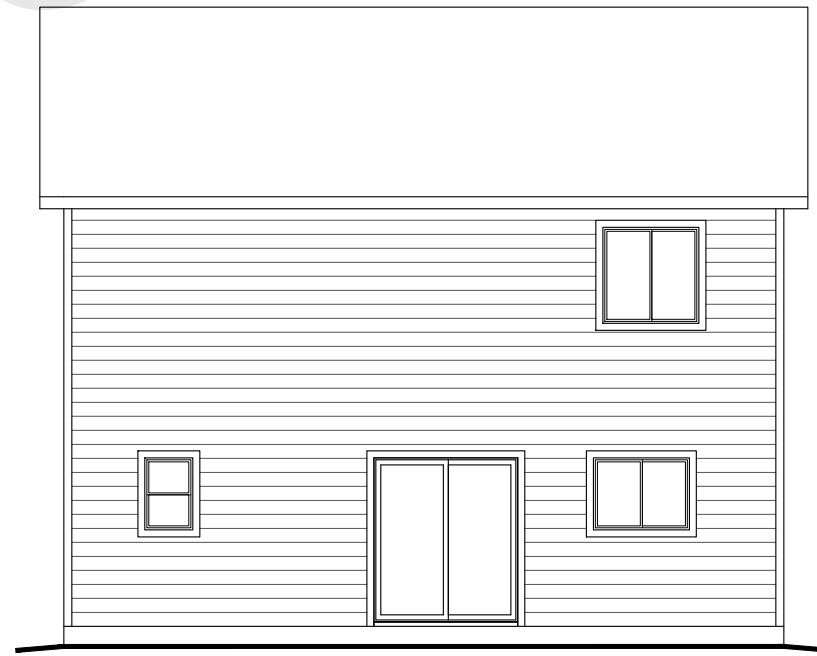
FRONT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"

APPROVED :

OWNER

OWNER

DATE

OFFICER, ADAIR HOMES

7/27/23

NOTE:

EXTERIOR ELEVATIONS ARE DRAWN W/
ESTIMATED GRADES. ONCE SITE
CLEARING & EXCAVATION IS COMPLETE,
SOME ADJUSTMENTS MAY BE NECESSARY.

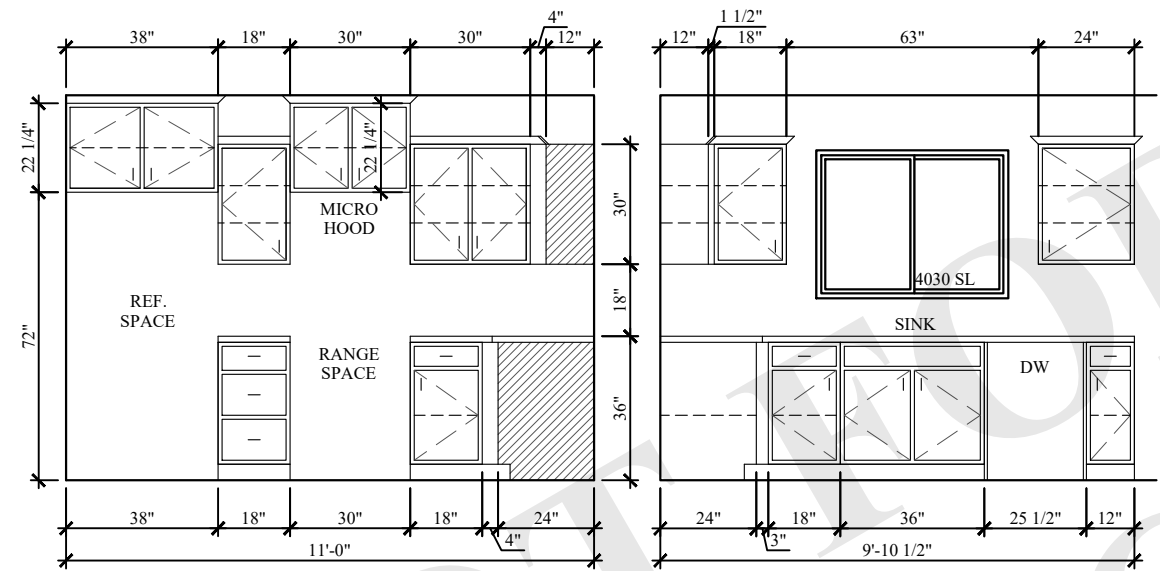
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EXTERIOR ELEVATIONS

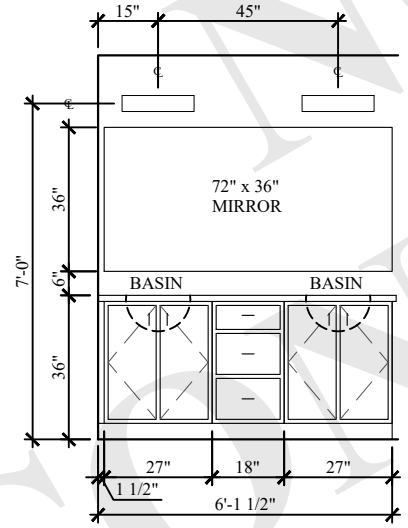
THE WALSH CONCEPT

1,417 SF

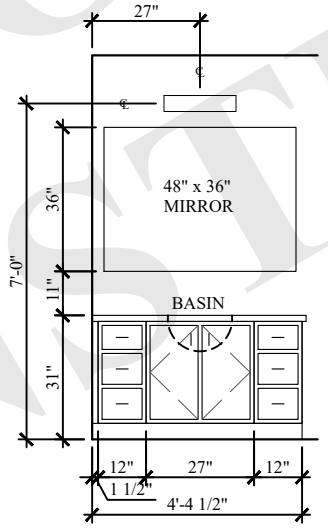


OPT 36" TALL UPPERS
 CABINET MAKER TO ADD 6" OF ADDITIONAL HEIGHT TO THE KITCHEN 30" UPPER CABINETS (ONLY WHEN 9" PLATE HEIGHT OPTION IS CHOSEN)

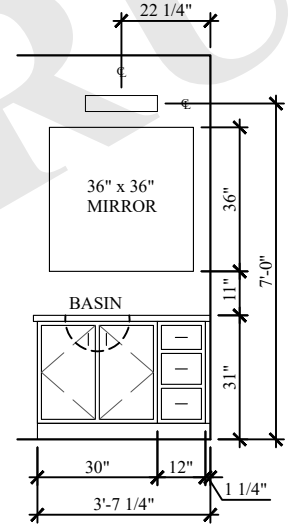
KITCHEN CABINETS



PRIMARY BATH



BATH #2



1/2 BATH

APPROVED : _____ OWNER _____ DATE _____
 _____ OWNER _____
 _____ OFFICER, ADAIR HOMES _____

THE WALSH CONCEPT

1,417 SF

ADAIR HOMES

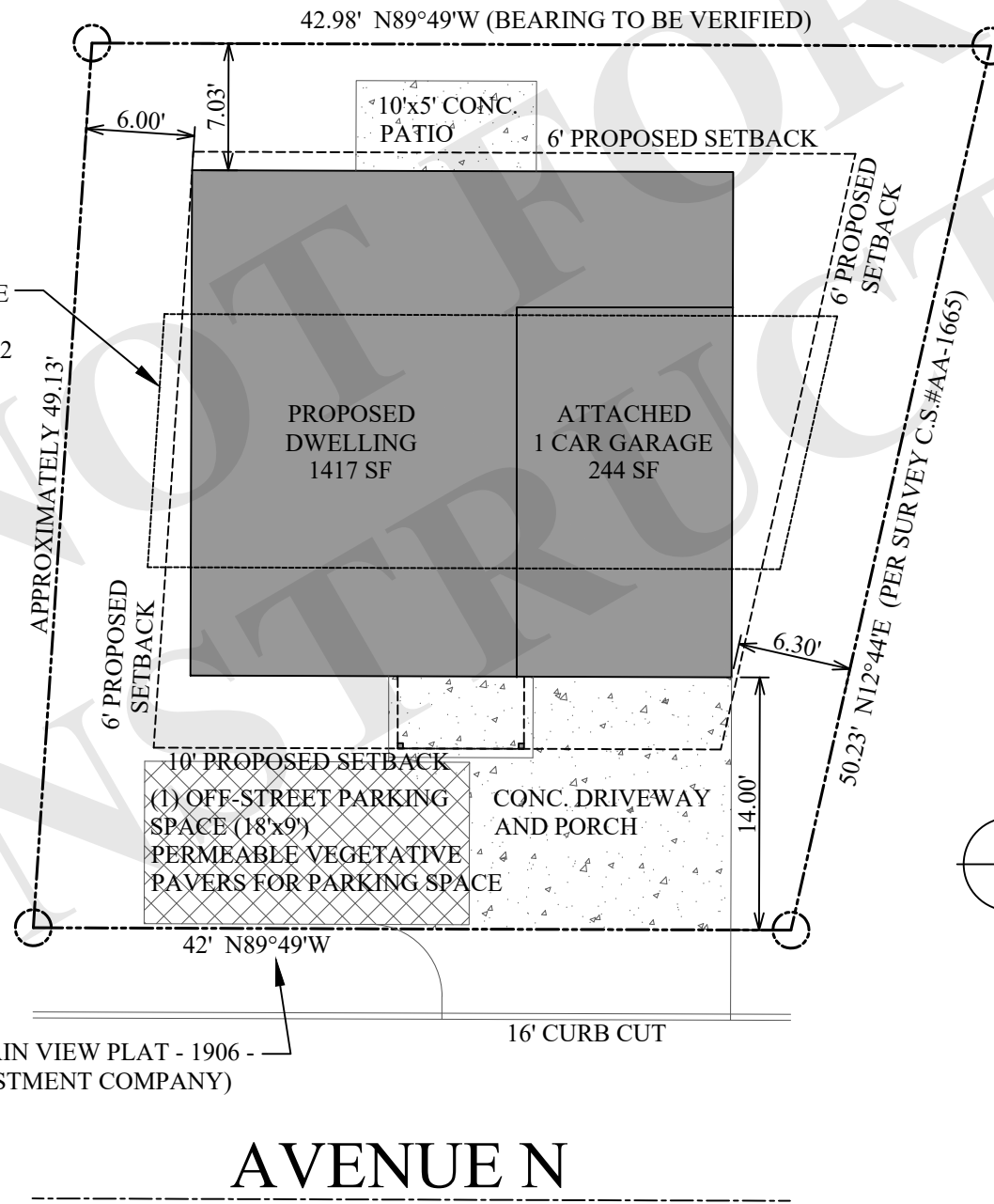
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LOT COVERAGE
 HOUSE FOOTPRINT: 840 SF
 COVERED PORCH: 28 SF
 TOTAL COVERED AREA: 868 SF

2251 SF LOT (AREA TO BE VERIFIED)
 868 SF/2251 SF = 38.6% LOT COVERAGE

BUILDING ENVELOPE
BASED ON TYPICAL
CITY SETBACKS IN R2
ZONE



TRENCHING LENGTHS:
 ELECTRICAL APPROXIMATE ---- TBD
 WATER APPROXIMATE ----- TBD
 SANITARY APPROXIMATE ----- TBD

FLATWORK AREAS
 DRIVEWAY ----- N.T.E. 190 S.F.
 FRONT PORCH ----- N.T.E. 36 S.F.
 REAR PATIO ----- N.T.E. 50 S.F.

DISCLAIMER:
 PER SECTION 1 OF OWNER RESPONSIBILITIES FOR JOINT HOUSE BUILDING, ... THE OWNER WILL ESTABLISH THE LOCATION OF THE HOUSE ON THE PROPERTY BY PLACING STAKES AT ALL CORNERS OF THE HOUSE WITHIN THE EXCAVATION WHICH CONFORMS TO REQUIRED SETBACKS ... PARCEL DIMENSIONS HAVE BEEN PROVIDED BY CUSTOMER AND HAVE NOT BEEN NOT VERIFIED BY ADAIR HOMES. DIMENSIONS FOR HOME PLACEMENT ARE ESTIMATED BASED ON PARCEL DIMENSIONS PROVIDED BY CUSTOMER.

CUSTOMER INITIALS: _____ DATE: _____

APPROVED : _____ OWNER _____ DATE _____
 _____ OWNER _____
 _____ OFFICER, ADAIR HOMES _____

PLOT PLAN
 SCALE: 1" = 10'-0"

TAX LOT: 61021DB17501
 120 AVENUE N
 SEASIDE, OR 97138

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: May 9, 2018
To: Applicant & Interested Parties
From: Kevin Cupples, Planning Director
RE: **18-030CU:** A conditional use request by Neal Walsh. The subject property is located at 120 Ave N (T6 R10 21DB TL: 17501). The property is zoned Medium Density Residential (R2) and the request will allow replacement of a non-conforming structure that more closely meets the development standards in the zone.

PLANNING COMMISSION DECISION:

On **May 1, 2018**; the Seaside Planning Commission conditionally approved the above referenced requests in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearings, the information submitted by the applicant, and the staff report. Approval to **replacement a non-conforming structure with one that more closely meets the development standards in the zone** is subject to all of the applicable standards in the Seaside Zoning Ordinance.

In addition to the findings, justification statements, and conclusions adopted by the Commission; the request was approved subject to the applicant satisfying the following condition(s):

Condition 1: The size of the new building must still conform to the 40% lot coverage provision in the R-2 zone.

Condition 2: Minor modification to the applicant's plan can be approved by the Planning Director. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to any final approval.

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

- The conditional use will become void one (10) years 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.
- All necessary permits (such as structural, plumbing, mechanical, electrical, etc.) must be obtained prior to development.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance (e.g. erosion control, drainage, flood plain) and any other applicable City of Seaside Ordinances.

APPEAL PROVISIONS:

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed (or postmarked) within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and appeal deadline are listed below. Appeals must be submitted or postmarked by this deadline.

Date of Decision: Wednesday, May 9, 2018

Last Day to Appeal: Thursday, May 24, 2018

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 22, 2010
To: Applicant, Parties, and Previously Notified Individuals
From: Kevin Cupples, Planning Director
RE: 08-016CU: A conditional use request by Neal Walsh. The subject property is located at 120 Ave N (T6 R10 21DB TL: 17501). The property is zoned Medium Density Residential (R2). This request will allow replacement with modifications to an existing non-conforming structure.

PLANNING COMMISSION DECISION:

On March 4, 2008, the Seaside Planning Commission conditionally approved the above referenced request in accordance with the provision in the City of Seaside Zoning Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearing, the information submitted by the applicant, and the staff report. Ordinarily such an approval would expire one year after the date of approval; however, since written notice was not mailed to the neighboring property owners, the decision is still valid in accordance with this notice.

In addition to the findings, justification statements, and conclusions adopted by the Commission; the request was approved subject to the applicant satisfying the following condition(s):

Condition 1: The size of the building must be reduced in order to conform to the 40% lot coverage provision in the R-2 zone.

Condition 2: The owners formal redevelopment plan must document that all exterior lighting fixtures are designed so that glare will not adversely impact the neighboring property owners or the surrounding environment. All exterior lighting must be low intensity, shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties.

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 permits are obtained or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.

- All necessary permits (such as structural, plumbing, mechanical, electrical, etc.) must be obtained prior to development.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance (such as parking, perimeter fencing, clear vision areas and signage requirements) and any other applicable City of Seaside Ordinances.

APPEAL PROVISIONS:

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

If an appeal is not filed or postmarked on or before the last day of the appeal period, the decision will be final. The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must include the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503)738-7100. The Notice of Decision date and last day to appeal are listed below.

Notice of Decision Date: **Thursday, February 22, 2010**

Last Day to Appeal: **Tuesday, March 9, 2010**

September 16, '23

Dear Mr. Flory,

We are writing in support of Neal and Melissa Walsh's application to replace their current structure at 170 Ave. D, Seaside.

We believe that the new structure they propose will enhance our neighborhood and that the Walshes will comply with all the guidelines and restrictions decided upon.

Joan & Ron Smith

J Joan Smith PORTLAND OR 972
1280 Beach Dr
Seaside, OR 97138
16 SEP 2023 PM 1 L



Jeff Flory
Community Development Dir.
909 Broadway,
Seaside, OR 97138

