

SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

October 5, 2021

6:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** September 7, 2021
6. **PUBLIC HEARING:**
 - A. **Continuance of 21-061 PDSUB:** A Planned Development Subdivision request by **Sunset Ridge, LLC**, represented by Mark Mead. The subject property (**T6-R10-S22AB-TL# 8100**) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned **Low Density Residential (R1)** and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct.
 - B. **21-028VRD:** A conditional use request by **Elaine Albrich** 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 persons regardless of age. The property is located at **1210 S Columbia St.** (T6-R10-21DB-TL17700) and it is zoned **Medium Density Residential (R2)**.
 - C. **21-063VRD:** A conditional use request by **Alan Kratz** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1221 S Prom** (T6-R10-21DB-TL15800 & 16900) and it is zoned **Medium Density Residential (R2)**.
 - D. **21-064VRD:** A conditional use request by **Alberto Zaporteza** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1630 S Edgewood St.** (T6-R10-21DC-TL07114) and it is zoned **Medium Density Residential (R2)**.
 - E. **21-065VRD:** A conditional use request by **Adam Brozowski** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1860 S Edgewood St.** (T6-R10-28AB-TL03100) and it is zoned **Medium Density Residential (R2)**.
 - F. **21-066PCR:** A request by **Phil Warmbrodt** to allow 2,560 sq. ft. accessory building to replace the mower building that destroyed by fire previously this year. The property is located on the Seaside Golf Course property at **451 Avenue U** (T6-R10-S28-TL300) and it is zoned **Open Space Parks (OPR)**. The Seaside Zoning Ordinance allows accessory buildings over 1000 sq. ft. subject to approval by the Planning Commission as being consistent with and enhancing the residential nature of the property.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION September 21, 2021

CALL TO ORDER: Vice Chair Montero called the regular meeting of the Seaside Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Vice Chairman Robin Montero, Lou Neubecker, Teri Carpenter, Kathy Kleczek, Chris Rose, and Seth Morrissey. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer, Anne McBride, Community Development Assistant. Absent: Jon Wickersham

APPROVAL OF MINUTES: August 8, 2021 minutes were approved as written.

INTRODUCTORY STATEMENTS

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

Vice Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. Commissioner Carpenter stated that she received the packet late and would potentially not vote on the items.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:

Vice Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Commissioner Kleczek stated that she would like to declare a conflict of interest because she is an abutting property owner for project 21-061PDSUB. Commissioner Neubecker stated that he also would like to declare a conflict of interest as he lives within the abutting subdivision. Commissioner Morrissey declared a conflict of interest for the same project as he also owns an abutting property.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice Chair Montero:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING

- A. **21-059VRD:** A conditional use request by **George Arrigotti** for a **one (1)** bedroom Vacation Rental Dwelling with a maximum occupancy of **three (3)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1307 N Franklin (T6-R10-16DA-TL07300)** and it is zoned **Medium Density Residential (R2)**. Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and

conclusion. Vice Chair Montero asked if there was anybody who would like to speak in favor. George Arrigotti, 4145 NW Carlton Cr, Portland, OR, stated that the cabin was inherited from his parents, and would like to have the ability to rent the house to help supplement the upkeep and maintenance while still being able to use it for family vacations.

Vice Chair Montero asked if there was anybody else who would like to speak in favor of the project. There were none.

Vice Chair Montero asked if there was anybody who would like to speak in opposition. There were none.

Vice Chair Montero opened the discussion to the Commission. Commissioner Kleczek asked Mr. Cupples if there were any regulations for a maximum occupancy for a house that does not have a bedroom. Mr. Cupples replied that even though there isn't a distinctive bedroom, it would still be classified as a one bedroom for licensing purposes. Commissioner Kleczek stated that she has a concern with the wording for allowing a maximum of 10 persons regardless of age. The ability to have 10 persons could cause an impact on the neighbors and the atmosphere of the neighborhood. Commissioner Kleczek also added that she was concerned with the lack of landscaping on the property. Vice Chair Montero clarified the question to Mr. Cupples by asking if the property owner would be required to landscape the property with bushes and trees. Mr. Cupples replied that the landscaped area is any space on the property not used for parking. If the property is graveled, the Planning Commission could require some kind of divider to be installed so the parking space is sectioned off and identified. Commissioner Kleczek stated that the Commission has required potted plants and greenery in driveways, it concerns her that the Commission wouldn't be requiring the same type of beautification for this property. Vice Chair Montero stated that the potted plants weren't for beautification. Mr. Cupples added that if there was an area with extensive parking, the pots and plants would be used to separate parking space from landscaped space. The landscaping would be installed to ensure people park in space that was improved for parking. Commissioner Kleczek asked who was responsible for making sure the parking was kept to the designated parking spots and not on the lawn. Mr. Flory responded that as the conditions are written, the owners will have to improve the parking area, which means the spaces will have to be paved within the first year. If parking becomes an issue and complaints are being filed, the Commission could require some form of delineation to be installed, such as potted plants, to prevent parking in the yard area. Commissioner Morrissey asked for clarification if the applicant was requesting the maximum of 10 persons or if it was a standard condition for any VRD. Mr. Cupples replied that it was a standard condition, put in place by the current Building Official. The applicant and City set the number of maximum occupants over the age of 3 based on the number of bedrooms in the house. The ordinance only calls out for those individuals over the age of 3, but the Building Official stated the occupancy can't be more than 10 people without the installation of a sprinkler system. Mr. Cupples added that the total number of persons could be adjusted when making a motion for this application. Commissioner Rose asked if there was a bathroom located in the house. Mr. Arrigotti replied that there is a bathroom located near the kitchen. Commissioner Carpenter shared the same concern as Commissioner Kleczek with the maximum occupancy of 10 persons. Commissioner Morrissey asked for clarification on the number of occupants the applicant is requesting for his permit. Mr. Cupples responded that the application was for an occupancy of 3 persons over the age of 3. Commissioner Kleczek proposed to the Commission to change the maximum occupancy to 5 persons regardless of age. Commissioner Carpenter asked if the driveway and parking area would be improved. Mr. Cupples responded that the driveway and required parking area must be either paved or have an approved alternative installed within a year. Commissioner Kleczek motioned to approve 21-059VRD with the maximum occupancy of 3 persons over the age of 3 and no more than 5 persons regardless of age. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- B. 21-060VRD:** A conditional use request by **Lannie Mai** for a **four (4)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than 10

persons regardless of age. The property is located at **1211 Beach Dr. (T6-R10-21DB-TL17000)** and it is zoned **Medium Density Residential (R2)**. Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Vice Chair Montero asked if there was anybody who would like to speak in favor. Mark Tolan, 524 N Roosevelt, summarized a letter submitted by the owners regarding their future use of the property. The owners will be installing a 4th bedroom on the first floor for their parents, but are only asking for a 9 person maximum occupancy. The owners will be using the house for their personal use, and looking to maintain the house and landscape as it sits now.

Vice Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Vice Chair Montero asked if there was anybody who would like to speak in opposition. There were none.

Vice Chair Montero opened the discussion to the Commission. Commissioner Rose asked what proposed parking plan the owners intend to use. Mr. Tolan responded that option 1 was the parking plan that was intended to be used, and option 2 was a backup option. Option 2 would require the parking to be accessed off of Beach Drive and would require significant changes to the curb appeal of the property. Commissioner Carpenter stated that the parking layout is going to be an issue. Commissioner Morrisey asked if proposed parking spot 3 is currently available now. Mr. Tolan responded that the parking is currently there, but some alterations would have to be made to bring the space up to compliance. Vice Chair Montero stated that the proposed third parking space in option 1 would be along an undeveloped alley and was unsure if the required dimensions for a parking space was available. Mr. Tolan responded that his staff and Mr. Flory met on site and found there the property pins were located to verify if the parking space was going to meet the requirements. The space would be longer than the required 18 feet, but would require drivers to parallel park into the space. Vice Chair Montero stated that the space was only 8 feet wide. Mr. Tolan responded that the measurement of 8 feet is to the curb, not the property line. Mr. Flory responded that the pin was located on the outside of the curb. Vice Chair Montero restated that the measurement to the property line was only 8 feet. Mr. Cupples added that if the Planning Commission wanted to consider having less than a 9 foot wide space, it could be identified as a compact car parking space. If there was a problem with parking and obstructing traffic, the owners could be required to use option 2 by the compliance officer. Mr. Tolan stated that because the gravel alley isn't planned to be paved in the near future, the paved parking pad would be an easy verification if vehicles were obstructing traffic and maintaining compliance from an oversight standpoint. Vice Chair Montero asked what the intended timeline of the paved parking area was. Mr. Tolan responded that the house would have a 6 person occupancy until the parking space was developed, allowing them to limit the number of parking spaces to 2. As the third parking space gets installed, he would have to go to Mr. Flory to increase the occupancy to the 9 persons. Vice Chair Montero asked if a survey had been performed to determine the property lines. Mr. Flory responded that they were able to locate a pin on the Beach Dr. corner, but were not able to locate the pin on the east side. There is a utility pole that was drawing the pin locator to it because of the metal within the pole. Commissioner Kleczek asked if this area is within the current urban renewal zone. Mr. Cupples responded that he did not have an answer for that question, but believes the urban renewal district was limited by the riverbank. Commissioner Morrisey added that he also believes this property is outside the urban renewal district. Vice Chair Montero asked for clarification from Mr. Tolan that the owners understood that the building would be allowed for a 6 person occupancy until the parking improvements can be made, which at that time it would be reviewed by Mr. Flory to allow for a 9 person occupancy. Mr. Tolan responded that the owners did not want to tear up the area without the approval from the Planning Commission. Commissioner Carpenter stated that she still has concerns with the parking, because she does not like garage parking as the renters have a tendency to not use the garage. Commissioner Neubecker motioned to approve 21-060VRD with the understanding that the house is currently a 6 person occupancy until such time as the parking issue has been

resolved and approved by the City of Seaside. Commissioner Morrisey seconded the motion. The motion passed 5-1 with Commissioner Carpenter opposing.

- C. 21-061 PDSUB:** A Planned Development Subdivision request by Sunset Ridge, LLC, represented by Mark Mead. The subject property (T6-R10-S22AB-TL# 8100) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned Low Density Residential (R1) and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct. Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples added that letters and emails were sent to the Planning Department and have been emailed to the Planning Commissioners and hard copies were provided at this meeting. Vice Chair Montero asked if there was anybody who would like to speak in favor. Mark Mead, 89643 Ocean Dr Warrenton, stated that he is representing Sunset Ridge LLC. He stated that Sunset Ridge LLC had purchased the property last summer and were looking to develop the property into 17 lots. The owners were trying to develop the property into more than 17 lots, but the topography wouldn't allow for anything more than 17. A restriction for properties along the east side would be in place to restrict development along the steep slope that is along the creek bed. A 30 foot easement would be in place along the storm sewer pipes to allow the City access to these pipes to do any maintenance or replacement of pipes. The sewer would be accessed from near Suzanne Elise, where there is currently a manhole and would be extended to run up the hill into the property. Mr. Mead continued to state that a walkway over this sewer pipe would be installed for people to walk from the cul-de-sac to Suzanne Elise. Mr. Mead stated that contacts from the Department of State Lands and Department of Fish and Wildlife have been in contact with the property owners about the development to ensure state measures are met. The water would be accessed from the new reservoir built at the Seaside High School, eliminating the pressure booting station to the new subdivision. This new subdivision was included when designing the new reservoir tank, so water pressure would not be affected. Mr. Mead added that the owners had looked at accessing the subdivision near Suzanne Elise, but would need to cross a fish bearing stream with a steep incline to the subdivision. The access is coming from Sunset Hills to avoid excess grading that could impact the stream. Mr. Mead stated that there are a lot of springs in the Sunset Hills area, but has not found any springs within this new development. As the area is within a geological hazard area, each house that comes in for development has to have a geological hazard study performed on the property before the house is developed.

Vice Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Vice Chair Montero asked if there was anybody who would like to speak in opposition. Susan Coddington, 2152 Cedar St, requested the Commission to take a drive to the location and around the Sunset Hills subdivision. Ms. Coddington provided examples of family activities in the Sunset Hills subdivision. Water issues and land settling issues are to be looked at for the new and existing houses. Ms. Coddington also stated that Sunset Hills is considered assembly area 3 for earthquakes and tsunamis. She is concerned that when the earthquake comes, the proposed development will cause the existing subdivision to fail.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Kathy Samsel, 343 Hemlock, asked if the Planning Commission had received her letter. She wanted to add to the discussion the amount of traffic that would be using Broadway, and the apartment complex be considered in the solution. Ms. Samsel asked if the City services were able to manage adding the 17 new houses to the system.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Marilee Laurens, 2007 Fernwood, stated that her letter included pictures of the water issues for

her property. The corner of Hilltop and Fernwood is full of water during the winter time. Ms. Laurens added that when the City was performing repairs to the storm drain system in the neighborhood, the issues were not fixed. She added that the proposed development should be used for a wildlife area.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Leif Morin, 35 Hilltop, gave the Commission 3 options to consider. The first option would be to approve the project outright, but there would be strong opposition. The second option would be to deny the development. Mr. Morin stated that he wanted to see Seaside grow, but not in this location. The third option would be for the developers to get involved with the existing neighborhood to help build the subdivision to meet the community's standards. Mr. Morin requested that an environmental study be performed on the subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Mike Brackenbrough, 2130 Aldercrest, wanted to verify if the Planning Commission had received his email and wanted to speak to show the number of neighbors who oppose this subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. James Heacock, 2002 Maple, stated that the environmental concerns have not been addressed within the project. Mr. Heacock believes that this development has not been given the property planning activities. He stated that there are lots along Forest Drive that are considered undevelopable for housing, but could be used as access for a bridge to the subdivision. The access should be off of Forest Drive, and not causing the amount of logging trucks, concrete trucks, and other vehicles to travel through Sunset Hills.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Greg Boat, 2020 Aldercrest, stated that there are no sidewalks along Aldercrest and is concerned with the amount of vehicles that would be using the road in front of his house. He asked if there were sidewalks proposed for Aldercrest. The drainage is a major issue due to the number of natural springs in Sunset Hills. Mr. Boat stated that he was not sure how removing the foliage off the side of a hill and adding a house would be considered a safe idea. The runoff from the development will go into the creek and affect the fish that use it. Mr. Boat added that he had cleaned up a junk pile behind his house, and his children use the area to play in. He wanted to make sure the value of his property would not be lowered because somebody built a shed in their backyard.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Mike Haner, 2021 Aldercrest, stated that water drainage is an issue for the subdivision, and the catch basin is slowly sinking. Mr. Haner wondered if the developers had performed a thorough site inspection for the development. He requested the Commission to have a forum on this project at the site to review the water runoff during the winter.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Judy Madson, 2134 Maple, stated that she is strongly against this development. The water runoff is a big issue for the entire subdivision. The subdivision is covered in natural springs.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Melinda Austin, 2062 Cedar, stated that her house had sunk 7 inches in 10 years since the time that they had purchased it. The sinking was due to the water problems within the subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Kathy Kleczek, 2080 Aldercrest, stated that she was speaking as a citizen for this project and had stepped off the dais to speak. Ms. Kleczek stated that the land size for this development is 6.62 acres, and how the applicant generously stated that 1.93 acres would be saved for green space, but it is not considered buildable land. When was the topography for the area last completed? Ms. Kleczek suggests that the information is outdated. The current swales are already

overloaded and would not be able to handle the additional amount from the new development. The lot sizes that are being proposed are not near the same size as the lots in the Sunset Hill subdivision. The average lot size is .25 acres, not what is being proposed in the new subdivision. Ms. Kleczek requests that the new subdivision should fit the parameters, descriptions, and CC&Rs that were established for Sunset Hills subdivision. The road size for the development is smaller than the roads in Sunset Hills. Ms. Kleczek stated that if sidewalks were to be required for the Sunset Hill subdivision, the city should pay for them, not the homeowners. The developer will damage the roads and should be required to repave the roads that they use in Sunset Hills.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Sylvia Stuck, 164 Alpine, wanted to reiterate the concern of the water issues and sloughing and erosion for the existing houses. Ms. Stuck stated that coming up the hill is a blind spot, where kids could possibly get hit by cars.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Vice Chair Montero gave the applicant's representative a chance to rebuttal the comments from the public. Mr. Mead stated that the access on the Broadway and sidewalks are City issues and the City should see if there is funding to install sidewalks in the Sunset Hills subdivision. The new subdivision will have a sidewalk on one side of the street to preserve land space for landscaping. The developer had stayed away from the creek on the east end on purpose because the slope is too steep. The road into the four lots on Fern Ct is narrow to reduce the amount of runoff water in that area.

Vice Chair Montero stated that the public comment period was closed and opened the discussion to the Planning Commission. Vice Chair Montero suggested that with Commissioner Wickersham being absent, the discussion should be moved to another date. Commissioner Rose agreed that the Commission should continue the discussion. Commissioner Carpenter suggested that it could be moved to a work session. Vice Chair Montero stated that as it's a public hearing, it should be discussed at a Planning Commission Meeting. Commissioner Carpenter motioned to move the discussion of 21-061PDSUB to the October 5th Planning Commission meeting. Commissioner Rose seconded the motion. The motion passed 3-0 with Commissioners Neubecker, Morrissey, and Kleczek not voting.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the next meeting is going to have 5 items, and this continuance will have 6. The meeting will be a long one.

COMMENTS FROM THE PUBLIC

James Heacock, 2002 Maple St, stated that the City of Seaside and City of Gearhart should have a joint resolution to present to the State of Oregon to reconsider the development of new transportation facilities along his corridor to supplement Highway 101 that goes through Seaside and Gearhart. The bypass would open property on the east side of the new proposed bypass for development and provide another access road to the high school. Vice Chair Montero suggested that Mr. Heacock reach out to the transportation committee to voice his opinions. Commissioner Carpenter asked when the transportation committee meets. Commissioner Kleczek responded the Third Thursday at 6 o'clock in the Council Chambers.

COMMENTS FROM COMMISSION/STAFF

Commissioner Neubecker stated that his sister had passed away from San Francisco, and will be going down to her house for cleaning and selling the property and does not know when he will be

back. Commissioner Neubecker asked Mr. Cupples if he would need to fly back for the meeting. Mr. Cupples stated that there will be a quorum for the meeting without him there.

ADJOURNMENT: Adjourned at 7:36 PM.

Robin Montero, Vice Chairman

Jordan Sprague, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: September 24, 2021 for Public Hearing on October 5, 2021
Applicant: Elaine Albrich
Owner: 1210 S. Columbia St, Seaside, OR 97138

Location: 1210 S. Columbia St Seaside, OR 97138, T6-R10-S21DB TL#17700
Subject: Conditional Use 21-028VRD, Two Bedroom Vacation Rental Dwelling with Limited Occupancy of Six (6) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1210 S Columbia**. The subject property is zoned **Medium Density Residential (R-2)** and the applicant is requesting a maximum occupancy of **six (6) persons over the age of three no more than ten persons regardless of age**, within the existing **two (2)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

- C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:
 - 1. The use of the property as a VRD will be compatible with the surrounding land uses.
 - 2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-028VRD**: A conditional use request by **Elaine Albrich** 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 persons regardless of age. The property is located at **1210 S Columbia Dr. (T6-R10-S21DB-TL17700)** and it is zoned **Medium Density Residential (R-2)**. The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **two (2)** off-street parking spaces. **Two parking spaces side by side located on the 18'x26' parking pad accessed off Avenue L.**
 - b. The existing **two (2)** bedroom residence will have a limited occupancy of **six (6)** persons over the age of three, no more than ten persons regardless of age.
 - c. The plot plan shows that the parking will not take up over **50%** of the required front, rear, or side yards.
 - d. **Elaine Albrich has not listed a local contact. A local contact will be required to be named prior to any transient rental of this property.**
 - e. The owner/applicant, **Elaine Albrich**, has read all of the standards and conditions applicable to VRDs.
- 2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **38.4%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **26.4%** are licensed

within 200'. All of the surrounding property within 100 feet is zoned **Medium Density Residential (R-2)**.

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 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
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 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. This property **has not previously been 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, fire places, 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.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any

transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-028VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

If the graveled street (Avenue L) accessing the property's parking pad is paved in the future, the required off street parking spaces must be paved (asphalt, concrete or other comparable surface authorized by the Planning Director) in accordance with City requirements while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

- 3. Maximum number of occupants: Six (6) persons over the age of three, no more than ten 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. A local contact will be required 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 100'. Managers are required to notify the City any time they stop representing a VRD.

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

☒ The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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 that 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 web site:

<https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>

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 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 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(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, Fire Places, 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 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 use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-028VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6) persons over the age of three no more than ten persons regardless of age** at **1210 S Columbia**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT <i>Elaine Albrich</i>	ADDRESS <i>1210 S. Columba St. Seaside</i>	ZIP CODE <i>97138</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>Same</i>		

ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
<i>R2</i>	<i>unknown</i>	<i>6</i>	<i>10</i>	<i>21 DB</i>	<i>17700</i>

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

proposed vacation rental - owner occupied
(see attached cover letter)

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>Elaine Albrich</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>SAME</i>
ADDRESS <i>1210 S. Columba St. Seaside</i>	ADDRESS
PHONE / EMAIL <i>503-250-4429/ealbrich@gmail.com</i>	PHONE AND EMAIL
SIGNATURE OF PROPERTY OWNER <i>Elaine Albrich</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <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 checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE <i>8-26-21</i>	BY <i>J</i>
CASE NUMBER (S) <i>21-028 VRD</i>	
HEARING DATE <i>Oct 5 2021</i>	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION APR 23 2021

PAID

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

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

SUBMITTAL INFORMATION

- 1. Applicant's Name: Elaine Albrich
- 2. Mailing Address: 1210 S. Columbia St. Seaside, OR 97138
- 3. Telephone #: Home 503-250-4429, Work _____, Fax _____, E-Mail ealbrich@gmail.com
- 4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.

5. VRD Street Address: 1210 S. Columbia St. Seaside

6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 2 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.

7. How many bedrooms are in the dwelling? 2. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.

8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? NO. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

9. Who will be acting as the local responsible party for the VRD owner?

Name: Elaine Albrich Phone # 503-250-4429

Address: 1210 S. Columbia St. Seaside, OR 97138. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

ORIGINAL

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CC 9905 2

the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

10. What is the zone designation of subject property? R2. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

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

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

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

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

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

Applicant's Signature: [Signature], Date: 3/24/21

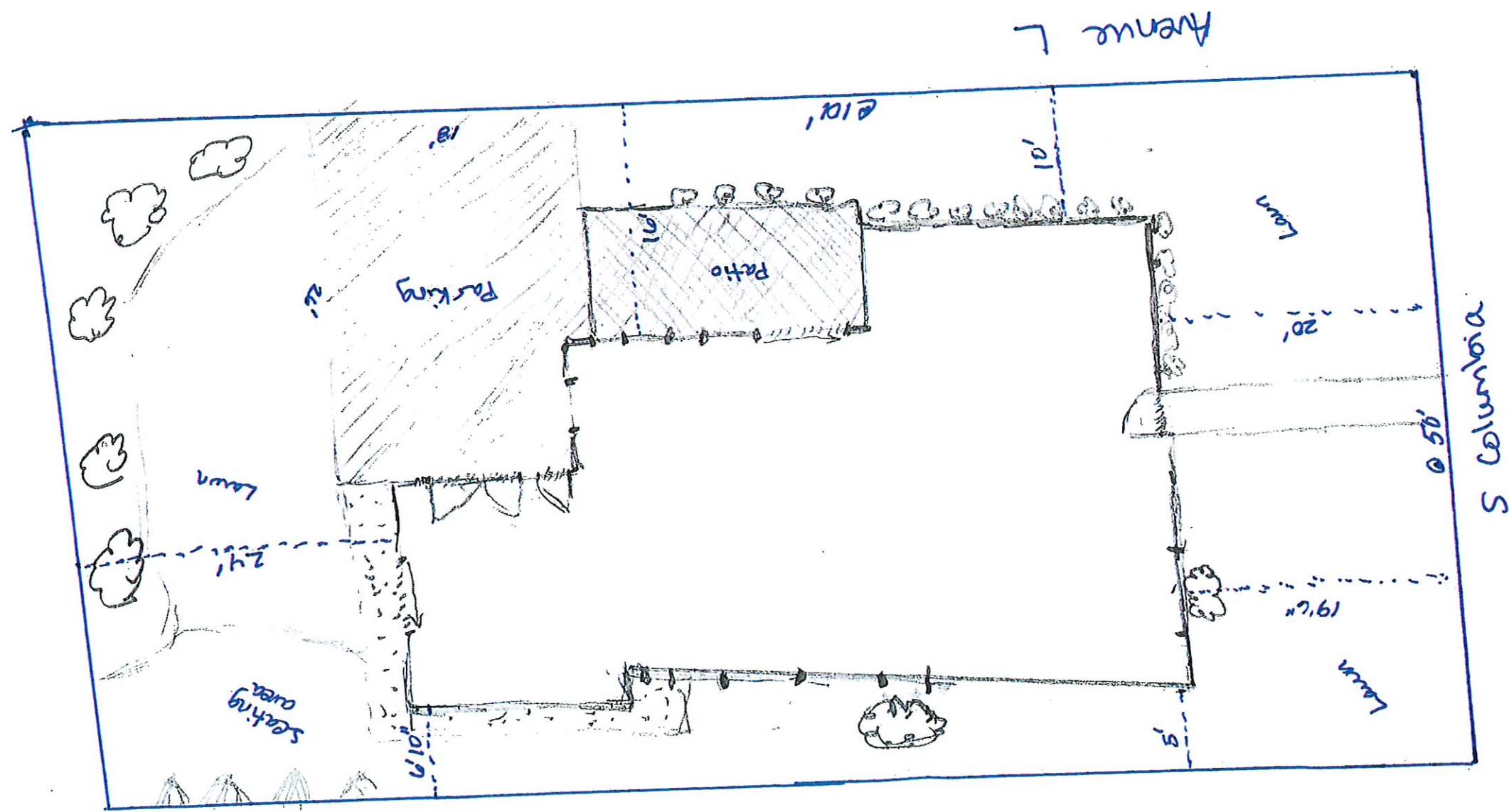
-----**For Office Use Only**-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants 550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

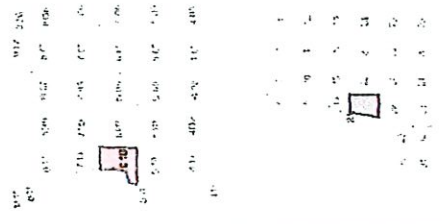
Submittal Date: 4/23/21 Amount Paid: \$950- to city Hall



┌───┐
 @1" = 10'
 Albrich Site Plan
 1210 S Columbia
 Sketch # 97138

6 10 21 DB
CLATSOP COUNTY
NW 1/4 SE 1/4 SEC. 21 T6N R10W W1M
0 62.5 125 250 R

Scale 1:1,200



CANCELLED TAXID NUMBERS

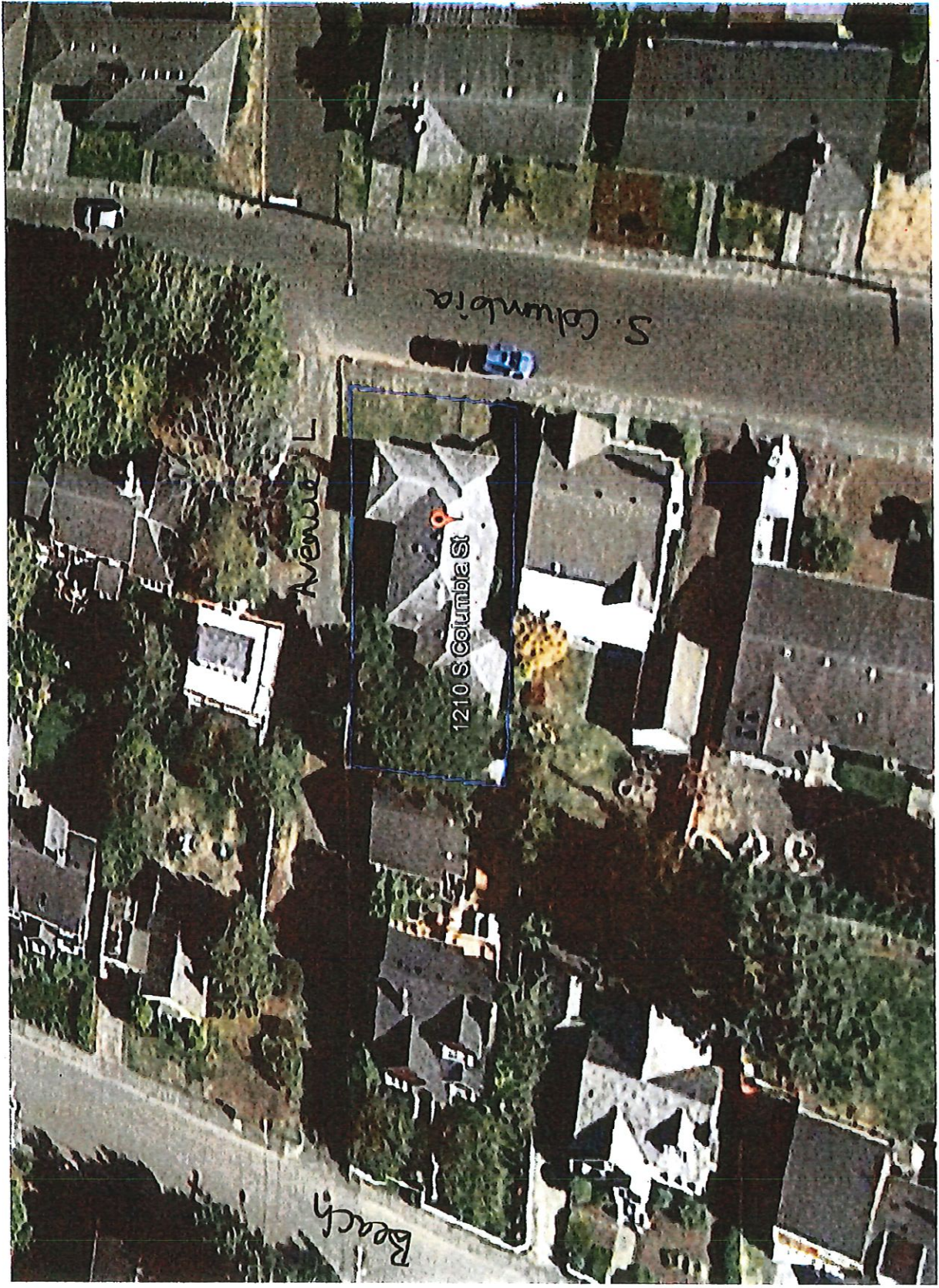
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FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.CO.CLATSOP.ORG
This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County. The State of Oregon is not responsible for any map errors, omissions, or misinterpretation.
PLOT DATE: 1/04/2019

6 10 21 DB





1210 S Columbia St, Seaside OR
Account 12586

- [Property Details](#)
- [Improvements](#)
- [Assessments](#)
- [Sales History](#)
- [Taxes](#)
- [Payments](#)
- [Documents](#)

General Information

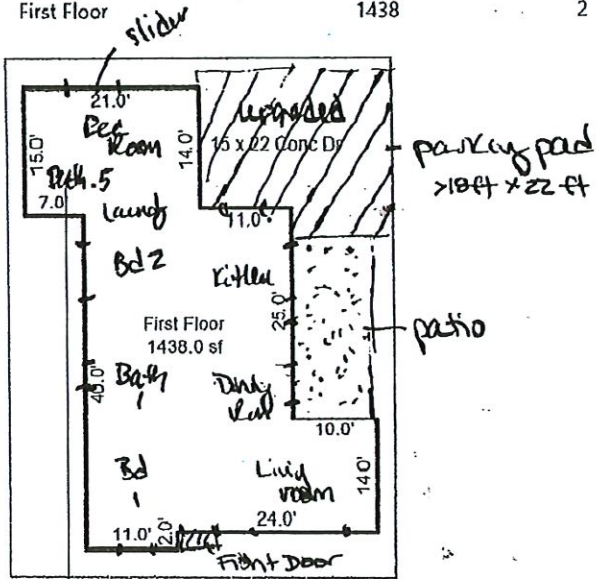
- Property Address 1210 S Columbia St, Seaside OR
- Legal Description MOUNTAIN VIEW LT 16 EXC WLY 3 FT BLK 2
- Account ID 12586
- Tax Map Key [Q1Q21PB17700](#)
- Size in Acres 0.11
- Property Status Active
- Property Type Real Property
Residential
Improved Residential Land

Owner Information

- Owner Name Albrich Elaine R
- Mailing Address 1210 S Columbia St
Seaside OR 97138
 - [Request Change of Address](#)
 - [Sign up for e-Statements](#)

Year Built	Sq Ft	Type	Stories
1958	1438	Single Family	1.0

Type	Sq Ft	Bedrooms	Bathrooms
First Floor	1438	2	1.5











Density Analysis

1210 S Columbia

Existing VRDs 100'

1	61021DB14400	1171 S Columbia St Seaside
2	61021DB14501	1160 S Columbia St Seaside
3	61021DB14600	Tax Lot 14600
4	61021DB14700	1165 Beach Dr Seaside
5	61021DB14800	1149 Beach Dr Seaside
6	61021DB17000	1211 Beach Dr Seaside
7	61021DB17100	1221 Beach Dr Seaside
8	61021DB17200	1231 Beach Dr Seaside
9	61021DB17304	1230 S Columbia St Seaside
10	61021DB17600	1220 S Columbia St Seaside
	61021DB17700	1210 S Columbia St Seaside
11	61021DB17802	1211 S Columbia St Seaside
12	61021DB17803	1251 S Columbia St Seaside
13	61021DB17804	1231 S Columbia St Seaside

5 / 13 = 38.4%

Existing VRDs 200'

14	61021DB14300	Vacant Tax Lot 14300
15	61021DB14301	1190 S Downing St Seaside
16	61021DB14401	1131 S Columbia St Seaside
17	61021DB14500	1140 S Columbia St Seaside
18	61021DB14502	1120 S Columbia St Seaside
19	61021DB14900	1117 Beach Dr Seaside
20	61021DB15100	1132 Beach Dr Seaside
21	61021DB15201	Tax Lot 15201
22	61021DB15300	1164 Beach Dr Seaside
23	61021DB15401	1176 Beach Dr Seaside
24	61021DB15701	1210 Beach Dr Seaside
25	61021DB15900	1231 S Prom Seaside
26	61021DB16900	Tax Lot 16900
27	61021DB17202	1241 Beach Dr Seaside
28	61021DB17300	1266-1267 S Beach Dr
29	61021DB17302	1240 S Columbia St Seaside
30	61021DB17800	1261 S Columbia St Seaside
31	61021DB17801	1210 S Downing St Seaside
32	61021DB17810	Tax Lot 17810
33	61021DB18000	1230 S Downing St Seaside
34	61021DB18002	Tax Lot 18002

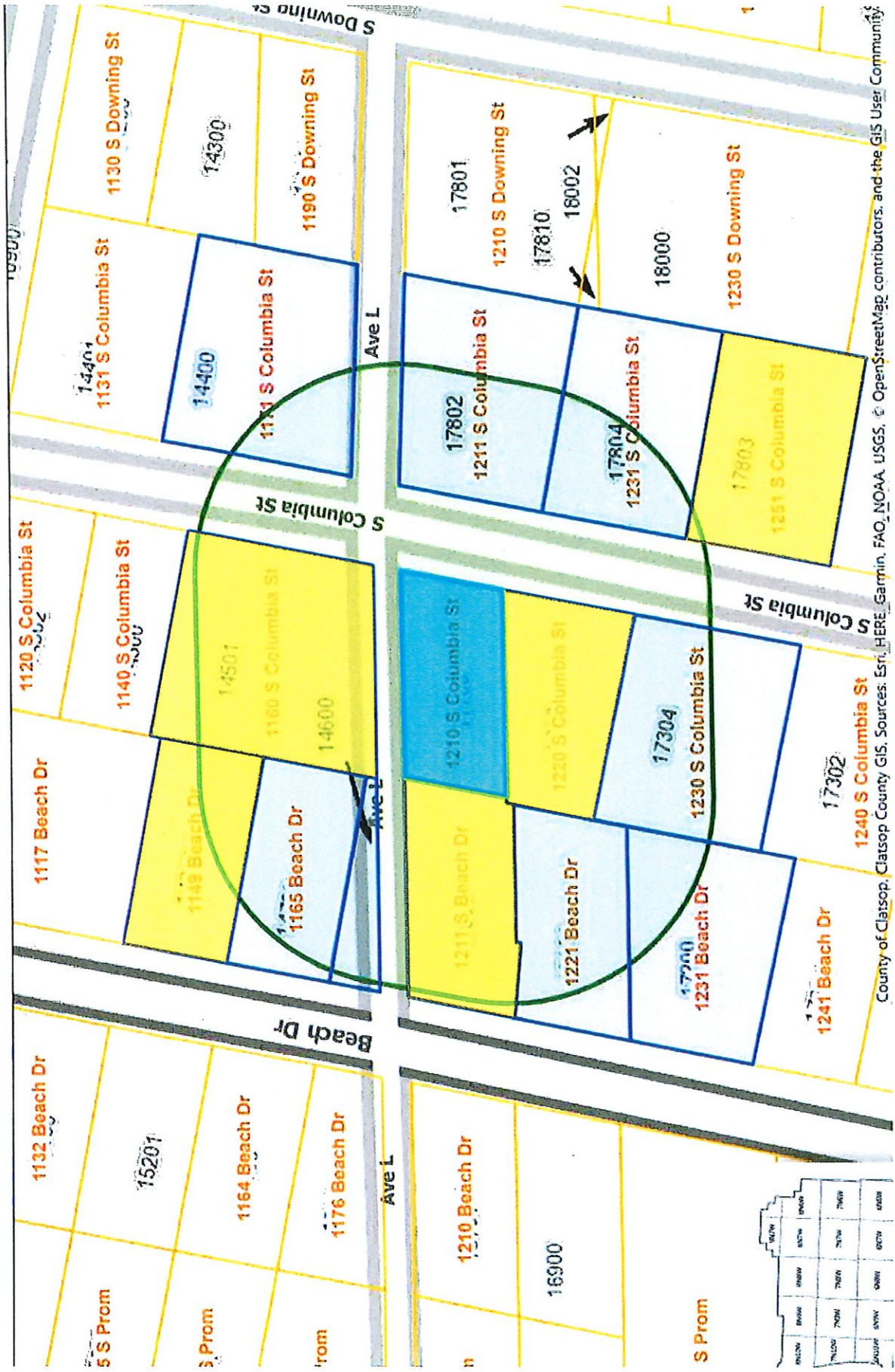
Density as of 08/26/21

9 / 34 = 26.4%

Applicant
Existing VRD

1210 S Columbia 100' Analysis

5 / 13 = 38.4%

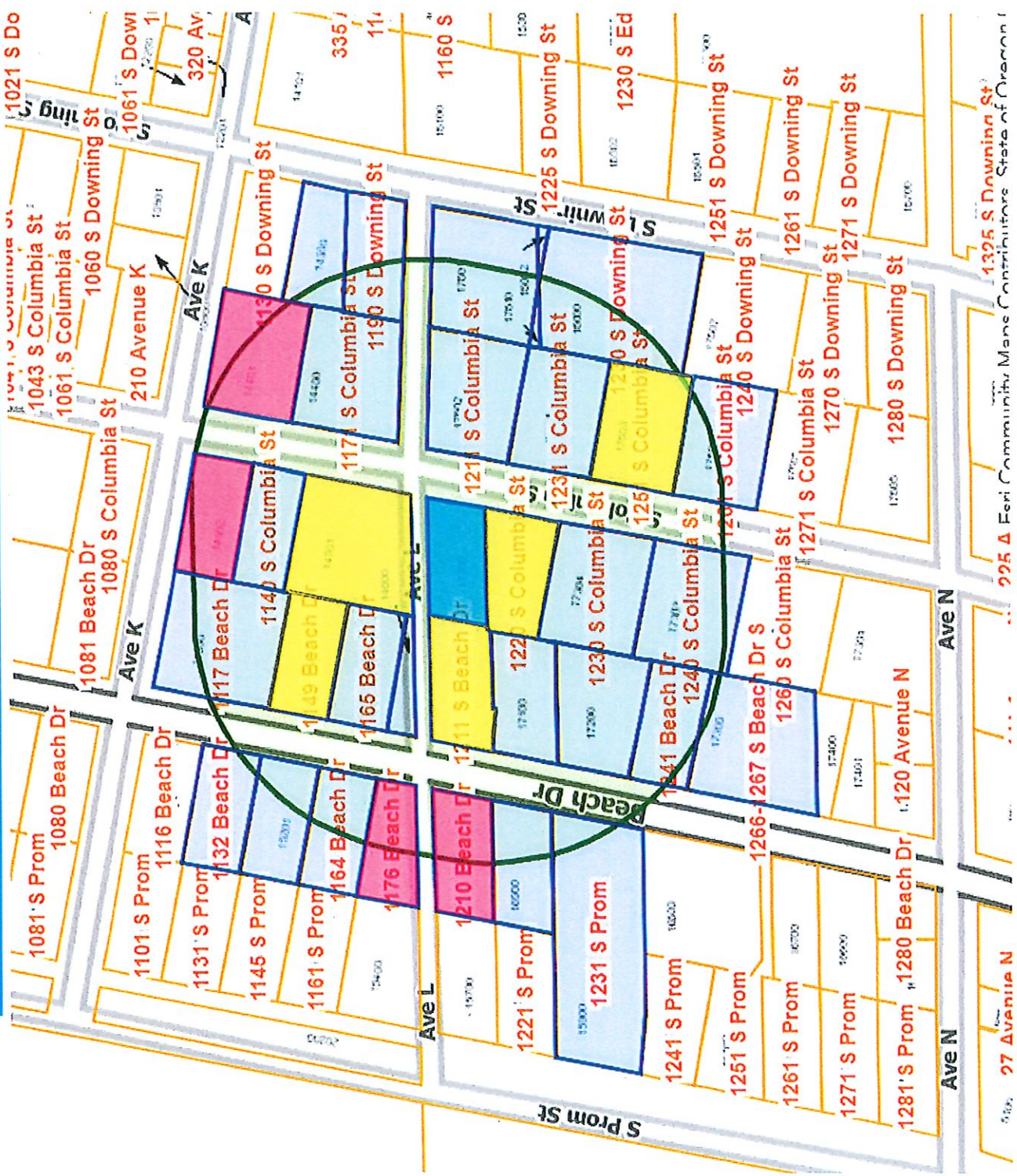


County of Clatsop, Clatsop County GIS, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community.
Density as of 08/26/21

9 / 34 = 26.4%

1210 S Columbia 200' Analysis

Applicant
Existing VRD 100'
Existing VRD 200'



925 A Feri Community Mene Contributors State of Oregon
Density as of 08/26/21

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: September 24, 2021 for Public Hearing on October 5, 2021
Applicant: Alan Kratz
Owner: 109 Vancouver Pl Sequim, WA 98382
Location: 1221 S Prom Seaside, OR 97138, T6-R10-S21DB TL#15800 & TL#16900
Subject: Conditional Use 21-063VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Nine (9) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1221 S Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is requesting a maximum occupancy of nine (9) persons over the age of three no more than ten persons regardless of age**, within the existing **three (3)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

- C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:
 - 1. The use of the property as a VRD will be compatible with the surrounding land uses.
 - 2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-063VRD**: A conditional use request by **Alan Kratz** 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 persons regardless of age**. The property is located at **1221 S Prom (T6-R10-S21DB-TL15800 & TL16900)** and it is zoned **Medium Density Residential (R-2)**. The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **four (4)** off-street parking spaces. **Two spaces inside the garage and two spaces side by side on the parking pad in front of the garage**. The applicant's plot plan shows **sufficient maneuvering space on the adjacent, commonly owned, vacant lot**.
 - b. The existing **three (3)** bedroom residence will have a limited occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age**.
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards**.

- d. Alan Kratz has listed Meredith Lodging, 575 S Roosevelt Dr. as the local contact for the VRD and they can be reached at 503-738-6078.
 - e. The owner/applicant, Alan Kratz, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **25%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **28.1%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **Medium Density Residential (R-2)**.
 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 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
 4. The property has 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 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.

9. The property **was previously** permitted as a VRD in 2015. The VRD permit was active until the property was sold to the new owner, **Alan Kratz**.
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, fire places, 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.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-063VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

Off-Street Parking Area & Access: The required off-street parking area on the applicant's parking map is not fully improved, so it does not conform to the surfacing requirements in the ordinance. The owner must have the off-street parking area improved prior to any transient rental and paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within one (1) year from the date of this decision, while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

3. **Maximum number of occupants: Nine (9) persons over the age of three, no more than ten 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: Meredith Lodging, 575 S. Roosevelt Dr. as the local contact for the VRD and they can be reached at 503-738-6078.** 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 100'. Managers are required to notify the City any time they stop representing a VRD.

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

The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's.

The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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 that 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 web site:
<https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>
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 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 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a

list of the bookings during the grace period and no additional bookings can be taken during that time.

18. **Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(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, Fire Places, 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 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 use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-063VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age at 1221 S Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

ORIGINAL

PLEASE PRINT OR TYPE

NAME OF APPLICANT: ALAN P. KRATZ ADDRESS: 109 VANCOUVER PL SEQUIM WA ZIP CODE: 98382 STREET ADDRESS OR LOCATION OF PROPERTY: 1221 S PROM SEASIDE OR 97138

ZONE: R-2 OVERLAY ZONES: TOWNSHIP: 6 RANGE: 10 SECTION: 2108 TAX LOT: 15800 and 16900

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

VACATION RENTAL

CITY OF SEASIDE AUG 17 2021 PAID \$950- ↓ #'s 185+198

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN. IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER: ALAN P. KRATZ ADDRESS: 109 VANCOUVER PL SEQUIM, WA 98382 APPLICANT/REPRESENTATIVE: ADDRESS: PHONE/FAX/EMAIL: 805 315 7743 APMKRATZ@AOL.COM SIGNATURE OF APPLICANT/REPRESENTATIVE: [Signature]

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- CONDITIONAL USE, LANDSCAPE/ACCESS REVIEW, MAJOR PARTITION, MINOR PARTITION, NON CONFORMING, PLANNED DEVELOPMENT, PROPERTY LINE ADJUSTMENT, SETBACK REDUCTION, SUBDIVISION, TEMPORARY USE, VACATION RENTAL (checked), VARIANCE, ZONING CODE AMENDMENT, ZONING MAP AMENDMENT, APPEAL

PLANNING DEPARTMENT USE: DATE ACCEPTED AS COMPLETE: 8/27/21 BY: J CASE NUMBER (S): 21-063 HEARING DATE: P.C. ACTION

OFFICE USE: FEE: RECEIPT: DATE FILED: BY:

PC 8/17/21

**CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION**

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

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

SUBMITTAL INFORMATION

1. Applicant's Name: ALAN P. KRATZ
2. Mailing Address: 109 VANCOUVER PL. SEQUIM WA 98382
3. Telephone #: Home 805-315-7743, Work _____,
Fax _____, E-Mail APKRATZ@AOL.COM
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 1221 S. PROM SEASIDE OR 97138
6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
7. How many bedrooms are in the dwelling? 3. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? NO. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
9. Who will be acting as the local responsible party for the VRD owner?
Name: MEREDITH LUDING Phone # 877-778-9055 503-738-6078
Address: LINCOLN CITY, OR 575 S ROOSEVELT DR. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

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the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

10. What is the zone designation of subject property? R-2. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

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

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

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

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

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

Applicant's Signature: , Date: 8-16-2021

-----**For Office Use Only**-----

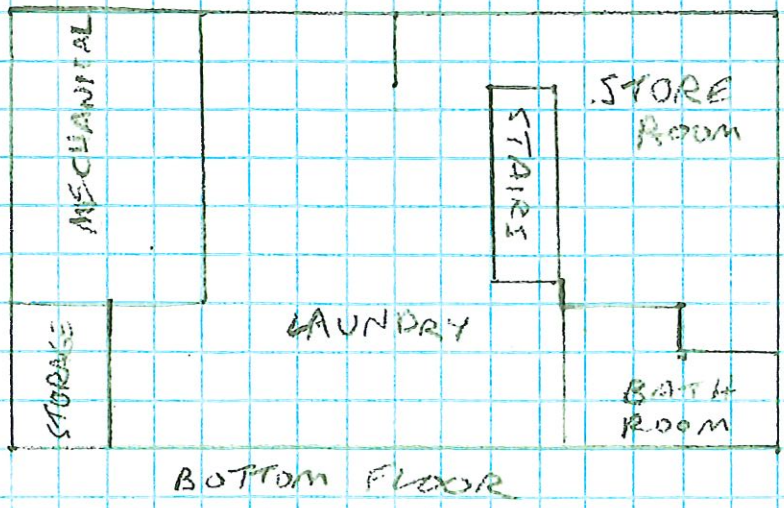
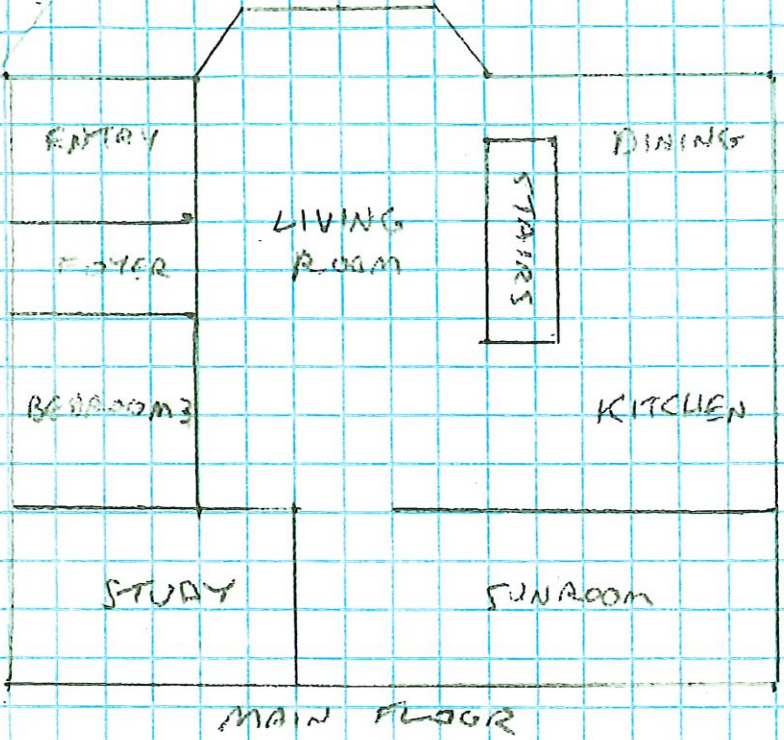
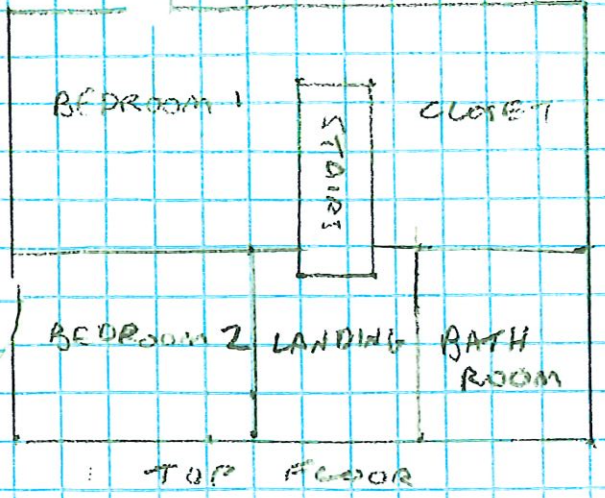
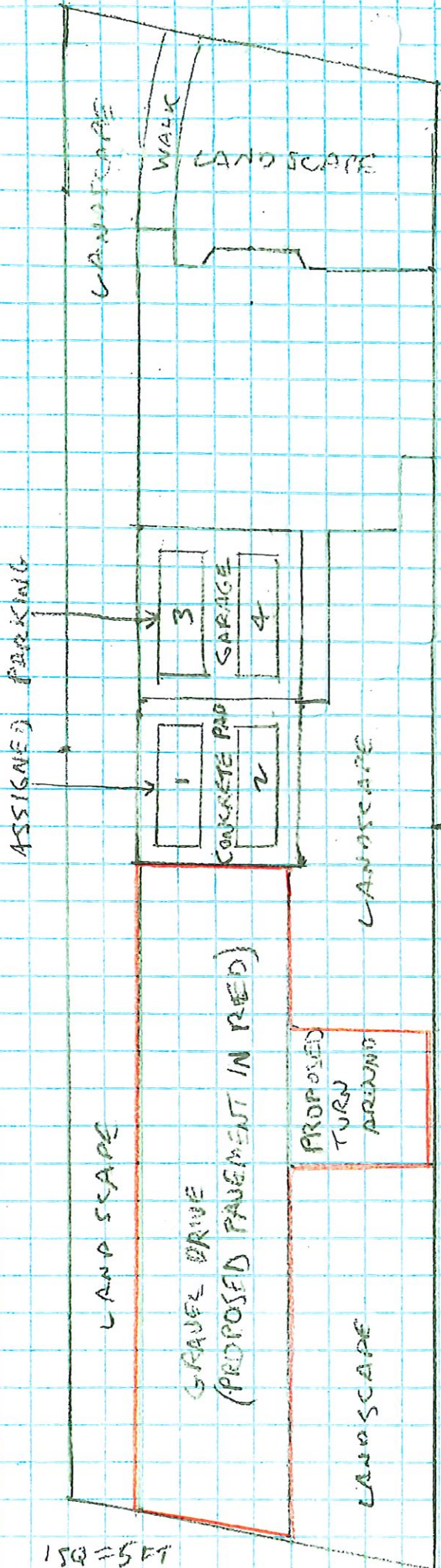
At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants 550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

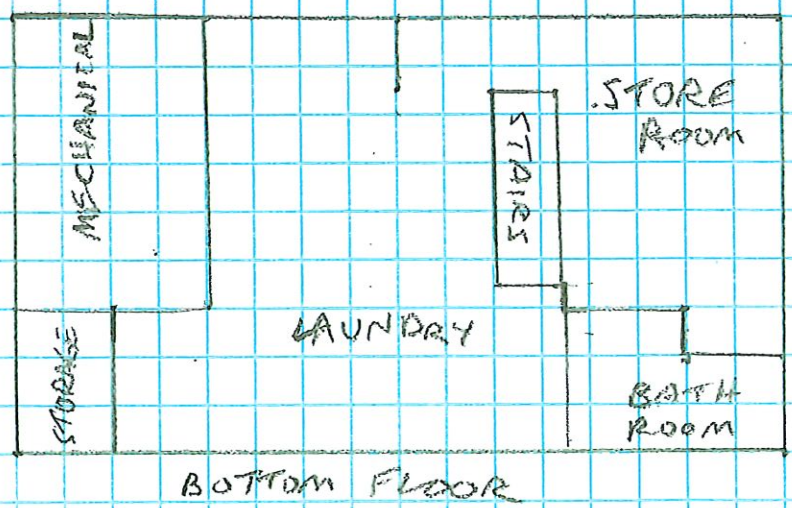
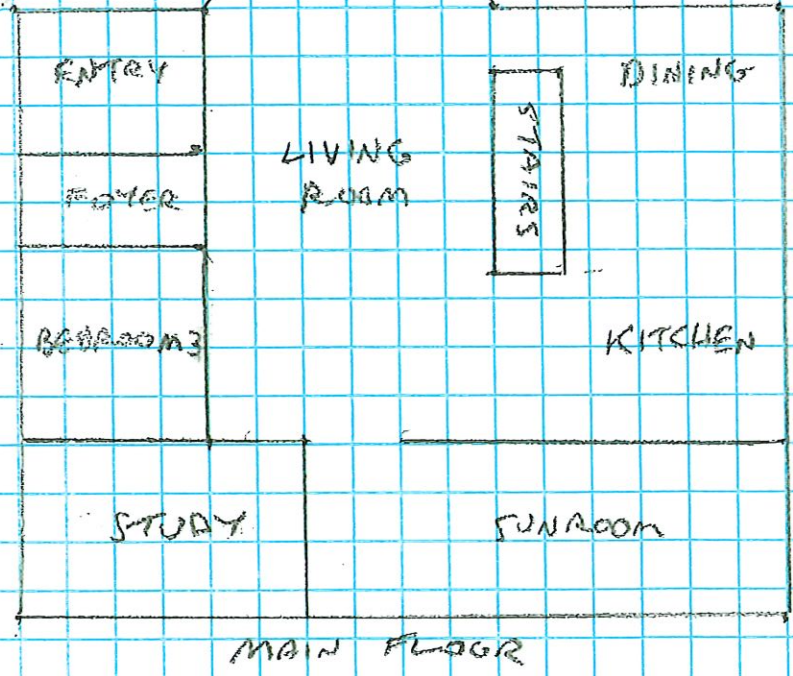
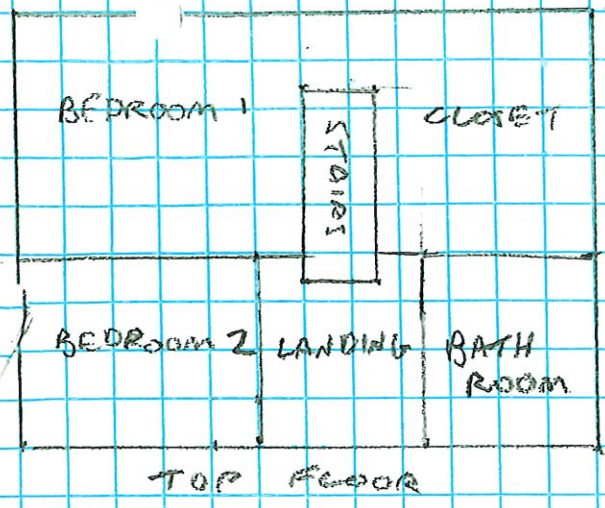
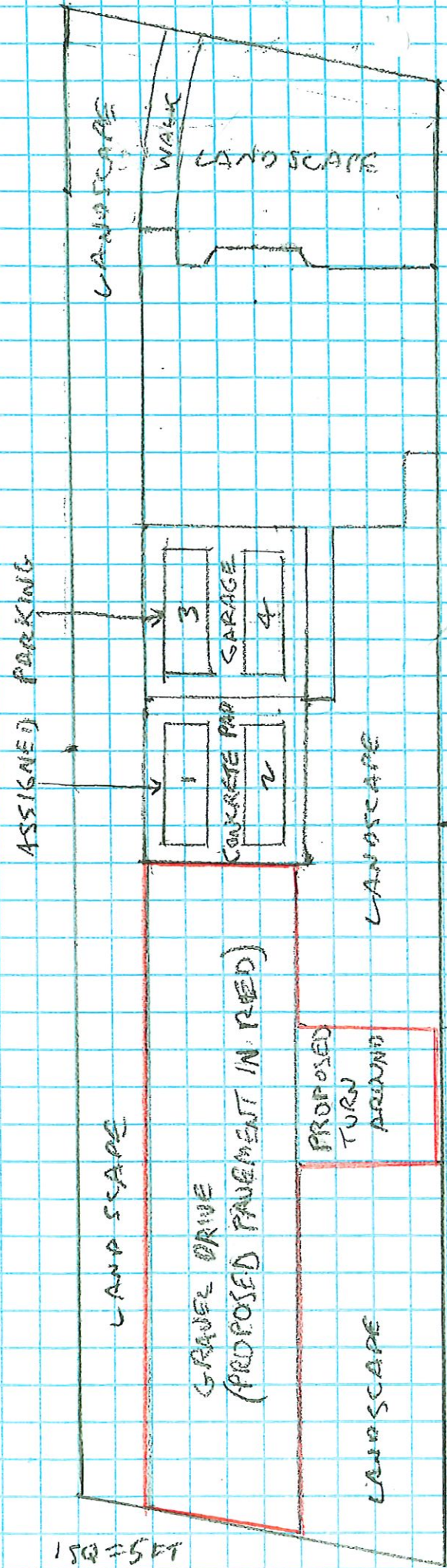
Submittal Date: 8/17/21 Amount Paid: \$950 - to City Hall

1221 S. PROM



150 = 2 FT

1221 S, PROM



1 SQ = 2 FT

Google Maps

1221 Beach Dr

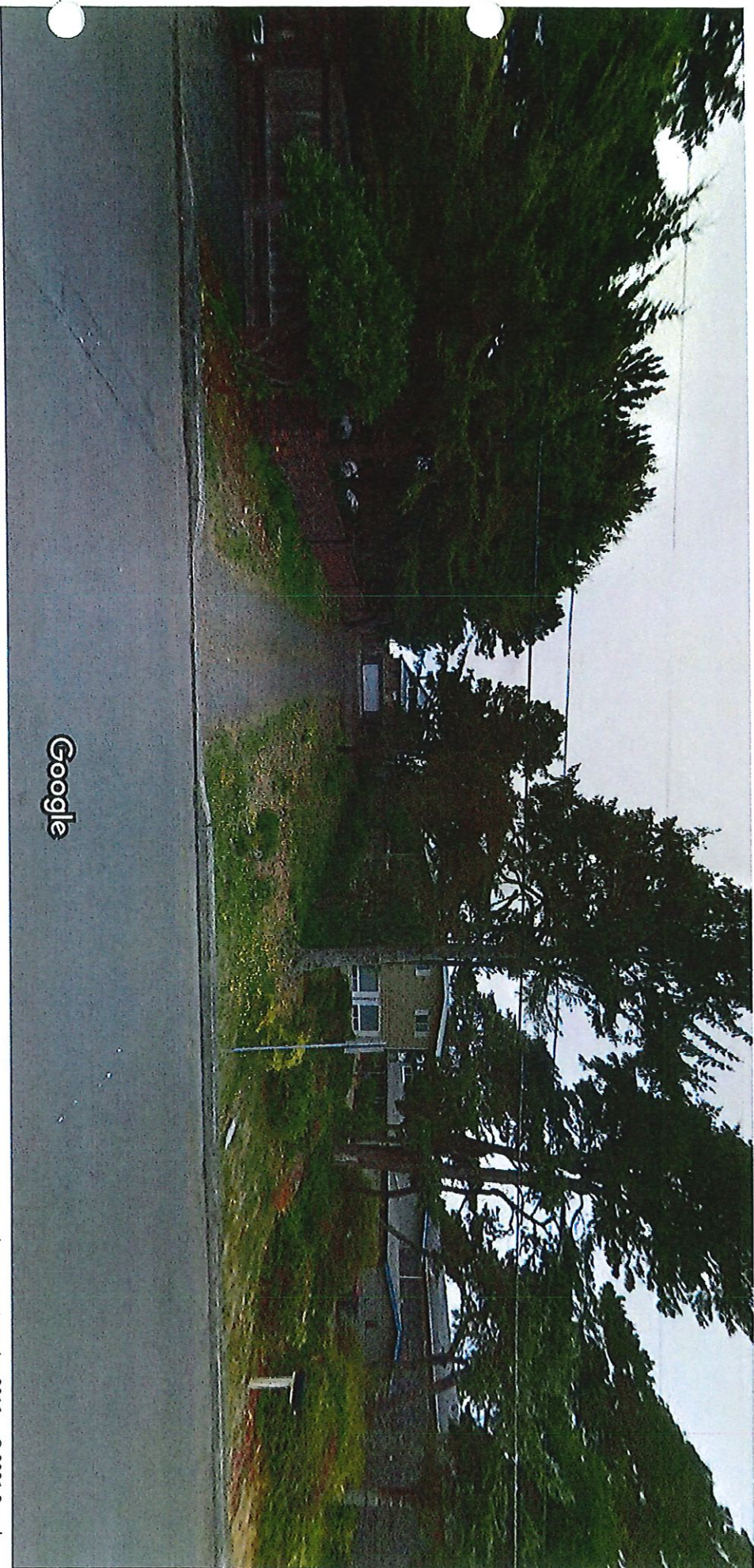


Image capture: Jun 2016 © 2021 Google

Seaside, Oregon



Street View - Jun 2016

Density Analysis

1221 S Prom

	VRDs 100'	VRDs 200'	Applicant
1	61021DB20200	Vacant Tax Lot 20200	
2	61021C000100	Vacant Tax Lot 000100	
3	61021C000200	Vacant Tax Lot 000200	
4	61021DB14600	Vacant Tax Lot 14600	
5	61021DB15300	1164 Beach Dr	
6	61021DB15400	1175 S Prom	
7	61021DB15401	1176 Beach Dr	
8	61021DB15700	1211 S Prom	
9	61021DB15701	1210 Beach Dr	
	61021DB15800	1221 S Prom	
10	61021DB15900	1231 S Prom	
11	61021DB16001	1241 S Prom	
12	61021DB16800	Vacant Tax Lot 16800	
13	61021DB17000	1211 S Beach Dr	
14	61021DB17100	1221 Beach Dr	
15	61021DB17200	1231 Beach Dr	
16	61021DB17202	1241 Beach Dr	

4 / 16 = 25%

Density as of 08/27/21

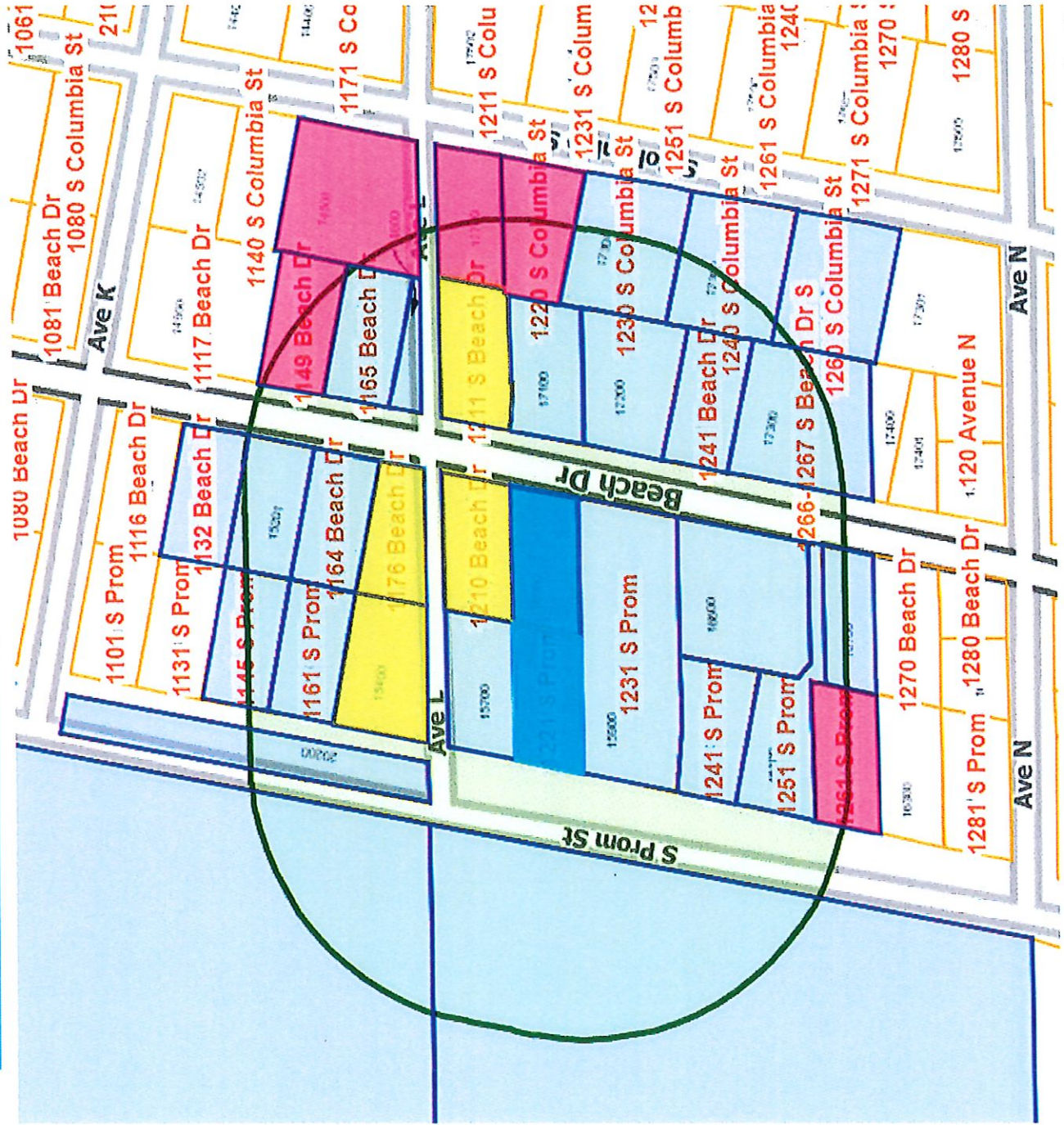
17	61021DB14501	1160 S Columbia St
18	61021DB14700	1165 Beach Dr
19	61021DB14800	1149 Beach Dr
20	61021DB15100	1132 Beach Dr
21	61021DB15200	1145 S Prom
22	61021DB15201	Vacant Tax Lot 15201
23	61021DB15301	1161 S Prom
24	61021DB16100	1251 S Prom
25	61021DB16200	1261 S Prom
26	61021DB16700	Vacant Tax Lot 16700
27	61021DB17300	1266-1267 S Beach Dr
28	61021DB17302	1240 S Columbia St
29	61021DB17304	1230 S Columbia St
30	61021DB17305	1260 S Columbia St
31	61021DB17600	1220 S Columbia St
32	61021DB17700	1210 S Columbia St

9 / 32 = 28.1%

Applicant
Existing VRD
100'
Existing VRD
200'

1221 S Prom 200' Density Analysis

9 / 32 = 28.1%



CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: September 24, 2021 for Public Hearing on October 5, 2021
Applicant: Alberto Zaporteza
Owner: 14481 S Arabian Dr Beaverton, OR 97008
Location: 1630 S Edgewood St. Seaside, OR 97138, T6-R10-S21DC
TL#07114
Subject: Conditional Use 21-064VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Six (6) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1630 S Edgewood St.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is requesting a maximum occupancy of six (6) persons over the age of three no more than ten persons regardless of age**, within the existing **three (3)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations.

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

- C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:
 - 1. The use of the property as a VRD will be compatible with the surrounding land uses.
 - 2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-064VRD**: A conditional use request by **Alberto Zaporteza** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age**. The property is located at **1630 S Edgewood St. (T6-R10-S21DC-TL07114)** and it is zoned **Medium Density Residential (R-2)**. 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. **One space inside the garage and two spaces side by side on the parking pad in front of the garage.**
 - b. The existing **three (3)** bedroom residence will have a limited occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age.**
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**
 - d. **Alberto Zaporteza has not listed a Local Contact at this time. A local contact will be required prior to any transient rental.**

- e. The owner/applicant, **Alberto Zaporteza**, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **21.4%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **14.2%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **Medium Density Residential (R-2)**.
 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 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
 4. The property has 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 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. The property **has not previously been** 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, fire places, 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.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-064VRD)** 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 (9' X 18' per space) are required on site.** These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. **The map must clearly indicate:**

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

Off-Street Parking Area & Access: The required off-street parking area on the applicant's parking map is not fully improved, so it does not conform to the surfacing requirements in the ordinance. The owner must have the off-street parking area improved prior to any transient rental and paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within one (1) year from the date of this decision, while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

3. **Maximum number of occupants: Six (6) persons over the age of three, no more than ten 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: To Be Determined.** 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 100'. Managers are required to notify the City any time they stop representing a VRD.

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

The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.
11. **Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals

must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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 that 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 web site:

<https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>

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 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 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(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, Fire Places, 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 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 use of the outdoor facility entirely by VRD tenants.**

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-064VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age at 1630 S Edgewood St.** This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Alberto Zaporteza	ADDRESS 1630 S EDGEWOOD ST	ZIP CODE 97138
STREET ADDRESS OR LOCATION OF PROPERTY 1630 S EDGEWOOD ST SEASIDE, OR 97138		

ZONE R-2	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 210C	TAX LOT 07114
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

SHORT TERM VACATION RENTAL DWELLING

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER ALBERTO ZAPORTEZA	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 1630 S EDGEWOOD ST SEASIDE, OR 97138	ADDRESS
PHONE / EMAIL 971.998.7912 / AGZ31@HOTMAIL.COM	PHONE AND EMAIL
SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <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 checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
	8/30/21 VF
CASE NUMBER (S)	
21-064	
HEARING DATE	P.C. ACTION
10-05-21	

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE

AUG 20 2021

PAID

CITY OF SEASIDE VACATION RENTAL DWELLING (VRD) APPLICATION

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

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

SUBMITTAL INFORMATION

1. Applicant's Name: ALBERTO ZAPORTEZA
2. Mailing Address: 14481 SW ARABIAN DR. BEAVERTON, OR 97008
3. Telephone #: Home 971.998.7912, Work _____,
Fax _____, E-Mail AGZ31@HOTMAIL.COM
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 1630 S EDGEWOOD ST SEASIDE, OR 97138
6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
7. How many bedrooms are in the dwelling? 3. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? NO-2 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 6. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? NO. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
9. Who will be acting as the local responsible party for the VRD owner?
Name: PROPERTY MANAGEMENT - TBD Phone # _____
Address: _____ The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

ORIGINAL

30
500
430
950
CC

9925

the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

10. What is the zone designation of subject property? _____. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.


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

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

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

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

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

Applicant's Signature: , Date: 08/26/21.

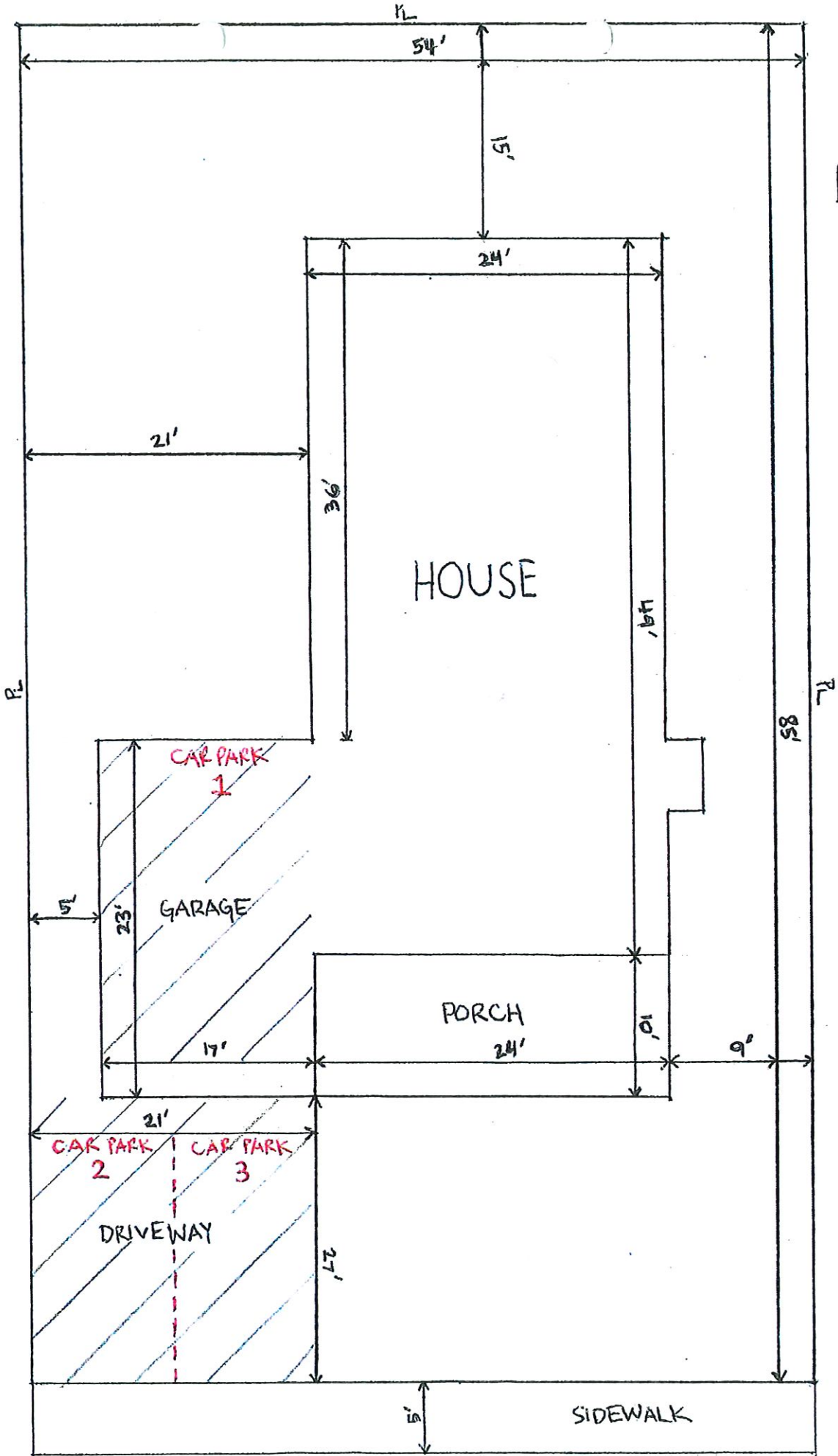
-----For Office Use Only-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants \$550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: 08/26/21 Amount Paid: \$950-
TO CITY HALL

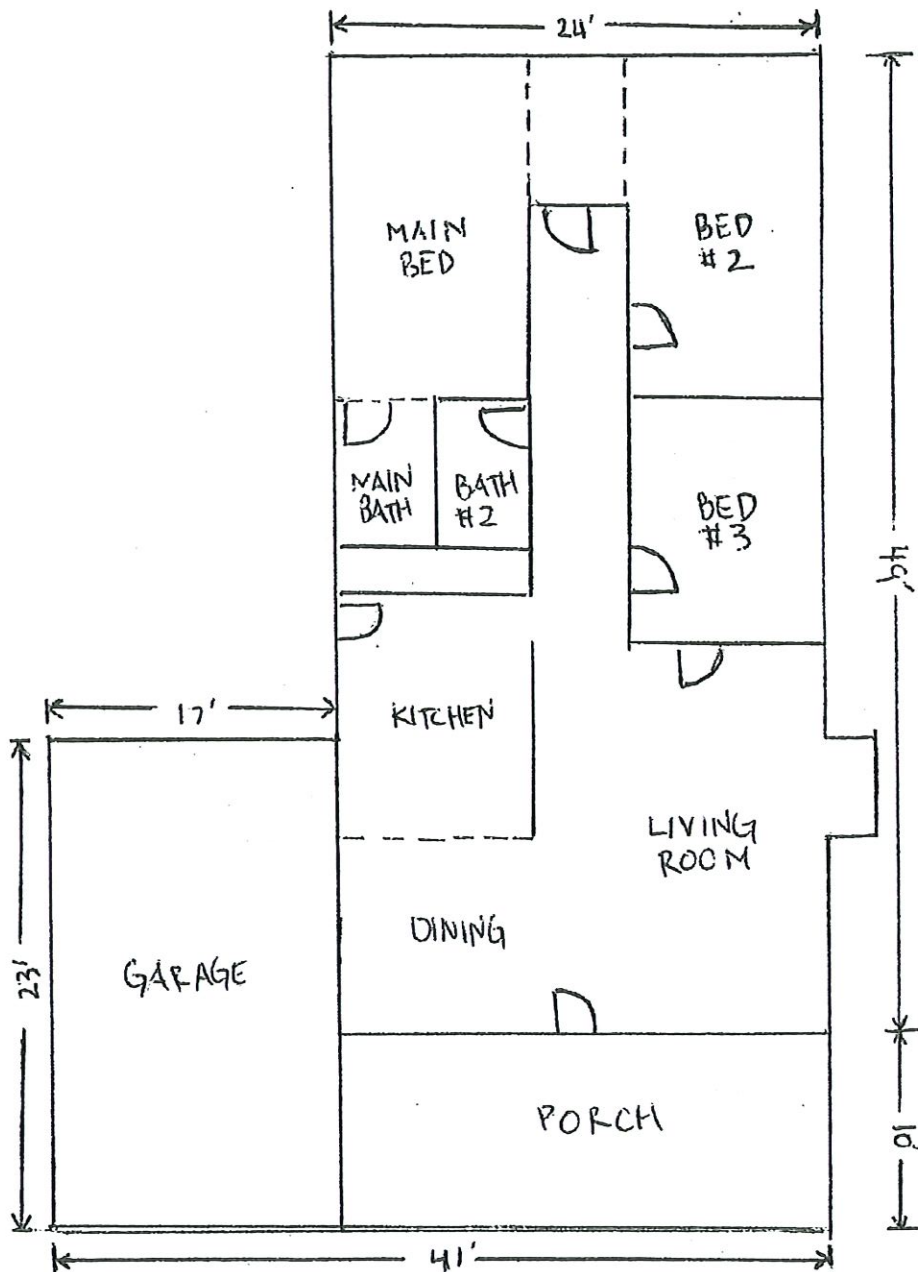


☐ = PARKING



ADDRESS: 1630 S. EDGEWOOD ST
 SEASIDE, OR 97138
 LOT SIZE: 4,791 SQ. FT.
 HOUSE SIZE: 1,152 SQ. FT.

S. EDGEWOOD ST.



- HOME INTERIOR -

ADDRESS: 1630 S. EDGEWOOD ST.
SEASIDE, OR 97138

BEDS/BATHS: 3 BEDROOMS/ 2 BATHS

SQ. FT. #: 1,152 SQ. FT.

LOT SIZE: 4,791 SQ. FT.

Google Maps

1631 S Edgewood St

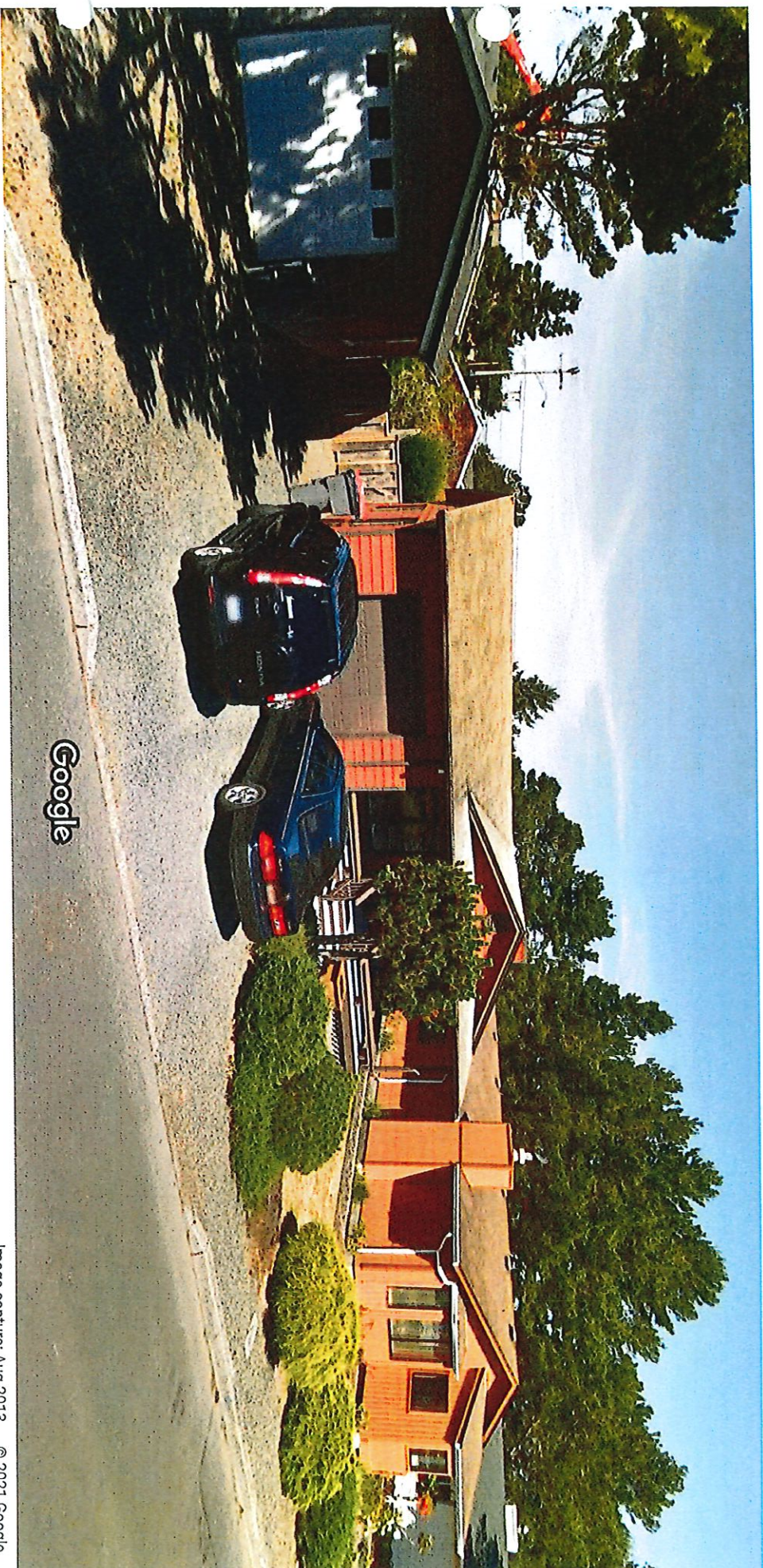
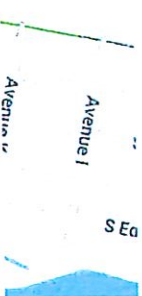


Image capture: Aug 2013 © 2021 Google

Seaside, Oregon



Street View - Aug 2013



Density Analysis
1630 S Edgewood St.

1	61021DC03000	1581 S Downing St		15	61021DC00120	Vacant Tax Lot 00120
2	61021DC03000	1617 S Downing St	Applicant	16	61021DC00123	1480 S Edgewood St
3	61021DC03200	1633 S Downing St	VRDs 100'	17	61021DC01600	1648 S Downing St
4	61021DC05700	1515 S Downing St	VRDs 200'	18	61021DC01700	251 Lewis & Clark Way
5	61021DC05800	1559 S Downing St		19	61021DC01800	231 Lewis & Clark Way
6	61021DC07105	1561 S Edgewood St		20	61021DC02400	240 Lewis & Clark Way
7	61021DC07107	1615-1617 S Edgewood St		21	61021DC02500	1560 S Downing St
8	61021DC07108	1631 S Edgewood St		22	61021DC02600	1520 S Downing St
9	61021DC07109	1639 S Edgewood St		23	61021DC02601	1518 S Downing St
10	61021DC07110	1643 S Edgewood St		24	61021DC03300	1649 S Downing St
11	61021DC07112	1642 S Edgewood St		25	61021DC03400	1665 S Downing St
12	61021DC07113	1638 S Edgewood St		26	61021DC04300	1680 S Edgewood St
	61021DC07114	1630 S Edgewood St		27	61021DC05900	1681 S Edgewood St
13	61021DC07115	1616 S Edgewood St		28	61021DC06000	1691 S Edgewood St
14	61021DC07116	1576 S Edgewood St		29	61021DC06200	1660-A S Franklin St
			3 / 14 = 21.4%	30	61021DC06300	1640 S Franklin St
				31	61021DC07100	425 Avenue P
				32	61021DC07101	1624 S Franklin St
				33	61021DC07103	1630 S Franklin St
				34	61021DC07111	1658 S Edgewood St
				35	61021DC07117	Vacant Tax Lot 07117

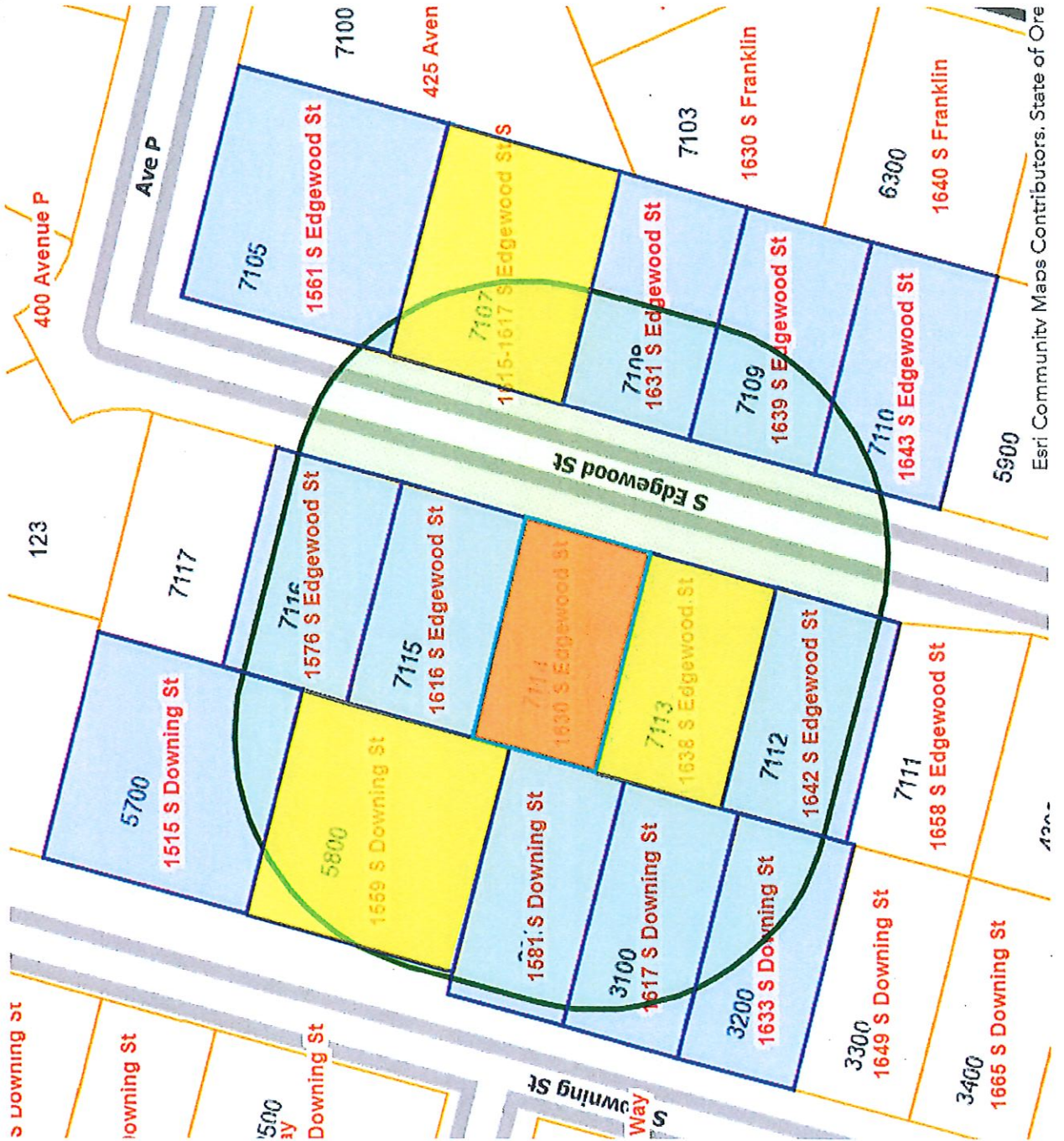
Density as of 08/30/21

5 / 35 = 14.2%

Applicant
Existing VRD

3 / 14 = 21.4%

1630 S Edgewood St 100' Analysis



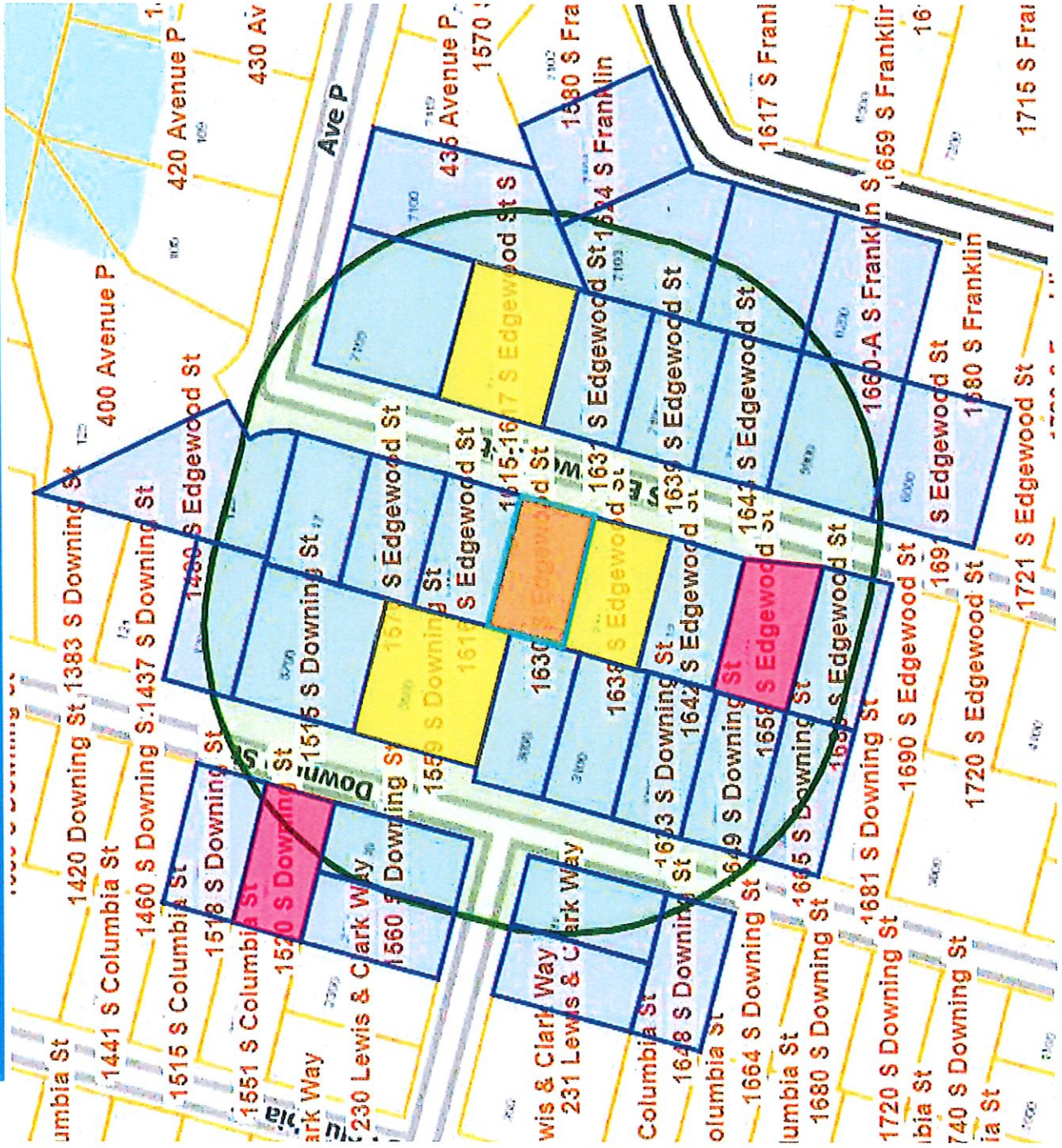
Esri Community Maps Contributors, State of Ore

Density as of 08/30/21

Applicant
Existing VRD 100'
Existing VRD 200'

1630 S Edgewood ST 200' Density Analysis

6 / 40 = 15%



CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: September 24, 2021 for Public Hearing on October 5, 2021
Applicant: Adam Brozozowski
Owner: 601 Summit Ave East Apt. 10 Seattle, WA 98102
Location: 1860 S Edgewood St. Seaside, OR 97138, T6-R10-S28AB TL#0300
Subject: Conditional Use 21-065VRD, Two Bedroom Vacation Rental Dwelling with Limited Occupancy of Six (6) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1860 S Edgewood St.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is requesting a maximum occupancy of six (6) persons over the age of three no more than ten persons regardless of age**, within the existing **two (2)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

- C. Residential yard areas. Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.
- D. Local responsible party. A local responsible party that permanently resides within the County must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).
- E. Spatial distribution requirements. Within the medium density residential (R-2) zones and high density residential (R-3) zones, not more than 20% of the properties within 100' of the subject property can be currently licensed for VRD use without Planning Commission review based on the following additional criteria:
 - 1. The use of the property as a VRD will be compatible with the surrounding land uses.
 - 2. The VRD will not contribute to excessive parking congestion on site or along adjacent streets.

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-065VRD**: A conditional use request by **Adam Brozowski** 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 persons regardless of age**. The property is located at **1860 S Edgewood St. (T6-R10-S28AB-TL03100)** and it is zoned **Medium Density Residential (R-2)**. The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **two (2)** off-street parking spaces. **Both spaces are side by side in the front yard area. The current front yard is not landscaped and the parking pad is not clearly defined.**
 - b. The existing **two (2)** bedroom residence will have a limited occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age**.
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards. The applicant will need to clearly define a parking pad and add additional landscape features to prevent parking in the required, landscaped, yard area.**
 - d. **Adam Brozowski has listed Mattias Eckstrom, who lives at 82453 Hazel Rd. Seaside, OR 97138 and can be reached at 503-440-7271 as the local contact.**

- e. The owner/applicant, **Adam Brozowski**, has read all of the standards and conditions applicable to VRDs.
- 2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **23%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **17.6%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **Medium Density Residential (R-2)**.
- 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 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
- 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 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
- 7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
- 8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
- 9. The property **has not previously been** 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, fire places, 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.

CONCLUSION TO CRITERIA #1:

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant and the request can be approved subject to the following list of special and standard conditions of approval:

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-065VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

Off-Street Parking Area & Access: The required off-street parking area on the applicant's parking map is not fully improved, so it does not conform to the surfacing requirements in the ordinance. The owner must have the off-street parking area improved prior to any transient rental and paved (asphalt, concrete, or alternative surface approved by the Planning Director) in accordance with City requirements within one (1) year from the date of this decision, while maintaining compliance with the open yard area requirements in Condition 5. Failure to complete the paving will require suspension of the rental until such time the improvements are completed.

3. **Maximum number of occupants: Six (6) persons over the age of three, no more than ten 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.

The parking pad that will be located in the required front yard area is not clearly defined. The applicant will need to clearly define a parking pad and add additional landscape features to be in compliance with condition 5 prior to any transient rental.

- 6. Local Contact:** **Mattias Eckstrom, who lives at 82453 Hazel Rd. Seaside, OR 97138, and can be reached at 503-440-7271 has been named 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 100'. Managers are required to notify the City any time they stop representing a VRD.

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

The local contact must sign a Local Contact Acknowledgement Form that indicates they are aware of the Planning Commission's expectations concerning response to complaints by neighboring residents and maintain a complaint response log that would be made available to the city upon request. The signed form must be returned to the Community Development Department so it can be included in the land use file. An updated form must be submitted by the owner any time a new contact person is established.

- 7. Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
- 8. Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
- 9. Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.

- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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 that 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 web site:

<https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>

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 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 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(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, Fire Places, 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 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 use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-065VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age** at **1860 S Edgewood St.** This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Adam Brozowski	ADDRESS 601 Summit Ave East Apt. 401 Seattle WA 98102	ZIP CODE 98102
STREET ADDRESS OR LOCATION OF PROPERTY 1860 South Edgewood Street Seaside OR 97138		

ZONE R-2	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 28AB	TAX LOT 03100
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Applying for a Vacation Rental permit for our family home in Seaside.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER Adam Brozowski	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 601 Summit Ave East Apt. 401 Seattle WA 98102	ADDRESS
PHONE / EMAIL 425-444-2104 AdamBrozowski@gmail.com	PHONE AND EMAIL
SIGNATURE OF PROPERTY OWNER <i>Adam Brozowski</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|---|--|
| <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 checked="" type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 9/1/21	BY F
CASE NUMBER (S) 21-065VRD	
HEARING DATE Oct. 5, 2021	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

AUG 31 2021

PAID

The City of Seaside requires approval for short term (less than 30 day) rental as an accessory use of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 of the Seaside Zoning Ordinance (see attached). Although most requests can be reviewed by the Planning Director; in some cases, the requests require a public hearing before the City Planning Commission. In both cases, VRD applicants must provide the following information.

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

SUBMITTAL INFORMATION

1. **Applicant's Name:** Adam Brozozowski
2. **Mailing Address:** 601 Summit Ave East Apt. 401 Seattle WA, 98102
3. **Telephone #:** Home 425-444-2104, Work same,
Fax _____, E-Mail AdamBrozowski@gmail.com
4. **If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.**
5. **VRD Street Address:** 1860 South Edgewood Street Seaside, OR 97138
6. **What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use?** 2 *The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.*
7. **How many bedrooms are in the dwelling?** 2. **Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed?** only 2 **Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD** 6. *The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.*
8. **All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas?** no. *The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.*
9. **Who will be acting as the local responsible party for the VRD owner?**
Name: Mattias Eckstrom **Phone #:** 503 440 7271
Address: 82453 Hazel Road Seaside, OR 97138. *The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding*

ORIGINAL

20
500
430
950

99 26

the operation of the VRD. The owner shall provide the telephone number of the local contact person to the City, and to the immediate neighbors within the notification area (within 100' of the subject property).

10. What is the zone designation of subject property? R-2. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

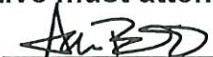
11. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and off street parking spaces (existing & proposed). In addition to the site plan, a floor plan(s) must be included which clearly indicates the intended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

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

- Vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection Weekly solid waste pick-up is required during all months.
- Prior to issuance of a vacation rental dwelling permit, the building in question must be inspected and be in substantial compliance with the Uniform Housing Code.
- It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes; and Traveler's Accommodation Statutes, and with the Uniform Housing Code.
- Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she desires, may apply for a new permit in accordance with the VRD ordinance.
- A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in the VRD ordinance. Failure on the applicant's part to meet the standards or conditions will result in denial of the application. This would be in addition to any violation procedures specified in Article 12 of the Seaside Zoning Ordinance.

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

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

Applicant's Signature: , Date: August 31, 2021

-----**For Office Use Only**-----

At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants 550.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review the application.

If the VRD application is not approved, only the business license fee will be refunded.

Submittal Date: _____ Amount Paid: _____

Hi,

My name is Adam Brozozowski and I am the owner of 1860 South Edgewood Street Seaside. This was my fathers house until he developed dementia from a stroke. I am now the owner and caretaker of the property. I would like to get the vacation rental permit to help offset the cost of keeping this home in our family and also to still allow our family to use the property. I would love to be able to take my father down there as I know it would make him really happy. The home is currently rented on a month to month basis to a tenant, which does help with expenses, but doesn't allow our family to still come and stay in Seaside. Additionally, with my fathers situation the profit from such a rental would be helpful.

In the plan I have provided, I have done my best to mark out where required improvements will be. I have also created a budget to accommodate the other upgrades that I anticipate will be needed based on the listed requirements from the city. Please let me know any questions you may have about this proposed plan and thank you for your consideration.

Kind Regards,

Adam Brozozowski
425-444-2104

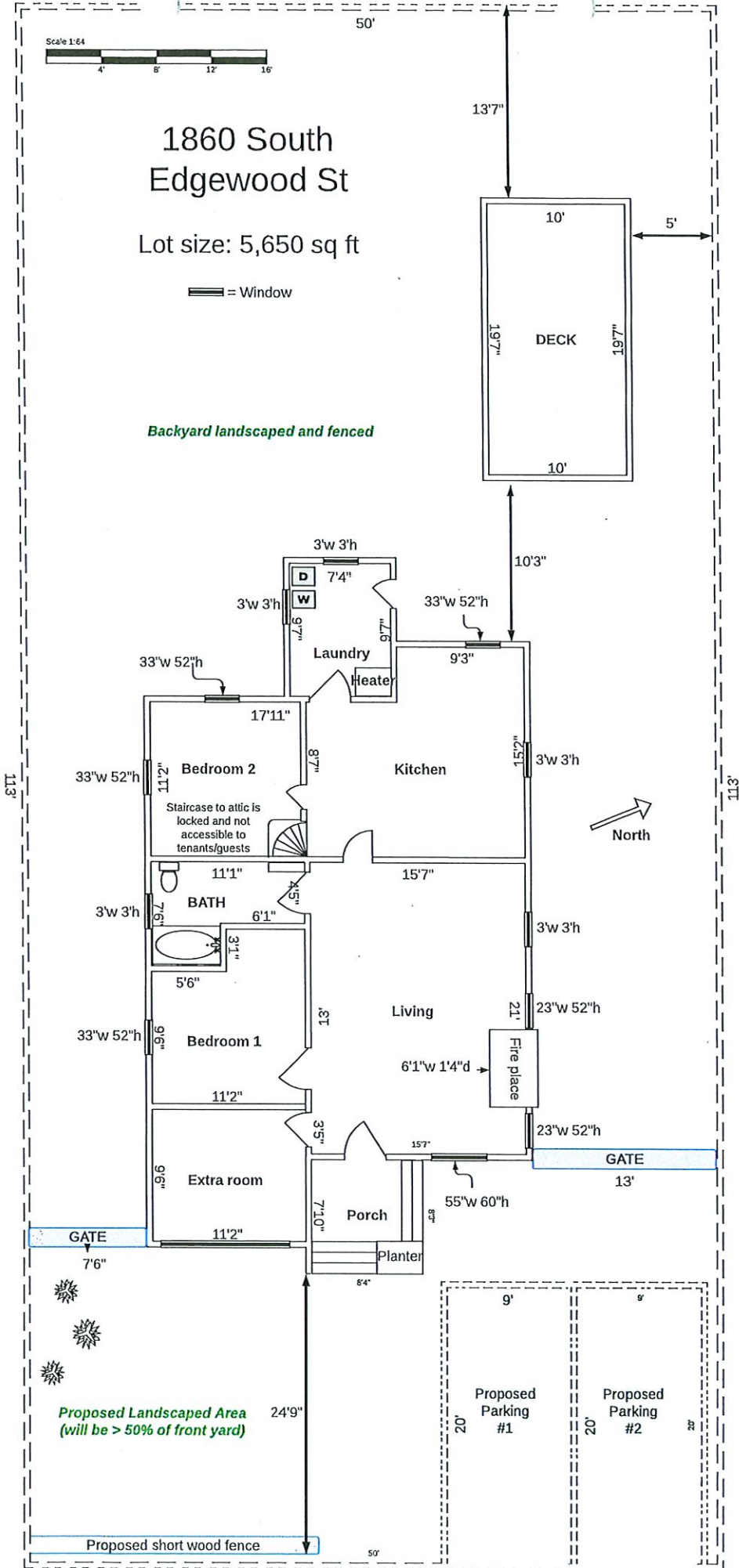


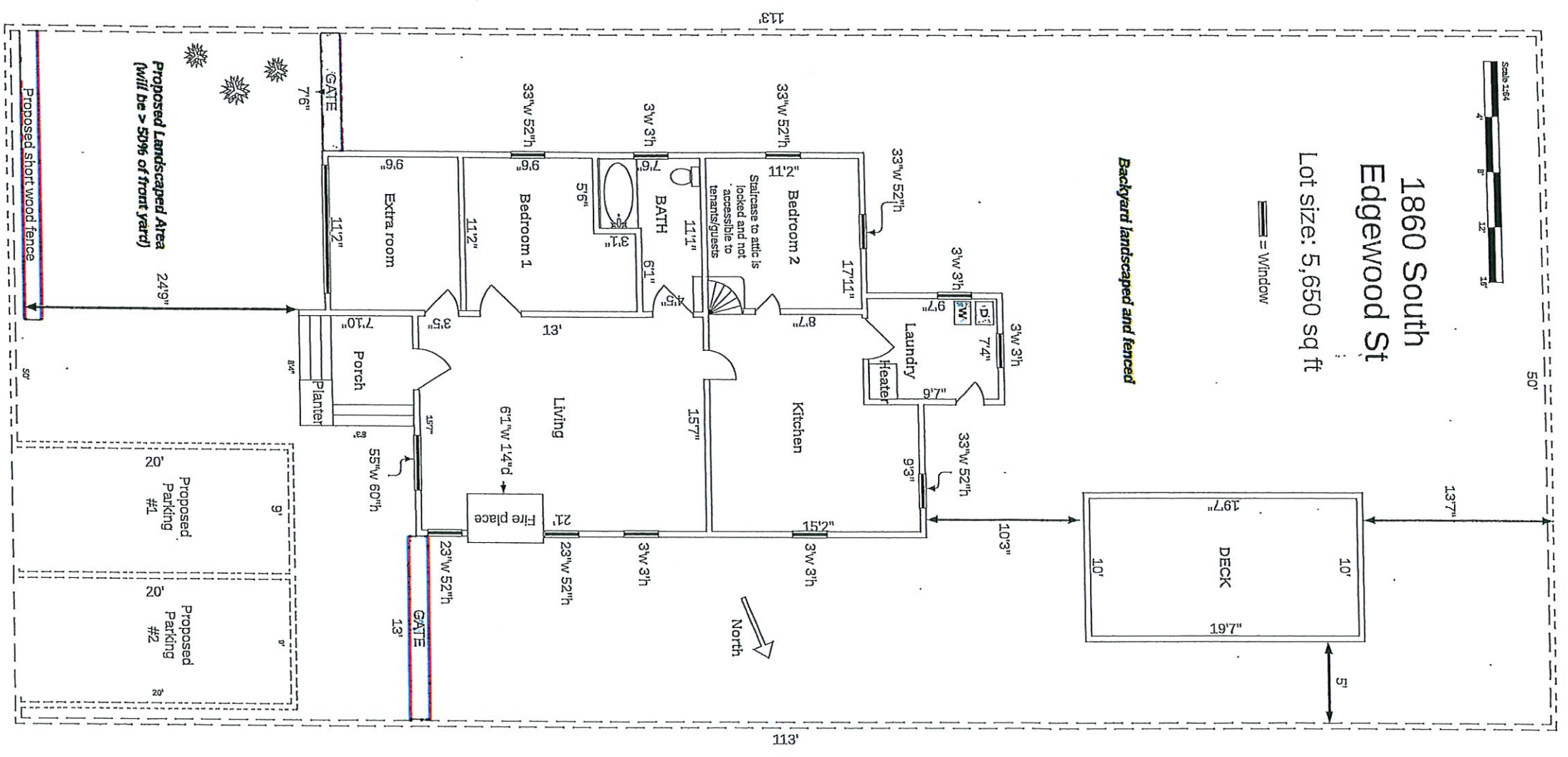
1860 South Edgewood St

Lot size: 5,650 sq ft

— = Window

Backyard landscaped and fenced







Density Analysis

1860 S Edgewood

1	61028AB00301	413 Avenue S
2	61028AB00400	1821 S Edgewood St
3	61028AB00600	1861 S Edgewood St
4	61028AB00700	1921 S Edgewood St
5	61028AB01800	1805 S Downing St
6	61028AB01801	325 Avenue S
7	61028AB01900	1861 S Downing St
8	61028AB02000	1881 S Downing St
9	61028AB02100	1921 S Downing St
10	61028AB03000	1880 S Edgewood St
11	61028AB02900	Vacant Tax Lot 2900
	61028AB03100	1860 S Edgewood St
12	61028AB03200	1830 S Edgewood St
13	61028AB03300	335 Avenue S

3 / 13 = 23%

Density as of 09/01/21

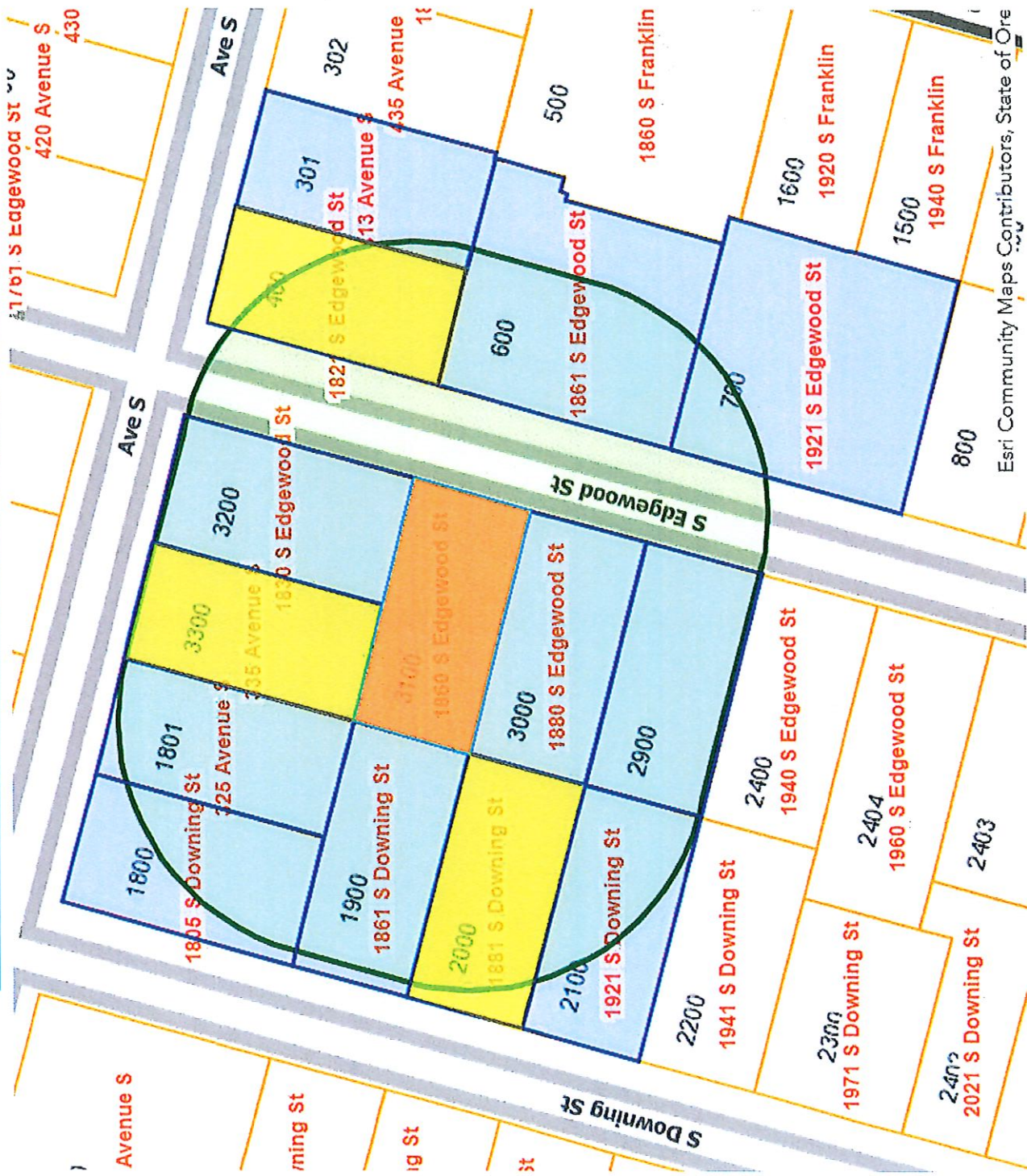
14	61021CD04500	1940 S Downing St
15	61021CD04600	1920 S Downing St
16	61021CD04700	1880 S Downing St
17	61021CD04800	1860 S Downing St
18	61021CD04900	245 Avenue S
19	61021DC03700	1781 S Downing St
20	61021DC03800	320 Avenue S
21	61021DC03900	330 Avenue S
22	61021DC04000	340 Avenue S
23	61021DC04800	1761 S Edgewood St
24	61021DC04900	420 Avenue S
25	61028AB00300	1820 S Franklin
26	61028AB00302	435 Avenue S
27	61028AB00500	1860 S Franklin
28	61028AB00800	Vacant Tax Lot 0800
29	61028AB01500	1940 S Franklin
30	61028AB01600	1920 S Franklin
31	61028AB02200	1941 S Downing St
32	61028AB02300	1971 S Downing St
33	61028AB02400	1940 S Edgewood St
34	61028AB02404	1960 S Edgewood St

6 / 34 = 17.6%

Applicant
Existing VRD

3 / 13 = 23%

1860 S Edgewood 100' Analysis

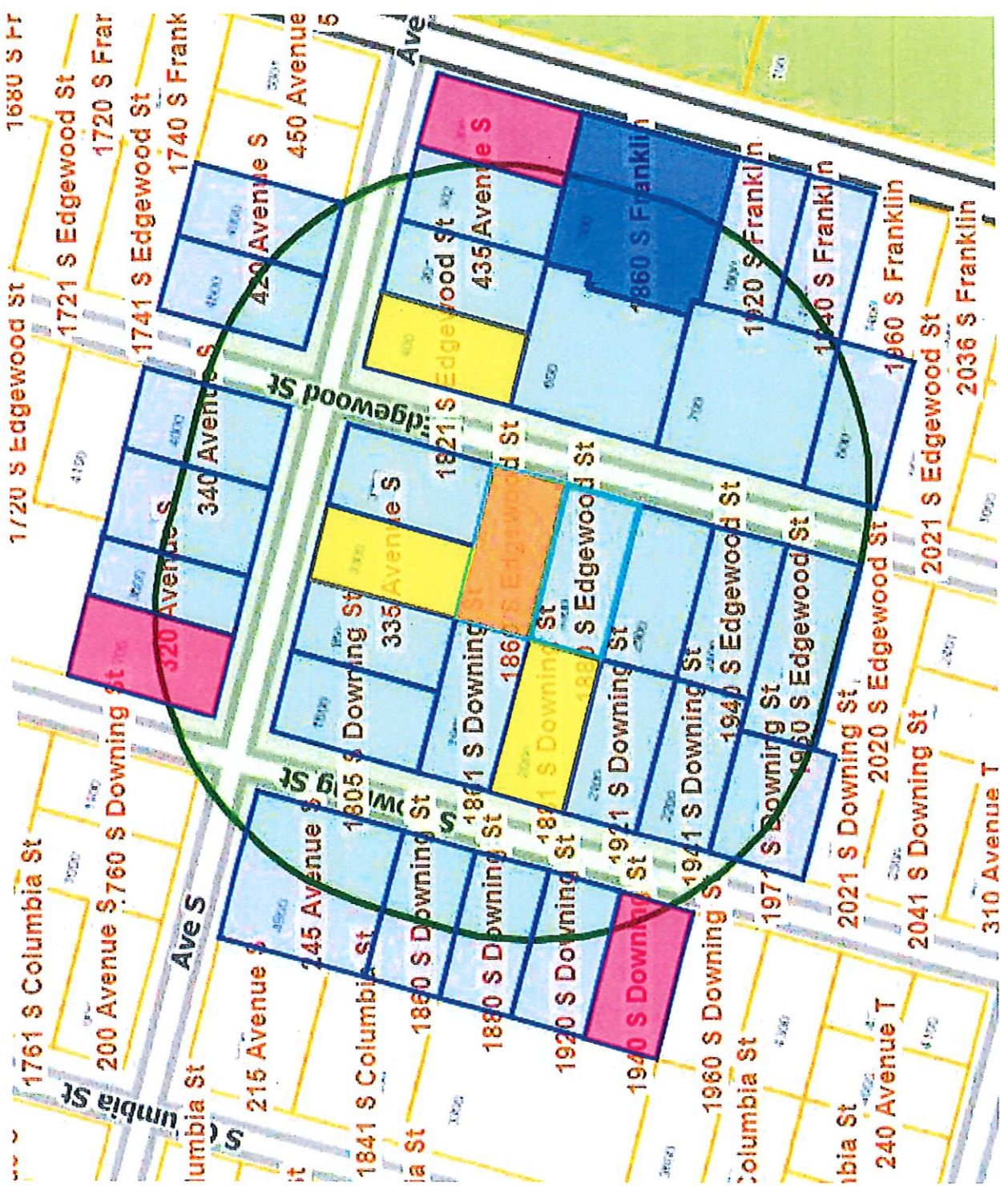


Esri Community Maps Contributors, State of Ore
Density as of 09/1/21

Applicant
Existing VRD 100'
Existing VRD 200'

1860 S Edgewood 200' Analysis

6 / 34 = 17.6%



CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: September 24, 2021 for October 5, 2021 Public Hearing
Applicant/: Phil Warmbrodt, Seaside Golf Club, 451
Owner: Seaside, OR 97138
Representative: Mark Mead, Mead Engineering, 89643 Ocean Drive,
Warrenton, OR 97146
Location: 451 Avenue U (T6-R10-S28-TL300)
Subject: Allow a 2,560 Sq. Ft. Accessory Building to Replace the Mower
Building on the Seaside Golf Course Property

REQUEST:

The owner of the Seaside Golf Course, Phil Warmbrodt, plans to replace the mower building that was destroyed earlier this year by fire. The subject property is located at 451 Avenue U (T6-R10-S28-TL300) and it is zoned Open Space Parks (OPR).

The proposed accessory building would be approximately 2,560 square feet and it would be located southwest of the original mower building site. The building would be located approximately ten (10) feet from the adjacent property that is currently developed with a zero lot line townhome (2311 S Edgewood) located within the Medium Density Residential (R-2) zone. The proposed building would still be accessed from S Edgewood.

Accessory structures are generally limited to 1000 square feet; however, Section 4.014 allows the Planning Commission to authorize a larger accessory use as being consistent with and enhancing the residential nature of the property.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. The criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. The Commission may include conditions in the final decision to ensure the criteria is fully satisfied by the applicant.

DECISION CRITERIA # 1:

Section 4.014 Yard Requirements. Regardless of the yard requirements of the zone, a side or rear yard may be reduced to five feet for an accessory structure. **The total area of all accessory structures shall not exceed 1,000 square feet on any lot unless a larger accessory use is approved by the Planning Commission as being consistent with and enhancing the residential nature of the property.**

FINDINGS & JUSTIFICATION STATEMENTS:

1. Request Summary: **21-066PCR:** A request by Phil Warmbrodt to allow 2,560 sq. ft. accessory building to replace the mower building that destroyed by fire previously this

year. The property is located on the Seaside Golf Course property at 451 Avenue U (T6-R10-S28-TL300) and it is zoned Open Space Parks (OPR). The Seaside Zoning Ordinance allows accessory buildings over 1000 sq. ft. subject to approval by the Planning Commission as being consistent with and enhancing the residential nature of the property.

2. The applicant's justification and site plan are adopted by reference. The applicant's submitted information is summarized as follows:

- a. The mower storage building at the Seaside Golf Club burned down on the July 20, 2021.
- b. The applicant plans to replace the original building that was attached to the existing house on the corner of S Edgewood and Avenue U with a new detached building southwest of the house within the Open Space Park (OPR) zone.
- c. The former building was approximately 2034 sq. ft. and the new accessory structure will be approximately 2,560 sq. ft.
- d. The new building would be held 10 ft. off the side property line adjacent to a neighboring dwelling and 20 ft. from the property line along S Edgewood.
- e. The proposed building would be in line with the rear of the neighboring dwelling so it would not interfere with using the deck at the rear of the neighboring dwelling.
- f. A sand storage area would be located past the rear building line and the containment walls would be no taller than the existing block wall located along the property line.
- g. The above ground fuel tank would be placed between the new building and the property line on Edgewood for better access by the fuel truck and the Seaside Fire Department.
- h. The elevation drawings for the proposed building show some form of horizontal siding.
- i. The rear side of the building adjacent to the neighboring dwelling shows a row of high windows located just below eave of the new building.
- j. The opposite side of the building has three large (12 ft. X 12 ft.) roll-up doors and two smaller (8 ft. X 8 ft.) doors near the northwest corner of the building.
- k. A man door and additional windows will be located on each of the other two sides of the building.

3. The horizontal siding for the building is not specified in the applicant's submittal and the use of some form of lap siding would be consistent with the residential nature of the neighboring property.

4. Roofing material is also not specified and the use of some form of shingle roofing material would be consistent with the residential nature of the neighboring property. Although metal roofing can be used in residential construction, avoiding the use of any highly reflective metal roofing would be more in keeping with residential development.

5. Specification for any proposed exterior lighting on the building or the surrounding area are not addressed in the applicant's submittal and future development plans would need to conform to Seaside's outdoor lighting ordinance to help protect the neighboring

property and the surrounding environment from the potential glare caused by outdoor lights.

6. The proposed fuel storage tank is proposed to be located within the required front yard. An above ground tank within the front yard would not be permitted over 29 inches above grade and additional tank location and size limitations may be required by the City of Seaside Fire Marshal.

CONCLUSION & FINAL STAFF RECOMMENDATION

The proposed accessory structure is appropriate for the OPR zoned subject property and it will not have adverse impacts to the development of the adjacent residentially zoned property provided the following conditions are attached to the approval.

Condition 1: The exterior siding of the building must be some type of horizontal lap sidings and the building incorporates earth tone colors similar to the surrounding residential constructions in the area.

Condition 2: The roofing material must be some form of shingle similar to the surrounding residential constructions in the area. As an alternative, metal roofing can be used provided it is not highly reflective and it incorporates earth tone colors similar to the surrounding residential constructions in the area.

Condition 3: The location of the above ground fuel tank must be amended so that it is not located within the front yard. In addition, the fuel tank size and location is subject to review and approval by the City of Seaside Fire Marshal.

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

- 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, setbacks) and any other applicable City of Seaside Ordinances.

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

Attachments:

Applicant's Submittal & Proposed Development Plans



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT	ADDRESS	ZIP CODE
Phill Warmbrodt, Seaside Golf Club, 451 Ave U, Seaside, Or 97138		
STREET ADDRESS OR LOCATION OF PROPERTY		
451 Ave U, Seaside Or		

ZONE OPR	OVERLAY ZONES	TOWNSHIP 6N	RANGE 10W	SECTION 28	TAX LOT 300
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Replacement of mower building that burned down in July 2021 at seaside golf club

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER Phill Warmbrodt	PRINT NAME OF APPLICANT/REPRESENTATIVE Mark Mead Mead Engineering
ADDRESS 451 ave U, Seaside, Or 97138	ADDRESS 89643 Ocean Dr, Warrenton, Or 97146
PHONE / FAX / EMAIL 503-738-2607	PHONE / FAX / EMAIL 503-738-2538 mark@meadeng.com
SIGNATURE OF PROPERTY OWNER <i>Phill Warmbrodt</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE <i>Mark Mead</i>

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|--|--|
| <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"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
8/24/21	JAS
CASE NUMBER (S)	
21-046 RU	
HEARING DATE	P.C. ACTION
10/5/21	

OFFICE USE:	
FEE	RECEIPT
670.00	17733
DATE FILED	BY
8/24/21	JAS

PAID

Mead Engineering

89643 Ocean Drive, Warrenton, Oregon 97146

Ph. 503-738-2538

mark@meadeng.com

23 August 2021

To: Kevin Cupples

From: Mark Mead PE

Re: Seaside Golf Course
Mower Storage Building



EXPIRES 12/31/2022

The existing mower storage building at the seaside golf club burned down on the 20 July 2021. In place of rebuilding the existing structure which was attached to the existing house, they would like to build a new building away from the house in the OPR zoned area to the south of the existing structure.

The existing structure that burned down contained approximately 2034 sqft of space. The new proposed building would contain 2560 sqft. The new building would be held 10' off of the property line to the south and 20' from the S. Edgewood Street right of way. The placement of this building will not interfere with the deck usage of the duplex to the south. The new sand storage area would be no taller than the existing block wall along the property line so would also not affect the deck usage of the duplex to the south. The above ground fuel tank would be placed along the Edgewood end of the building for better access by the fuel truck and the fire department.

See attached site and building plans

Mark M. Mead

Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698

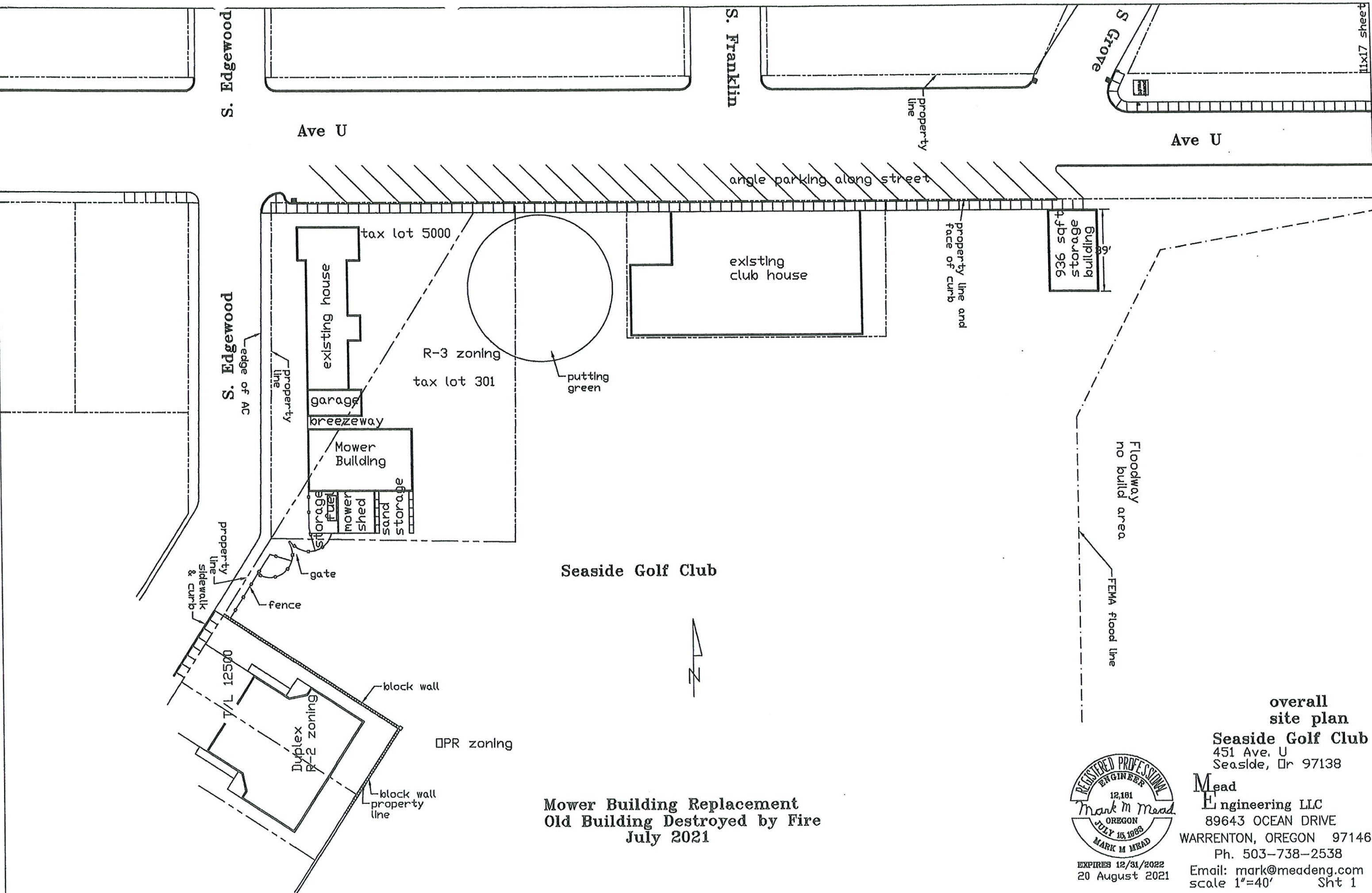
Geotechnical Engineer Oregon 12181

Professional Land Surveyor Oregon 2259

Oregon Structural Inspector #2555SIA

Oregon Structural Plans Examiner #2554PEA

OIC-OR Inspector Certification #OIC2587



**Mower Building Replacement
Old Building Destroyed by Fire
July 2021**

**overall
site plan**

Seaside Golf Club
451 Ave. U
Seaside, Or 97138



Mead
Engineering LLC
89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com
scale 1"=40' Sht 1

Ave U

putting green

QPR zoning

R-3 zoning

R-3 zoning

QPR zoning



QPR zoning

tax lot 301

tax lot 5000

sand storage

2034 sqft

Mower Building

burned buildings

mower shed

fuel storage

garage

breezeway

existing house

block wall

block wall

property line

Duplex R-2 zoning

property line

edge of AC

gate

gate

fence

fence

property line

property line

T/L 12500

sidewalk & curb

S. Edgewood

existing site plan
Seaside Golf Club
451 Ave. U
Seaside, Or 97138



Mead
Engineering LLC
89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com
scale 1"=20' Sht 2

EXPIRES 12/31/2022
20 August 2021

Ave U

putting green

OPR zoning

R-3 zoning

tax lot 301

tax lot 5000

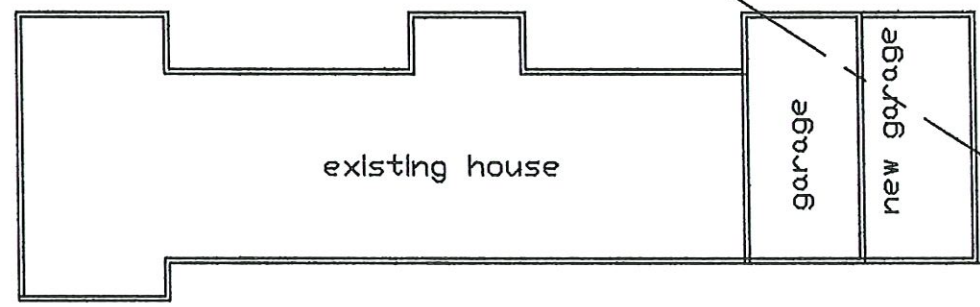
R-3 zoning

OPR zoning



Seaside Golf Club

OPR zoning



existing house

garage

new garage

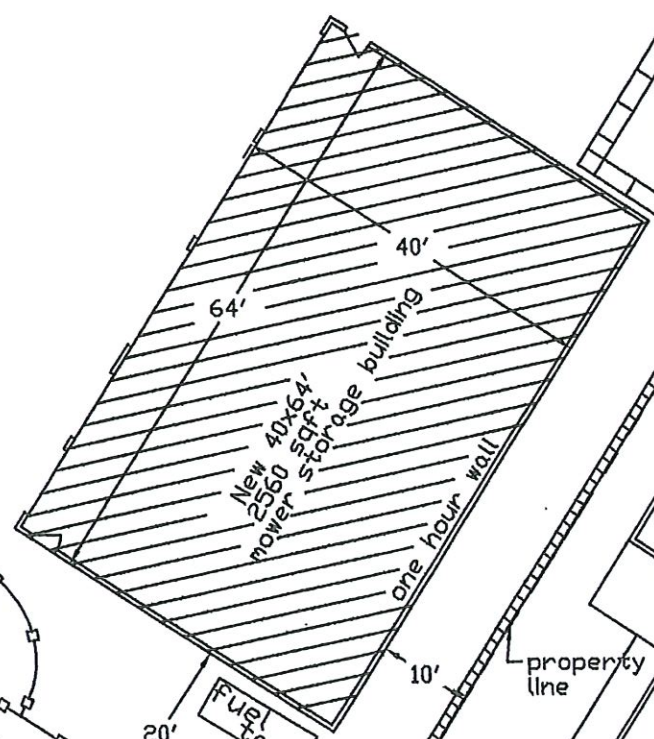
fence

new gate

property line

edge of AC

S. Edgewood



Fuel tank

fence

property line

sidewalk & curb

sand storage

block wall

property line

Duplex R-2 zoning

T/L 12500

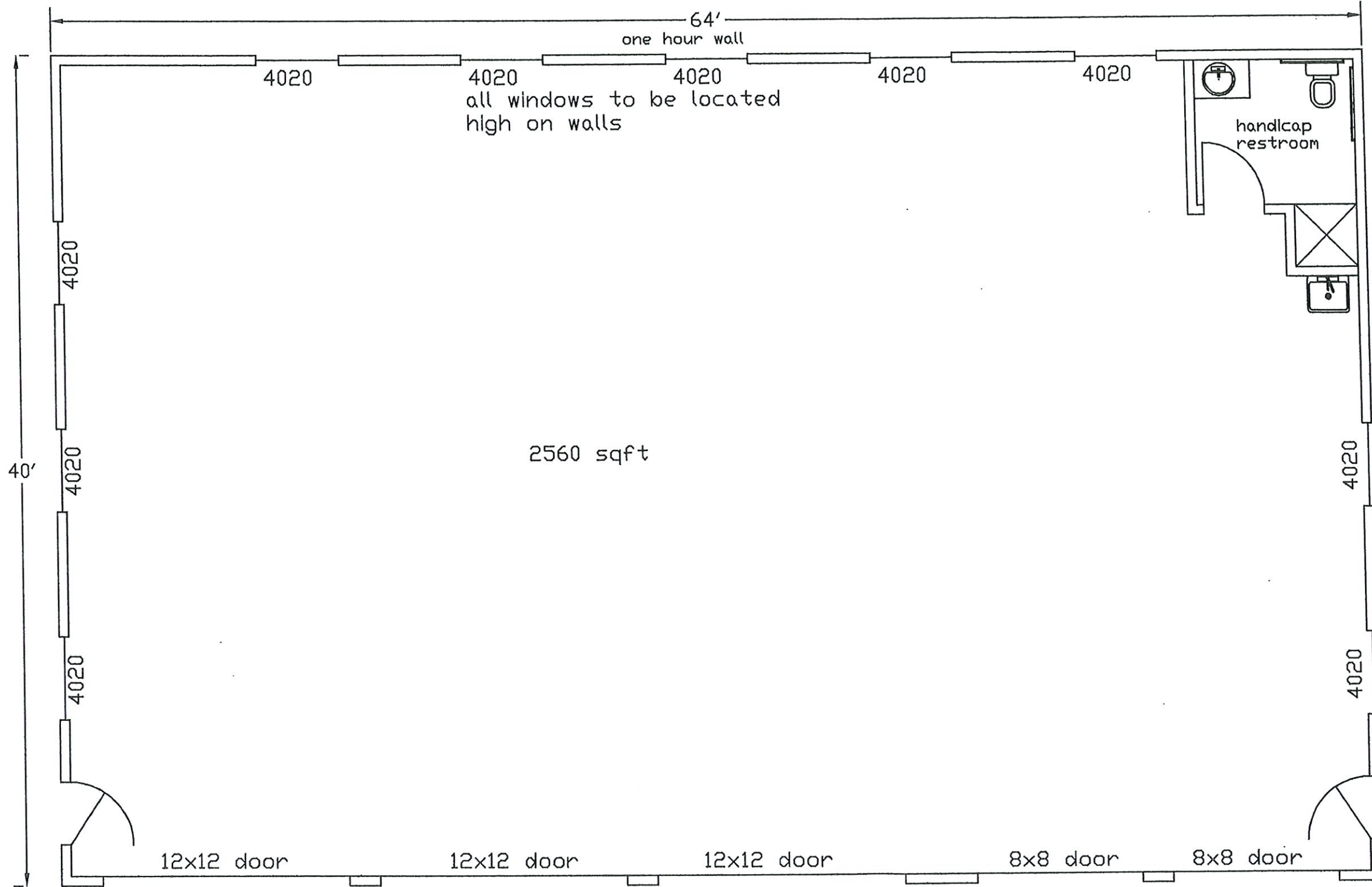
New Mower Building site plan
Seaside Golf Club
451 Ave. U
Seaside, Or 97138



EXPIRES 12/31/2022
20 August 2021

Mead Engineering LLC
89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538

Email: mark@meadeng.com
scale 1"=20' Sht 3



new mower building
 13'-6" eave height
 handicap restroom
 mower storage and maintenance building
 all windows to be up high on walls

2560 sqft

Floor Plan



EXPIRES 12/31/2022
 20 August 2021

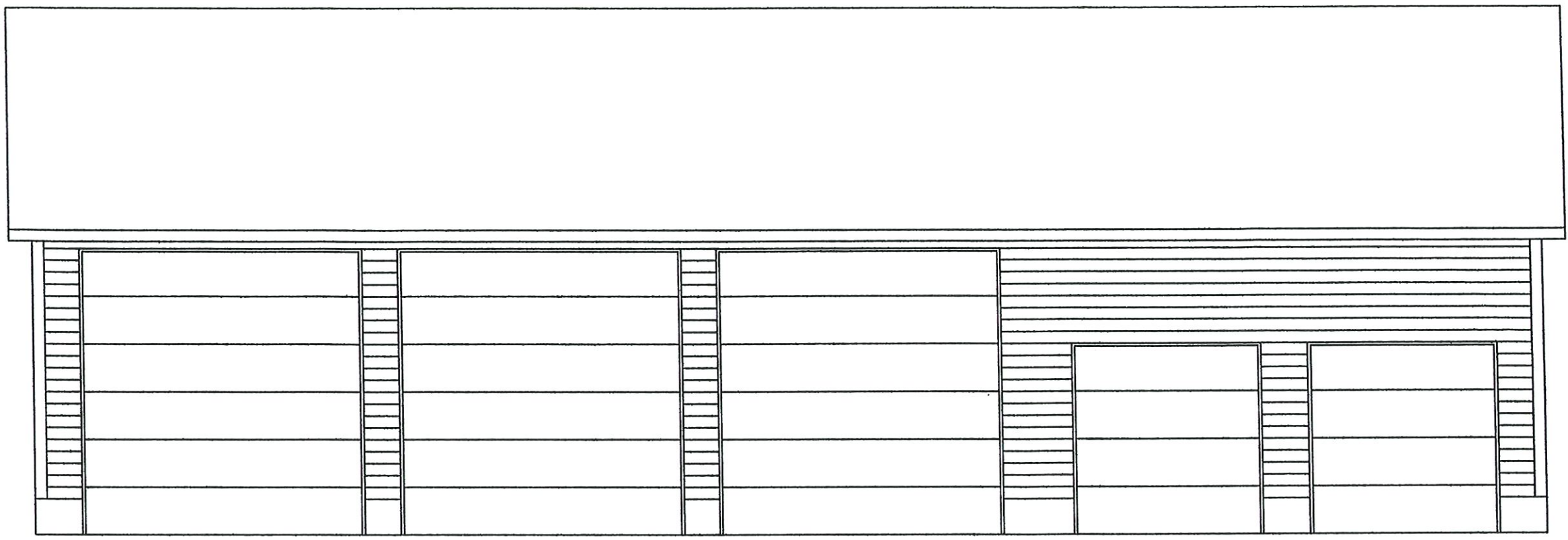
**New Mower Building
 Floor Plan**

Seaside Golf Club
 451 Ave. U
 Seaside, Or 97138

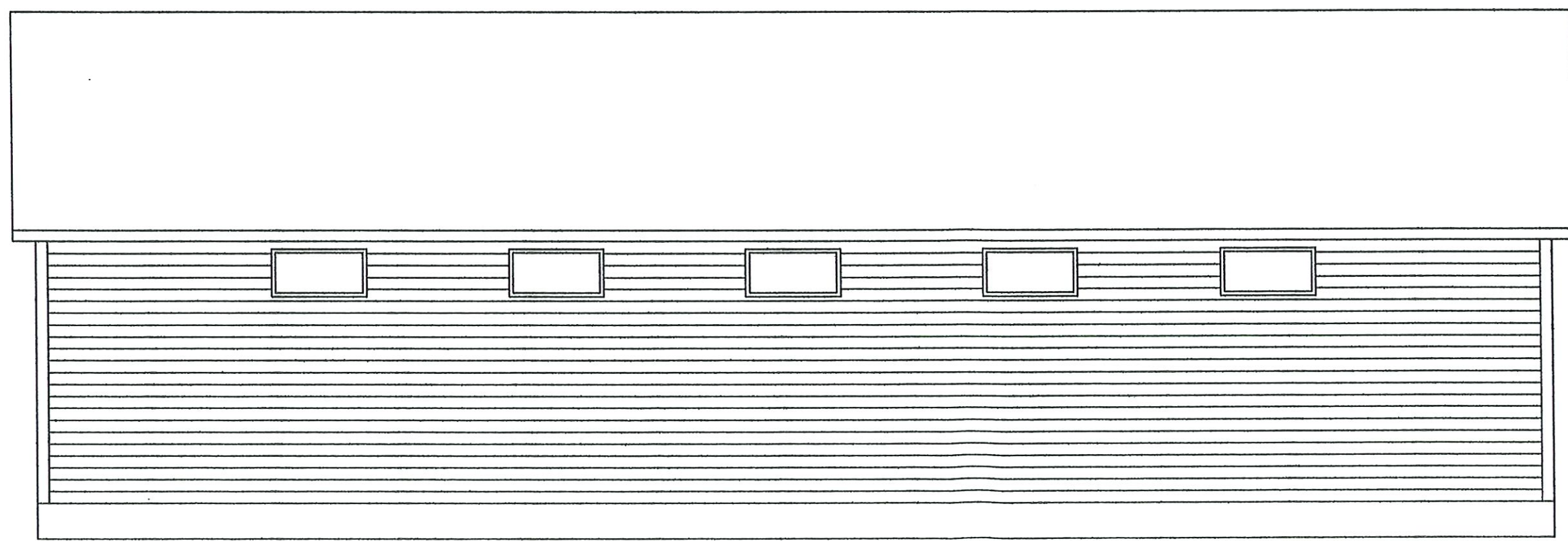
Mead
 Engineering LLC
 89643 OCEAN DRIVE

WARRENTON, OREGON 97146
 Ph. 503-738-2538

Email: mark@meadeng.com
 scale 3/16=1' Sht 4



Front (north) Side



Rear (south) Side



EXPIRES 12/31/2022
20 August 2021

**New Mower Building
Exterior Elevations
Seaside Golf Club**
451 Ave. U
Seaside, Or 97138
Mead
Engineering LLC
89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com
scale 3/16=1' Sht 5