



# CITY OF SEASIDE PLANNING COMMISSION AGENDA

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**Tuesday, November 7, 2023**

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

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

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

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## **PLANNING COMMISSION MEETING: 6:00 PM**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
5. **DECLARATION OF POTENTIAL CONFLICT OF INTEREST**
6. **PUBLIC HEARING**
  - a) **769-23-000045-PLNG:** A conditional use request by J & E Homes LLC for a three (3) bedroom Vacation Rental Dwelling at 440 Ave G (T6-R10-21-AC17204) with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.
  - b) **769-23-000067-PLNG:** A conditional use request by George H & Kathleen A Tobey for a two (2) bedroom Vacation Rental Dwelling at 1518 S Downing (T6-R10-21DC02601) with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.
  - c) **769-23-000076-PLNG:** A conditional use request by Sayee Gurumurthy and Sridevi Rajarao for a one (1) bedroom Vacation Rental Dwelling at 2216 S Downing (T6-R10-28BA-04500) with a maximum occupancy of three (3) persons over the age of three, no more than five (5) persons regardless of age.
7. **ORDINANCE ADMINISTRATION**
8. **PUBLIC COMMENTS** Members of the public may use this time to provide comment to the Planning Commission on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.
9. **COMMENTS FROM CITY STAFF**

10. **COMMENTS FROM THE COUNCIL**

11. **ADJOURNMENT**

Complete copies of the Current Commission meeting Agenda, Packets, and Minutes can be viewed at: [cityofseaside.us](http://cityofseaside.us).

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



# CITY OF SEASIDE PLANNING COMMISSION

## MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Tuesday, October 3, 2023

### Planning Commission Meeting

#### I. Call to Order and Pledge of Allegiance

#### II. Roll Call

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

Staff Members	
Jeff Flory, Community Development Director	Jordan Sprague, Code Compliance Official
Anne McBride, Emergency Preparedness Manager & Grant Writer	Debbie Kenyon, Community Development Administrative Assistant

Visitors in Chambers (attendance sheet)	Visitors on Zoom
Melisa Walsh	
Deborah & Bob Simonetti	
Harold & Carolyn Zeagler	
Erin Barker	

#### III. Approval of Minutes

September 5, 2023 minutes were adopted as written.

#### IV. Declaration of Potential Conflict of Interest

There were none

#### V. Public Hearings

**769-23-000059-PLNG:** A conditional use request by Harold Zeagler for a two (2) bedroom Vacation Rental Dwelling at 230 Ave T (T6-R10-21CDTL03900) with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) persons regardless of age.

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

Harold Zeagler, applicant, spoke on behalf of the application.

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

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

Chair Montero opened the discussion to the Commission.

Commissioner Stahmer requested clarification that this home was a 2 bedroom.

Vice Chair Kleczek requested clarification that this was the property owner's primary residences.

Chair Montero expressed concern regarding the off-street parking and clarified that the occupancy was capped at 6.

Vice Chair Kleczek requested clarification regarding a local contact.

<b>Motion:</b>	Motion to approve 769-23-000059-PLNG with the conditions provided in the staff report.			
<b>Moved:</b>	Johnson			
<b>Seconded:</b>	Rose			
<b>Ayes:</b>	Rose, Kleczek, Montero, Stahmer, Johnson	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Kraft, Neubecker	<b>Recused:</b> <b>0</b>
<b>Passed:</b>	<b>5-0</b>			

**769-23-000060-PLNG:** A conditional use request by Deborah May Simonetti for a three (3) bedroom Vacation Rental Dwelling at 310 9<sup>th</sup> Ave (T6-R10-16DC TL01700) with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.

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

Deborah Simonetti, applicant, spoke on behalf of the application.

Chair Montero opened the discussion to those in favor.

Erin Barker with Beachhouse Vacation Rentals spoke in favor.

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

Chair Montero opened the discussion to the Commission.

Vice Chair Kleczek expressed concerns regarding the paving of the driveway.

<b>Motion:</b>	Motion to approve 769-23-000060-PLNG with the conditions provided in the staff report.			
<b>Moved:</b>	Johnson			
<b>Seconded:</b>	Kleczek			
<b>Ayes:</b>	Rose, Kleczek, Montero, Stahmer, Johnson	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Neubecker, Kraft	<b>Recused:</b> <b>0</b>
<b>Passed:</b>	<b>5-0</b>			

**769-23-000061-PLNG:** The applicants, Neal and Melisa Walsh, are requesting a conditional use to replace the existing non-conforming structure at 120 Avenue N (T6-R10-21DB



TL17501) with a structure that more closely meets the development standards in the Medium Density Residential(R-2) zone.

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

Melisa Walsh, applicant, spoke on behalf of the application.

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

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

Chair Montero opened the discussion to the Commission.

Commissioner Johnson asked staff about the previous request for this property.

Vice Chair Kleczek expressed concerns regarding the previous application and if this was the same request.

Chair Montero expressed concerns regarding the parking area.

Vice Chair Kleczek expressed concerns regarding the sidewalk.

<b>Motion:</b>	Motion to approve 769-23-000060-PLNG with the conditions provided in the staff report.			
<b>Moved:</b>	Stahmer			
<b>Seconded:</b>	Johnson			
<b>Ayes:</b>	Rose, Montero, Kleczek, Stahmer, Johnson	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Neubecker, Kraft	<b>Recused:</b>
<b>Passed:</b>	<b>5-0</b>			

## VI. [Ordinance Administration](#)

There was none.

## VII. **Public Comments**

There were none.

## VIII. [Planning Commission and Staff Comments](#)

Mr. Flory updated the Commission on staffing changes within the Community Development Department.

Vice Chair Kleczek requested an update for the Comprehensive Plan update.

Mr. Flory spoke about the upcoming Regional Housing Task Force meeting.

Commissioner Stahmer stated that she will not be able to attend the November meeting unless she could attend via Zoom.

Chair Montero questioned the progress on the postcards for updating the Comprehensive Plan and spoke about the first community outreach for the Comprehensive Plan update.

Chair Montero mentioned the Emergency Preparedness Fair last weekend at Camp Rilea and it was a great success.

**IX. Adjournment at 6:47 PM.**

Approved by Commission on: \_\_\_\_\_

Minutes prepared by: \_\_\_\_\_  
Debbie Kenyon, Administrative Assistant

\_\_\_\_\_  
ROBIN MONTERO, Chairperson



<b>APPLICATION(S):</b>	<b>769-23-000045-PLNG – Conditional Use</b>
<b>MEETING DATE:</b>	<b>November 7, 2023</b>
<b>PUBLIC HEARING:</b>	<b>Yes</b>
Report Date:	October 24, 2023
Applicant:	J & E Homes LLC
Owner:	Jacob & Emily Henggeler
Location:	440 Avenue G., Seaside, OR 97138
Major Street Access:	Avenue G
Parcel Number(s) & Size:	T6-R10-21AC-17204 Approximately .07 Acres
Parcel Zoning:	High Density Residential (R-3)
Adjacent Zoning:	High Density Residential (R-3)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential, Condominiums
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

**A. Summary:**

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

**Staff Recommendation:**

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. If the Planning Commission determines the use of this property as a VRD will contribute to excessive parking congestion on site or along adjacent streets or the use will not be compatible with surrounding land uses, the Planning Commission can approve a motion to deny this request.

**B. Exhibits:**

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

**Location:** 440 Avenue G, Seaside OR 97138 (T6-R10-21AC17204)



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

**C. Background:**

The applicant's property is an approximate 3,120 sq. ft. lot with sufficient space for three (3) parking spaces, however, the parking spaces take up more than 50% of the required front yard landscaping. The applicant is requesting an occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age for their three (3) bedroom dwelling.

**D. Required Dates:**

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

**E. Specific Request:**

The applicant, J & E Homes LLC., is requesting a Conditional Use for a three-bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age.

**F. Process:**

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

**G. Community Review:**

Notice of this public hearing was published in the Daily Astorian on October 21, 2023. Additionally, a mailed notice was sent on October 18, 2023, to all property owners within 100 feet of the subject property.

**H. Written Comments:**

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

**I. Comprehensive Plan:**

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

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

**J. Zoning Ordinance Criteria for a Conditional Use:**

**Pursuant to Section 6.137, Vacation Rental Dwellings (VRDs) within the R-2 and R-3 zones shall be reviewed by the Planning Commission whenever the surrounding VRD density is 20% or greater. A permit shall be issued as an**



**accessory use provided the applicant can demonstrate by written application that all of the following standards are met:**

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

***Finding:** The applicant's site plan shows sufficient parking area to accommodate three off-street parking spaces. The parking spaces are configured so that one parking space is in the garage and two parking spaces are side by side in the driveway on the parking pad in front of the garage. The exterior parking area takes up more than 50% of the required front yard landscaping. The applicant will need to address that by lowering their occupancy to accommodate the number of parking spaces available and landscaping a portion of their concrete driveway so it may not be used for parking.*

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

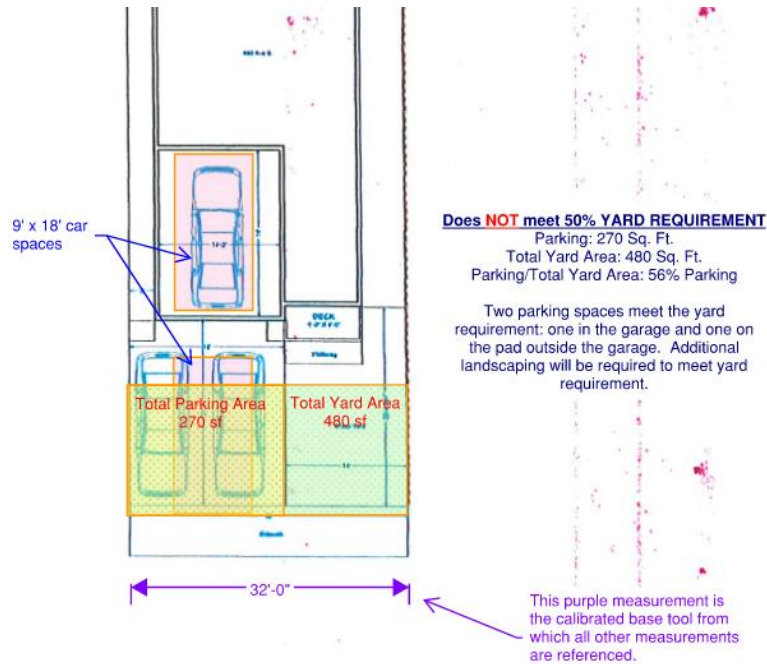
**The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of Inspection for valid code reasons.**

***Finding:** The applicant's home is a three-bedroom single-family dwelling that would normally allow an occupancy of nine (9) persons over the age of three, no more than ten (10) persons regardless of age. The applicant does not have sufficient parking without exceeding the 50% front yard landscaping requirement. The applicant's occupancy will need to be reduced to six (6) persons over the age of three and they will need to add additional landscaping to meet the requirements in the ordinance.*

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

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

***Finding:** The applicant's site plan shows the driveway and parking area take up more than 50% of the required front yard landscaping. The applicant will need to reduce their occupancy and landscape a portion of their concrete driveway to meet this requirement.*



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

*Finding:* The applicant has listed a local property management company, Seaside Vacation Homes, as the local contact.

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

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

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

*Finding:* The density of surrounding VRDs within 100ft of the applicant's property is 37.5%. This application is being reviewed by the Planning Commission per the spatial distribution requirements. There are five single-family dwellings located on the applicant's street from S. Franklin to the east to S. Edgewood St. to the west. Three of these properties are already licensed for VRD use. Approving the applicant's property for VRD use will leave only one property in the immediate vicinity that is not permitted for short-term rental.

Staff has documented parking congestion as the number one complaint surrounding VRDs in the past 2-years. In 2021 40% of VRD complaints were due to parking and in 2022 57% percent of complaints were due to parking.

Over saturation of VRDs within a block or street can contribute to further issues surrounding parking. Additionally, Avenue G is signed “No Parking” on the south side of the street with very limited on-street parking on the north side. There is very limited on-street parking on Avenue G which will contribute to parking congestion on neighboring streets or nearby blocks thus negatively affecting more properties than those in the immediate vicinity.

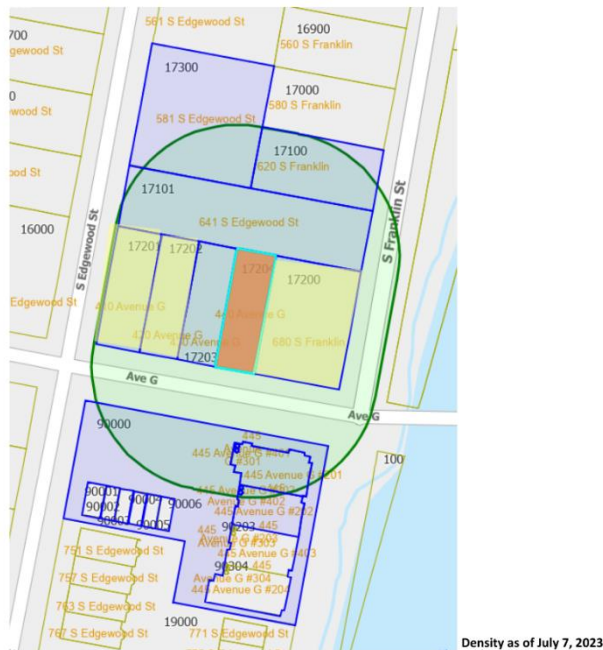
**K. Additional Findings, Conclusions, and Justification Statements:**

1. The applicant’s submitted justification is adopted by reference and summarized below:
  - a. The applicant’s plot plan indicates there will be at least three (3) off-street parking spaces, the spaces are stacked in the applicant’s driveway however, the parking area exceeds the 50% landscape requirement.
  - b. The three (3) bedroom single-family dwelling will have a limited occupancy of six (6) persons over the age of three, three no more than (10) persons regardless of age. If approved, the occupancy will be lowered from what was requested due to the parking area not meeting the 50% front yard landscaping requirement.
  - c. The plot plan shows that parking (driveway) will take up more than 50% of the required front yard area. The applicant will need to landscape some of their driveway to meet this requirement.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings with a condominium complex across the street. Currently, 37.5% of the surrounding properties within 100ft of the subject property are licensed for VRD use and 19.04% are licensed within 200ft. All of the surrounding properties within 100 ft are zoned High-Density Residential (R-3).

Applicant  
Existing VRD

**440 Avenue G - 100ft Analysis**

**3/8= 37.50%**





Applicant  
Existing VRD

## 440 Avenue G - 200ft Analysis

4/21= 19.04%



3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100ft; is equal to or less than 30% or 50% depending on their proximity to the beachfront areas of Seaside. This property is within the area where the Planning Commission has determined that no more than 30% of the properties surrounding the applicant's property will be supported for VRD use. The density of VRDs surrounding the applicant's property is 37.5%. Over saturation of short-term rentals can cause parking congestion and issues with the compatibility of surrounding land uses.
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 ft of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department did not receive any letters concerning this request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts on a neighborhood cannot be predicted based solely on a change from full-time occupancy, part-time occupancy, long-term rental, or short-term rental. Short-term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short-term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. The property was not previously permitted as a VRD.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet-friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fireplaces, hot tubs, & spas can lead to late-night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish

hours of use for these types of outdoor facilities to avoid late-night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.

15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners' concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.
16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.
17. The Seaside Planning Commission has established a waiting period for new applicants applying for a VRD permit on properties that were not previously licensed and newly constructed properties. This property was not previously licensed for VRD however, the applicant purchased this property on April 3, 2023. The newly constructed dwelling was granted a certificate of occupancy on June 30, 2022.
18. The applicant submitted a variance application in conjunction with the VRD application. The variance application does not list what ordinance provision they are requesting relief from and is too vague to determine what exactly is being requested.

#### **CONCLUSION:**

The Vacation Rental Dwelling requirements have been adequately addressed by the applicant. The density of VRDs within 100ft of the applicant's property is 37%. The Planning Commission has set a policy to not support applications when the density exceeds 30% as approval of this use as a VRD will not be compatible with the surrounding residential uses and may cause excessive congestion and parking on-site or along adjacent streets.

Additionally, the applicant's site plan shows that their outdoor parking area takes up more than 50% of the required front yard landscaping. The applicant has not submitted plans on how this ordinance violation will be remedied so that if the VRD application is approved, the property will meet this ordinance requirement.

#### **L. Recommendation and Alternatives:**

##### **Staff Recommendation:**

Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. If the Planning Commission determines the use of this property as a VRD will contribute to excessive parking congestion on site or along adjacent streets or the use will not be compatible with surrounding land uses, the Planning Commission can approve a motion to deny this request.

**Alternative 1:**

The Planning Commission can conduct a public hearing on the application, take public comments, and review and discuss the request. If the Planning Commission finds the applicant's requests meet the requirements for approval in the Seaside Zoning Ordinance, the Planning Commission may move to approve the applicant's request subject to the recommended conditions below.

The Planning Commission will also need to modify the applicant's request to limit the occupancy to six (6) persons over the age of three, no more than ten (10) persons regardless of age. This reduction is necessary as the applicant does not have sufficient parking for the three-bedroom dwelling to have an occupancy of nine (9) persons over the age of three without violating the landscape requirements in the ordinance.

**Alternative 2:**

The Planning Commission may choose to continue this request to another meeting to be scheduled at the time of this hearing in order to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

**M. RECOMMENDED CONDITIONS:**

- 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 the land use file (769-23-000045-PLNG) and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

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

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

3. **MAXIMUM NUMBER OF OCCUPANTS:** Six (6) persons over the age of three, no more than ten (10) persons regardless of age. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **APPLICABILITY OF RESTRICTIONS:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **OPEN YARD AREAS:** Front, side, and rear yards must maintain a residential appearance by limiting off-street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.

**☒ The applicant's parking area takes up more than 50% of the required front yard area. The applicant will need to install permanent landscaping on a portion of their concrete driveway to bring the property into compliance with this requirement.**

6. **LOCAL CONTACT:** The applicant has named property management company Seaside Vacation Homes as the local contact and they can be reached at 503-738-0982 x 1. The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100ft. Managers are required to notify the city any time they stop representing a VRD.

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

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

7. **COMPATABILITY:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **EXTERIOR OUTDOOR LIGHTING:** All exterior lighting must conform to the adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb.
9. **ORDINANCE COMPLIANCE & SOLID WASTE PICK-UP:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.



10. **REQUIRED MAINTENANCE:** It is the property owner's responsibility to ensure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all transient rental occupancies.
11. **PERMIT NON-TRANSFERABILITY:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **BUSINESS LICENSE, ROOM TAX REQUIREMENTS & REVOCATION FOR NON-PAYMENT:** A City Business License is required and all transient room tax provisions apply to VRDs. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants who utilize these platforms to report this revenue on their quarterly returns.

13. **CONFLICTS & POTENTIAL DENIAL FOR NON-COMPLIANCE:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
14. **COMPLAINTS:** Applicants are hereby advised the City Code Compliance Officer routinely follows up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's website:

[www.cityofseaside.us/VRDComplaint](http://www.cityofseaside.us/VRDComplaint)

This form should be used to report alleged violations that are not being addressed by the local contact or property manager.

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

conditions of approval, and ordinances applicable as of the date the new application is accepted.

16. **TSUNAMI INFORMATION & WEATHER RADIO:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “You Are Here”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
17. **GRACE PERIOD:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 90 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **PET-FRIENDLY RENTAL:** If the rental allows pets and they generate complaints related to running at large, trespassing onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **REPEATED VIOLATION OF CONDITIONS:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
20. **OUTDOOR FIRE RINGS, FIREPLACES, HOT TUBS, & SPA FACILITIES:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

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

*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.*

**769-23-000045-PLNG**

**Seaside Planning Department  
 Land Use Application**



Office: 503-738-7100 E-mail: [CDAdmin@CityofSeaside.us](mailto:CDAdmin@CityofSeaside.us) Fax: 503-738-8765  
 Mailing Address: 989 Broadway Seaside, OR 97138 Physical Address: 1389 Avenue U Seaside, OR 97138

Name of Applicant: <b>J &amp; E Homes LLC.</b>	Address: <b>2977 W. Wilder St. Meridian, ID 83646</b>	Zip Code: <b>83646</b>
Street Address or Location of Property: <b>440 Avenue G Seaside, OR 97138</b>		

Zone <b>R3 R3</b>	Overlay Zones <b>6.10.21AC.17204</b>	Township <b>6</b>	Range <b>10</b>	Section <b>21AC</b>	Tax Lot <b>17204</b>
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Proposed Use of Property and Purpose of Application:  
 We purchased this property as a vacation home for us, family, and friends. We love coming to Seaside and do so multiple times a year. As a secondary use, we would like to be able to rent the home out as a short term rental to help offset the mortgage and taxes. This would help ~~cover~~ the affordability of the home as well as sharing the home with others who want to enjoy Seaside and all that the town offers.

(Attach additional pages if necessary.)

Owner	Applicant/Representative (Other than Owner)
Print Name of Property Owner: <b>Jacob &amp; Emily Henggeler</b>	Print Name of Applicant/Representative: <b>Seaside Vacation Homes</b>
Address: <b>2977 W. Wilder St. Meridian, ID 83646</b>	Address: <b>524 N. Roosevelt Dr. Seaside, OR 97138</b>
Phone: <b>(208) 908-8335</b>	Phone: <b>(503) 738-0982</b>
E-mail: <b>emily.henggeler@gmail.com</b>	E-mail: <b>eam@seasidevacationhomes.com</b>
Signature of Property Owner: 	Signature of Duly Authorized Applicant/Representative: <b>Sarah Muelock DBA Seaside Vacation Homes</b>

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

- |  |   |   |  |
|--|---|---|--|
| <input type="checkbox"/> Conditional Use         | <input type="checkbox"/> Non-Conforming           | <input type="checkbox"/> Subdivision  | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development      | <input type="checkbox"/> Temporary Use  | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Major Partition         | <input type="checkbox"/> Property Line Adjustment | <input type="checkbox"/> Vacation Rental <input checked="" type="checkbox"/> PC <input type="checkbox"/> PD <input type="checkbox"/> Appeal |  |
| <input type="checkbox"/> Minor Partition         | <input type="checkbox"/> Setback Reduction        | <input type="checkbox"/> Variance   |  |

Planning Department Use	
Date Accepted as Complete: <b>09/12/23</b>	By: <b>J. Flory</b>
File Number: <b>769-23-000045-PLNG</b>	
Hearing Date: <b>10/03/23</b>	P.C. Action:



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By: Anne McBride  
7/12/2023

# Vacation Rental Dwelling Property Information



VRD Address: 440 Avenue G Seaside, OR 97138

1. TOTAL NUMBER OF BEDROOMS: 3
2. TOTAL NUMBER OF OFF-STREET PARKING SPACES: 3
  - a. VRDs are required to have a minimum of two parking spaces (each space must be 9'x18') plus one additional space for each bedroom in the dwelling over two bedrooms.
3. OCCUPANCY REQUESTED (OVER THE AGE OF THREE): 9
  - a. To calculate your maximum occupancy, multiply the number of bedrooms by 3. If the number of parking spaces is less than the number of bedrooms, calculate your occupancy by multiplying the number of parking spaces by 3.
4. DO THE REQUIRED OFF-STREET PARKING SPACES TAKE UP MORE THAN 50% OF THE VRD'S REQUIRED YARD AREAS?  
Yes  No
5. DO YOU HAVE ANY OWNERSHIP IN ANY ADDITIONAL PROPERTIES IN THE CITY OF SEASIDE?  
Yes  No   
If yes what are the property addresses? \_\_\_\_\_
6. DO YOU HAVE OWNERSHIP IN ANY OTHER SHORT-TERM RENTALS? Yes  No   
If yes, what City/County/State are they located in?  
\_\_\_\_\_
7. WHO WILL BE THE LOCAL CONTACT FOR YOUR VRD?  
(Your local contact must reside within Clatsop County.)  
Name Seaside Vacation Homes Address 524 N. Roosevelt Dr. 24-hr Phone (503) 738-0982  
Seaside, OR 97138
8. ATTACH SCALE DRAWINGS OF YOUR SITE PLAN, FLOOR PLAN, AND PARKING MAP.

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

Applicant Signature: [Handwritten Signature] Date: 6/15/23

Printed Name: Emily Hengeler & Jake Hengeler

**ARTICLE 7      VARIANCES      FEE: \$ 430.00 Planning Director Decision**  
**\$670 for Planning Commission Decision**

The Planning Director may authorize variances from the requirements of the Seaside Zoning Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the Ordinance would cause an undue or unnecessary hardship.

No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

In accordance with Article 7.031, a variance shall not be granted unless and until the following standards are met. The property owner must demonstrate by written application that all of the following circumstances exist. Please address how your request complies with the following standards.

1. What exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this Ordinance (6/28/83), topography, or other circumstances over which the applicant had no control?

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2. Which literal interpretations of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance?

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3. Are these special conditions and circumstances a result of the actions of the applicant?

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4. Is there any evidence that granting the variance will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures, or buildings in the same district? No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted use of land, structures or buildings in other districts shall be considered grounds for issuance of a variance.

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In addition to addressing the standards above, applications shall be accompanied by plans and specifications (plot plan), drawn to scale, showing the actual shape and dimension of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure, and/or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this Ordinance.

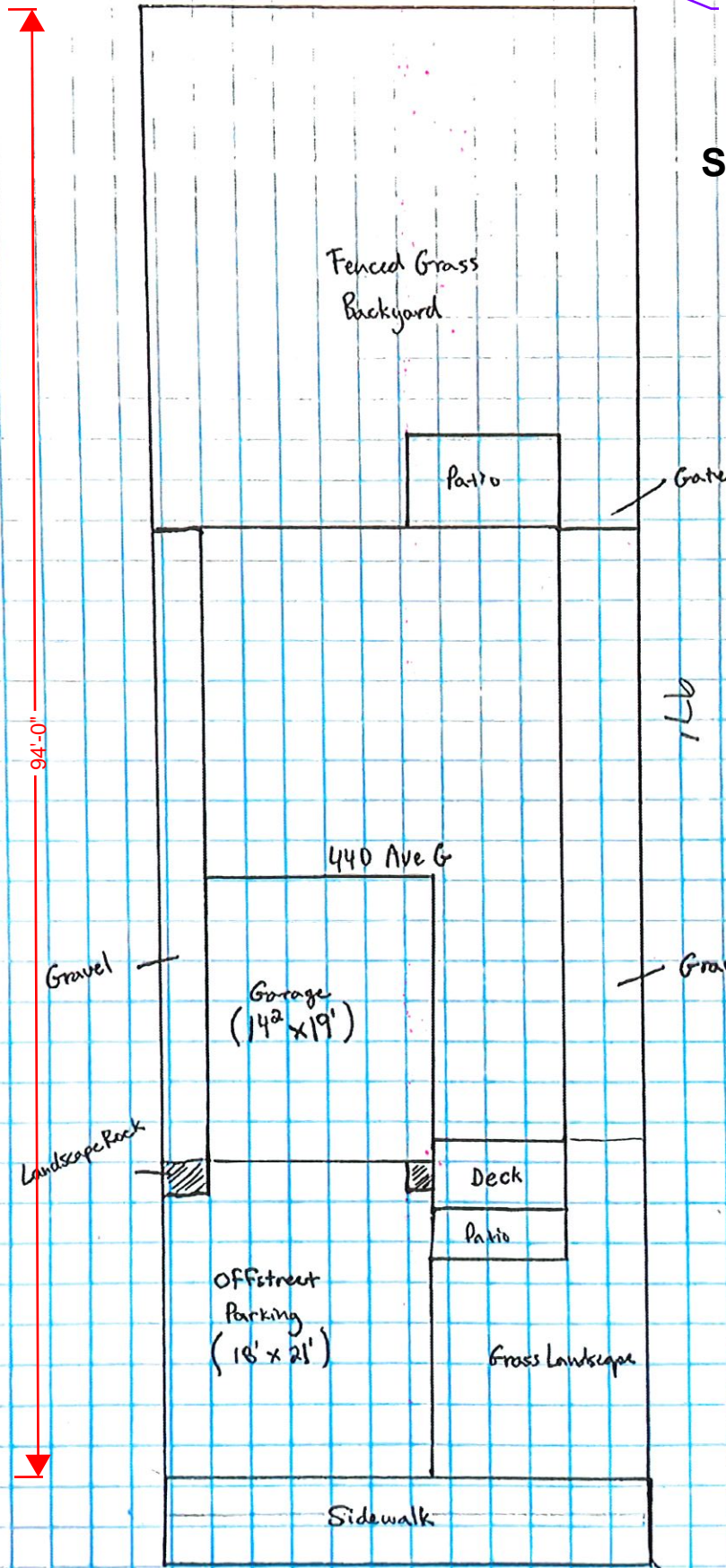


↑  
N  
SCALE  
3/32


32'-0"  
32'

This purple measurement is the calibrated base tool from which all other measurements are referenced.

# SITE PLAN

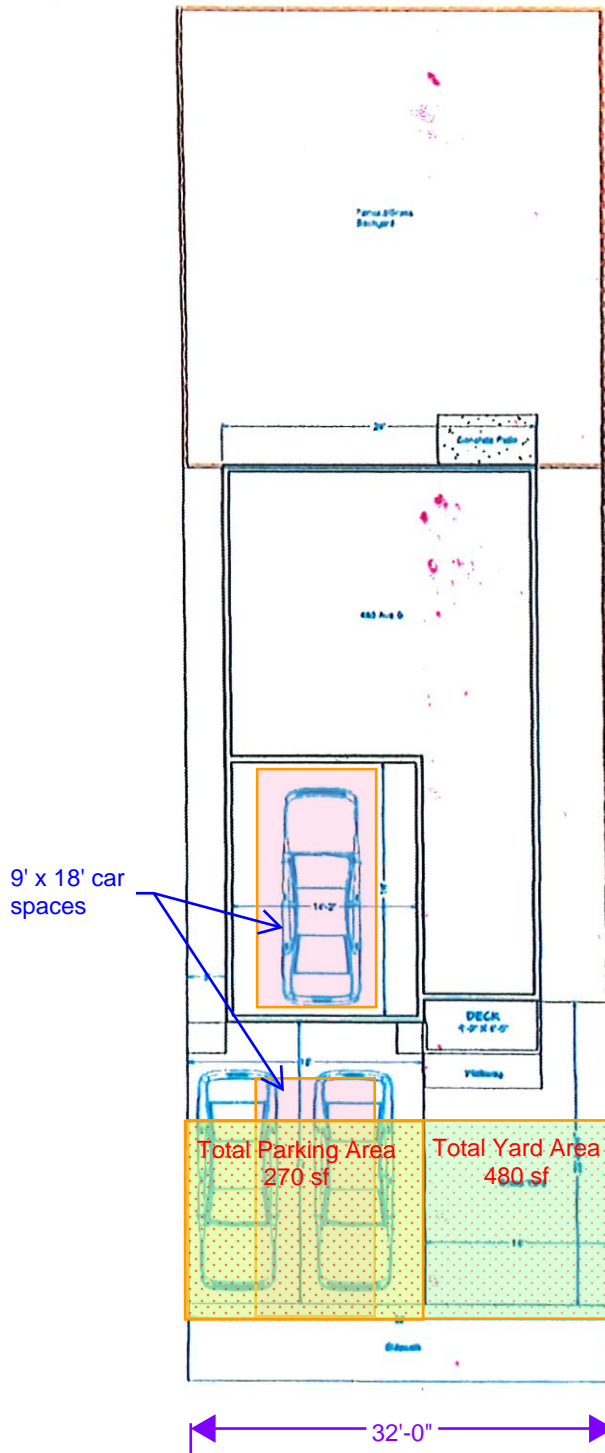


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# PARKING PLAN




## Does NOT meet 50% YARD REQUIREMENT

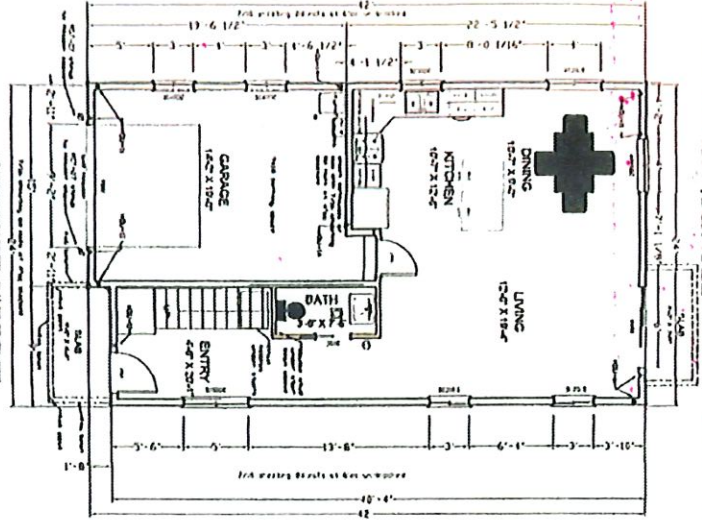
Parking: 270 Sq. Ft.  
 Total Yard Area: 480 Sq. Ft.  
 Parking/Total Yard Area: 56% Parking

Two parking spaces meet the yard requirement: one in the garage and one on the pad outside the garage. Additional landscaping will be required to meet yard requirement.

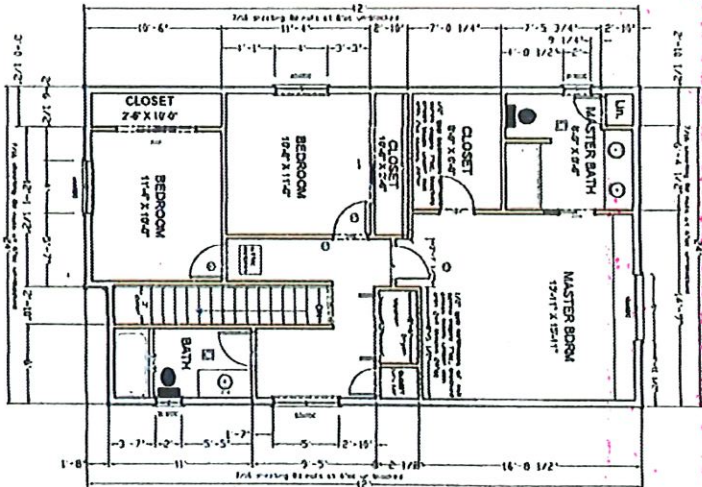
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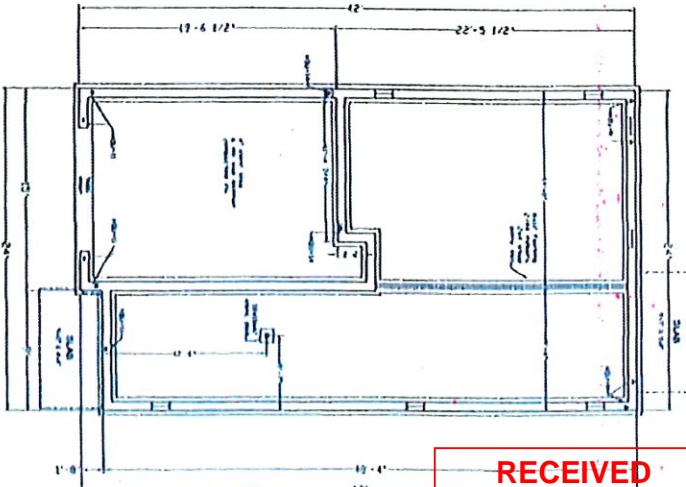




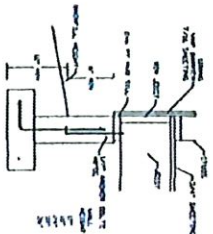
LIVING AREA  
1st Floor



LIVING AREA  
2nd Floor



Foundation



Item	Quantity	Unit	Notes
1/2" x 4" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 4" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 6" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 8" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 10" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 12" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 14" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 16" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 18" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 20" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 22" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 24" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 26" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 28" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 30" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 32" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 34" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 36" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 38" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 40" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 42" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 44" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 46" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 48" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 50" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 52" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 54" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 56" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 58" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 60" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 62" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 64" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 66" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 68" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 70" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 72" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 74" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 76" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 78" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 80" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 82" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 84" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 86" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 88" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 90" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 92" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 94" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 96" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 98" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.
2" x 100" x 8" Joists	120	Linear Feet	Spaced @ 16" O.C.

Floor Plan

Notes:  
1. All dimensions are in feet and inches.  
2. All walls are 1/2" thick unless otherwise noted.  
3. All doors are 36" wide unless otherwise noted.  
4. All windows are 60" wide unless otherwise noted.  
5. All stairs are 36" wide unless otherwise noted.  
6. All closets are 36" wide unless otherwise noted.  
7. All bathrooms are 60" wide unless otherwise noted.  
8. All bedrooms are 10' wide unless otherwise noted.  
9. All living areas are 12' wide unless otherwise noted.  
10. All dining areas are 10' wide unless otherwise noted.  
11. All kitchens are 10' wide unless otherwise noted.  
12. All garages are 14' wide unless otherwise noted.

Professional Engineer  
Oceanic Engineering LLC  
1000 S. Ocean Blvd.  
Suite 100  
Oceanside, CA 92054  
Phone: (760) 431-1111  
Fax: (760) 431-1112  
www.oceaniceng.com

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09/07/2023



# VACATION RENTAL DWELLING LOCAL CONTACT ACKNOWLEDGEMENT

Property Owners: This form must be completed by your Local Contact AFTER the final decision of the Planning Director or Planning Commission has been issued for your Vacation Rental Dwelling (VRD). Please ensure your local contact has read and understands the final decision and any conditions placed on your VRD. Please return this form to the City of Seaside by mail at 989 Broadway Seaside, OR 97138 or by e-mail to [cdadmin@cityofseaside.us](mailto:cdadmin@cityofseaside.us). If you have questions regarding this form please call 503-738-7100.

Property Owner: Not required as part of the initial application.

Int. SM

I understand I must respond to and take remedial action on any complaint at this VRD within a reasonable period of time. The Seaside Planning Commission has deemed a reasonable period of time to be two (2) hours to address complaints associated with this VRD.

Int. SM

I understand I must respond to and take remedial action on any complaint at this VRD within a reasonable period of time. The Seaside Planning Commission has deemed a reasonable period of time to be two (2) hours.

Int. SM

I understand that failure to respond to a neighbor's valid complaint within a reasonable period of time (2 hours) could result in a Planning Commission review of the VRD. The Seaside Planning Commission could place further restrictions on the VRD up to and including revocation of the property owner's VRD Conditional Use Permit.

Int. SM

I understand that I am expected to maintain a **complaint response log** that will be made available to city staff or the Planning Commission upon request. The complaint log should include the date, time, subject matter of the complaint, name and contact information of the reporting person (if not anonymous), and the action taken to resolve the complaint.

Int. SM

I understand and have read the conditions of approval for the VRD conditional use permit for the listed property. The conditions of approval apply to the listed property any time the dwelling is occupied and a member of the property owner's family is not present.

Seaside Vacation Homes

Name of the Local Contact

541-738-0982

Phone Number of the Local Contact

524 N. Roosevelt

Address of the Local Contact

egm@seasidevacationhomes.com

E-mail Address of the Local Contact

X Sarah Muddock  
dba Seaside Vacation Homes

Signature of the Local Contact

6/29/23

Date





<b>APPLICATION(S):</b>	<b>769-23-000067-PLNG – Conditional Use</b>
<b>MEETING DATE:</b>	<b>November 7, 2023</b>
<b>PUBLIC HEARING:</b>	<b>Yes</b>
Report Date:	October 24, 2023
Applicant:	George H & Kathleen A Tobey
Owner:	George H & Kathleen A Tobey
Location:	1518 S. Downing St., Seaside, OR 97138 .11ac
Major Street Access:	S. Downing St.
Parcel Number(s) & Size:	T6-R10-21DC02601
Zoning:	Medium Density Residential (R-2)
Adjacent Zoning:	Medium Density Residential (R-2)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

**A. Summary:**

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

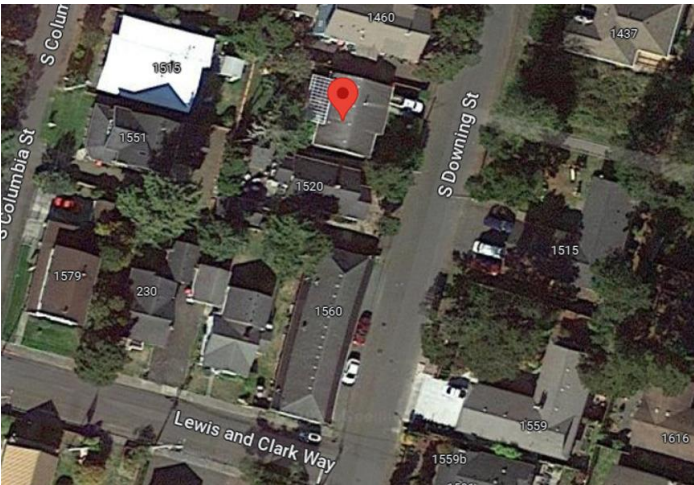
**Staff Recommendation:**

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

**B. Exhibits:**

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

**Location: 1518 S Downing St, Seaside, OR 97138 (T6-R10-21DC02601)**



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



**C. Background:**

The applicant's property is an approximate 5,000 sq. ft. lot with sufficient space for two (2) parking spaces. The off-street parking spaces are located inside the garage and on the parking pad in front of the garage. The driveway approach from the paved street is currently gravel. The applicant will need to pave the graveled area to prevent debris from entering the roadway.

**D. Required Dates:**

This application was accepted as complete on October 17, 2023. The 120-day decision timeframe is February 14, 2024.

**E. Specific Request:**

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

**F. Process:**

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

**G. Community Review:**

Notice of this public hearing was published in the Daily Astorian on October 21, 2023. Additionally, a mailed notice was sent on October 18, 2023, to all property owners within 100 feet of the subject property.

**H. Written Comments:**

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

**I. Comprehensive Plan:**

This property is located in the Medium Density Residential land use designation as stated in section 3.1.2 of the Comprehensive Plan. The Comprehensive Plan states that medium-density residential zones are the locations for "manufactured homes, manufactured home parks, and vacation rental dwellings.

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

**J. Zoning Ordinance Criteria for a Conditional Use:**

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

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

*Finding: The applicant's site plan shows sufficient parking area to accommodate two off-street parking spaces. The applicant is proposing two stacked parking spaces, one inside the garage and one on the parking pad in front of the garage.*

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

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

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

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

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

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

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

*Finding: The applicant has listed Sheila Smith who resides at 948 N Roosevelt Dr. as the local contact.*

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

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

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

*Finding: The density of surrounding VRDs within 100ft of the applicant's property is 26.66%. This application is being reviewed by the Planning Commission per the spatial distribution requirements. Should there be justification to add or modify conditions; the Planning Commission should discuss those justifications and determine what additional conditions or modifications to conditions could be placed on the property to alleviate any negative impact on the surrounding neighbors.*

**K. Additional Findings, Conclusions, and Justification Statements:**

1. The applicant's submitted justification is adopted by reference and summarized below:
  - a. The applicant's plot plan indicates there will be at least two (2) off-street parking spaces.
  - b. The two (2) bedroom single-family dwelling will have a limited occupancy of six (6) persons over the age of three, three no more than (10) persons regardless of age.
  - c. The plot plan shows that parking (driveway) will not take up more than 50% of the required front yard area.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently, 26.66% of the surrounding properties within 100ft of the subject property are licensed for VRD use and 20% are licensed within 200ft. All of the surrounding properties within 100 ft are zoned Medium-Density Residential (R-2).

Applicant  
Existing VRD

1518 S Downing St.  
100ft Analysis

4 / 15 = 26.66%

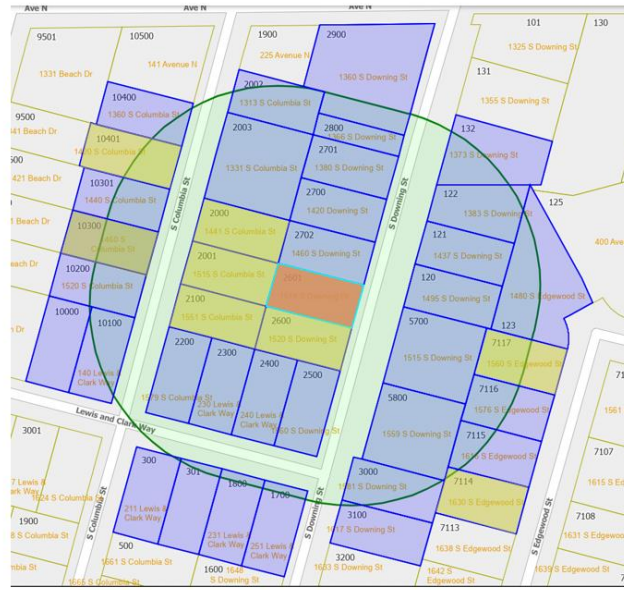


Density as of August 30, 2023

Applicant  
Existing VRD

### 1518 S Downing St - 200' Analysis

8 / 40 = 20%



Density as of October 24, 2023

3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100ft; is equal to or less than 30% or 50% depending on their proximity to the beachfront areas of Seaside. This property is within the area where the Planning Commission has determined that no more than 30% of the properties surrounding the applicant's property will be supported for VRD use. The density of VRDs surrounding the applicant's property is 26.66%.
4. The property is required to complete a VRD compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "The Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100 ft of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department did not receive any letters concerning this request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts on a neighborhood cannot be predicted based solely on a change from full-time occupancy, part-time occupancy, long-term rental, or short-term rental. Short-term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short-term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. The property was not previously permitted as a VRD.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet-friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fireplaces, hot tubs, & spas can lead to late-night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late-night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The



City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners' concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.
17. The Seaside Planning Commission has established a waiting period for new applicants applying for a VRD permit on properties that were not previously licensed and newly constructed properties. This property was not previously licensed for VRD use and according to the Clatsop County Tax Assessor's information, the applicants have owned the property since November 23, 2022.

**CONCLUSION:**

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

**L. RECOMMENDED CONDITIONS:**

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 the land use file (769-23-000067-PLNG) and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

2. **PARKING SPACES:** Two (2) off-street parking spaces (9ft X 18ft per space) are required on site. These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on-site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project

over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. The map must clearly indicate:

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

**☒ The approach to the applicant's concrete parking area is currently gravel. The applicant will need to pave the graveled approach to prevent debris from being tracked into the public roadway. The applicant will need to consult with Public Works prior to performing the work and will have one year from the date of this approval to complete the paving.**

3. **MAXIMUM NUMBER OF OCCUPANTS:** Six (6) persons over the age of three, no more than ten (10) persons regardless of age. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **APPLICABILITY OF RESTRICTIONS:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **OPEN YARD AREAS:** Front, side, and rear yards must maintain a residential appearance by limiting off-street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **LOCAL CONTACT:** The applicant has named Sheila Smith as the local contact and she can be reached at 541-647-0577. The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100ft. Managers are required to notify the city any time they stop representing a VRD.

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

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

7. **COMPATABILITY:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **EXTERIOR OUTDOOR LIGHTING:** All exterior lighting must conform to the adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior

lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb.

9. **ORDINANCE COMPLIANCE & SOLID WASTE PICK-UP:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.
10. **REQUIRED MAINTENANCE:** It is the property owner's responsibility to ensure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all transient rental occupancies.
11. **PERMIT NON-TRANSFERABILITY:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **BUSINESS LICENSE, ROOM TAX REQUIREMENTS & REVOCATION FOR NON-PAYMENT:** A City Business License is required and all transient room tax provisions apply to VRDs. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants who utilize these platforms to report this revenue on their quarterly returns.

13. **CONFLICTS & POTENTIAL DENIAL FOR NON-COMPLIANCE:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
14. **COMPLAINTS:** Applicants are hereby advised the City Code Compliance Officer routinely follows up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's website:

[www.cityofseaside.us/VRDComplaint](http://www.cityofseaside.us/VRDComplaint)

This form should be used to report alleged violations that are not being addressed by the local contact or property manager.

15. **TIME PERIOD FOR APPROVAL, REQUIRED RE-INSPECTION:** This VRD will be subject to an annual compliance inspection (subject to an applicable fee) during the second year of operation to



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

16. **TSUNAMI INFORMATION & WEATHER RADIO:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “You Are Here”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
17. **GRACE PERIOD:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 90 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **PET-FRIENDLY RENTAL:** If the rental allows pets and they generate complaints related to running at large, trespassing onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **REPEATED VIOLATION OF CONDITIONS:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
20. **OUTDOOR FIRE RINGS, FIREPLACES, HOT TUBS, & SPA FACILITIES:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

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

## **M. Recommendation and Alternatives:**

### **Staff Recommendation:**

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

**Alternative 1:**

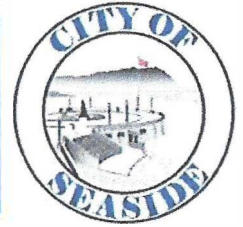
The Planning Commission may choose to continue this request to the regularly scheduled December 5, 2023, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

**Alternative 2:**

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

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

# Seaside Planning Department Land Use Application



Office: 503-738-7100

E-mail: [CAdmin@CityofSeaside.us](mailto:CAdmin@CityofSeaside.us)

Fax: 503-738-8765

Mailing Address: 989 Broadway Seaside, OR 97138

Physical Address: 1389 Avenue U Seaside, OR 97138

Name of Applicant: **George H & Kathleen A Tobey** Address: **52908 NW 7th Street Scappoose Oregon 97056** Zip Code: **97056**

Street Address or Location of Property: **1518 S Downing Street Seaside Oregon** **97138**

Zone <b>R2</b>	Overlay Zones <b>-</b>	Township <b>6</b>	Range <b>10</b>	Section <b>21DC</b>	Tax Lot <b>02601</b>
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**Proposed Use of Property and Purpose of Application:**

Our primary use of this home is for our family and/or occasionally close friends who might not be able to afford a stay on the beautiful Oregon Coast. Improving the livability and safety of our home in Seaside has been costly. Examples of these improvements include overhauling the inoperable gas fireplace, adding wall heaters in 4 rooms, and rewiring all electrical with a new electrical panel and upgrading the landscaping. We would like to offset some of our costs with an occasional rental.

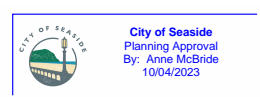
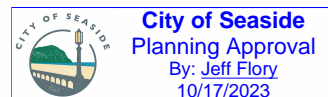
(Attach additional pages if necessary.)

Owner	Applicant/Representative (Other than Owner)
Print Name of Property Owner: <b>George H &amp; Kathleen A Tobey</b>	Print Name of Applicant/Representative:
Address: <b>52908 NW 7th Street Scappoose OR 97056</b>	Address:
Phone: <b>(971) 294-8521 or 971-297-7190</b>	Phone:
E-mail: <b>Ghtobey@Comcast.net</b>	E-mail:
Signature of Property Owner: 	Signature of Duly Authorized Applicant/Representative:

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

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> Conditional Use         | <input type="checkbox"/> Non-Conforming           | <input type="checkbox"/> Subdivision   | <input type="checkbox"/> Zoning Code Amendment |
| <input type="checkbox"/> Landscape/Access Review | <input type="checkbox"/> Planned Development      | <input type="checkbox"/> Temporary Use   | <input type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> Major Partition         | <input type="checkbox"/> Property Line Adjustment | <input checked="" type="checkbox"/> Vacation Rental <input checked="" type="checkbox"/> PC <input type="checkbox"/> PD | <input type="checkbox"/> Appeal                |
| <input type="checkbox"/> Minor Partition         | <input type="checkbox"/> Setback Reduction        | <input type="checkbox"/> Variance  | <input type="checkbox"/>                       |

Planning Department Use	
Date Accepted as Complete: <b>10/17/23</b>	By: <b>J. Flory</b>
File Number: <b>769-23-00067-PLNG</b>	
Hearing Date: <b>November 7, 2023</b>	P.C. Action:



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City of Seaside Planning Department  
By: Anne McBride  
08/30/2023

# Vacation Rental Dwelling Property Information



VRD Address: 1518 S Downing Street Seaside Oregon 97138

1. TOTAL NUMBER OF BEDROOMS: 2
2. TOTAL NUMBER OF OFF-STREET PARKING SPACES: 2
  - a. VRDs are required to have a minimum of two parking spaces (each space must be 9'x18') plus one additional space for each bedroom in the dwelling over two bedrooms.
3. OCCUPANCY REQUESTED (OVER THE AGE OF THREE) : 6
  - a. To calculate your maximum occupancy, multiply the number of bedrooms by 3. If the number of parking spaces is less than the number of bedrooms, calculate your occupancy by multiplying the number of parking spaces by 3.
4. DO THE REQUIRED OFF-STREET PARKING SPACES TAKE UP MORE THAN 50% OF THE VRD'S REQUIRED YARD AREAS?  
Yes  No
5. DO YOU HAVE ANY OWNERSHIP IN ANY ADDITIONAL PROPERTIES IN THE CITY OF SEASIDE?  
Yes  No   
If yes what are the property addresses? \_\_\_\_\_
6. DO YOU HAVE OWNERSHIP IN ANY OTHER SHORT-TERM RENTALS? Yes  No   
If yes, what City/County/State are they located in?  
\_\_\_\_\_
7. WHO WILL BE THE LOCAL CONTACT FOR YOUR VRD?  
(Your local contact must reside within Clatsop County.)  
Name Sheila Smith Address 948 N Roosevelt Dr Seaside 24-hr Phone (541) 647-0577
8. ATTACH SCALE DRAWINGS OF YOUR SITE PLAN, FLOOR PLAN, AND PARKING MAP.

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

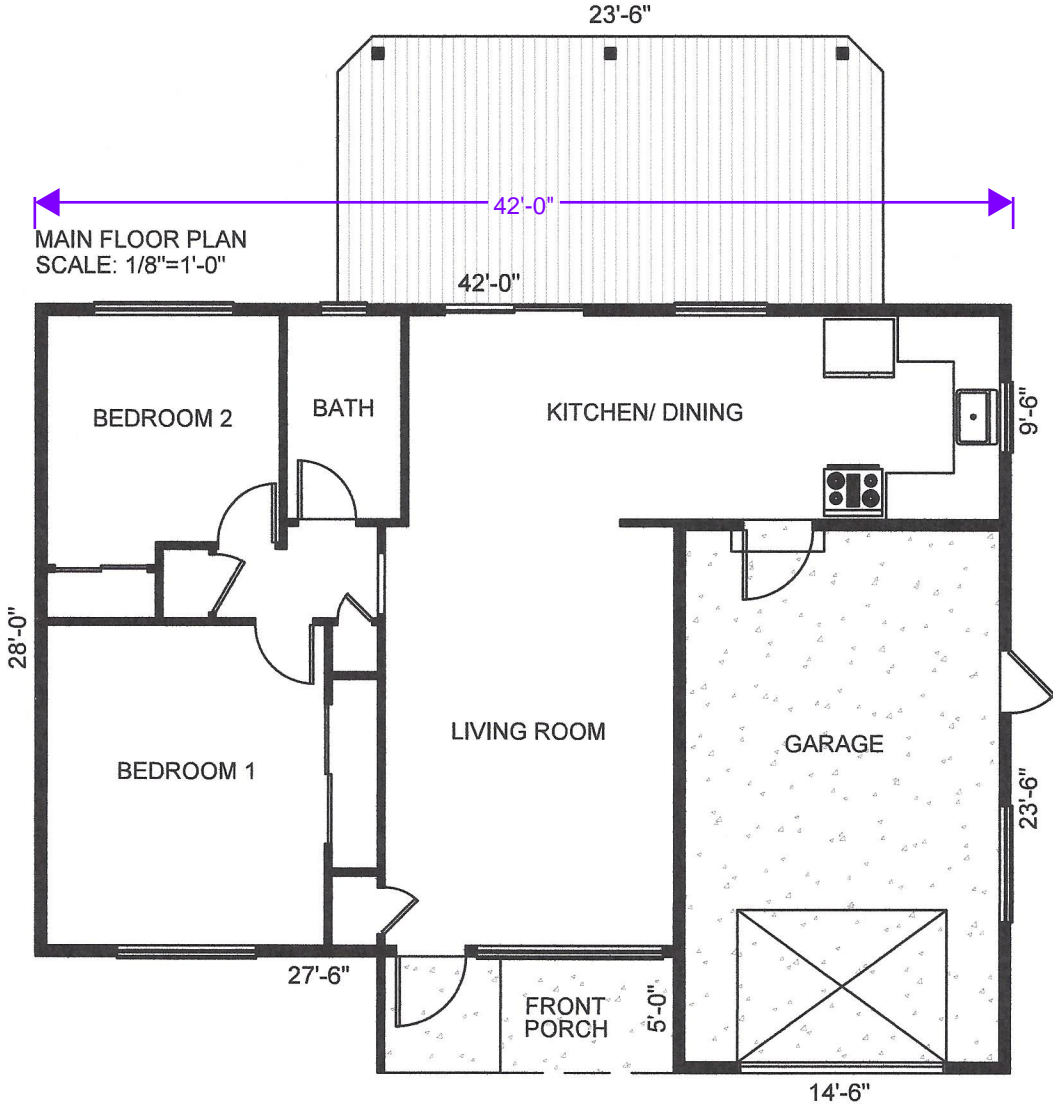
Applicant Signature:  Date: 8/21/23

Printed Name: George H Tobey

 City of Seaside  
Planning Approval  
By: Anne McBride  
08/30/2023



**RECEIVED**  
City of Seaside Planning Department  
By: Anne McBride  
08/30/2023



 **City of Seaside**  
Planning Approval  
By: Anne McBride  
08/30/2023

FLOOR  
PLAN

S. DOWNING RESIDENCE  
1518 S. DOWNING ST.  
SEASIDE, OR. 97138

  
**TWIN PEAKS**  
CONSTRUCTION

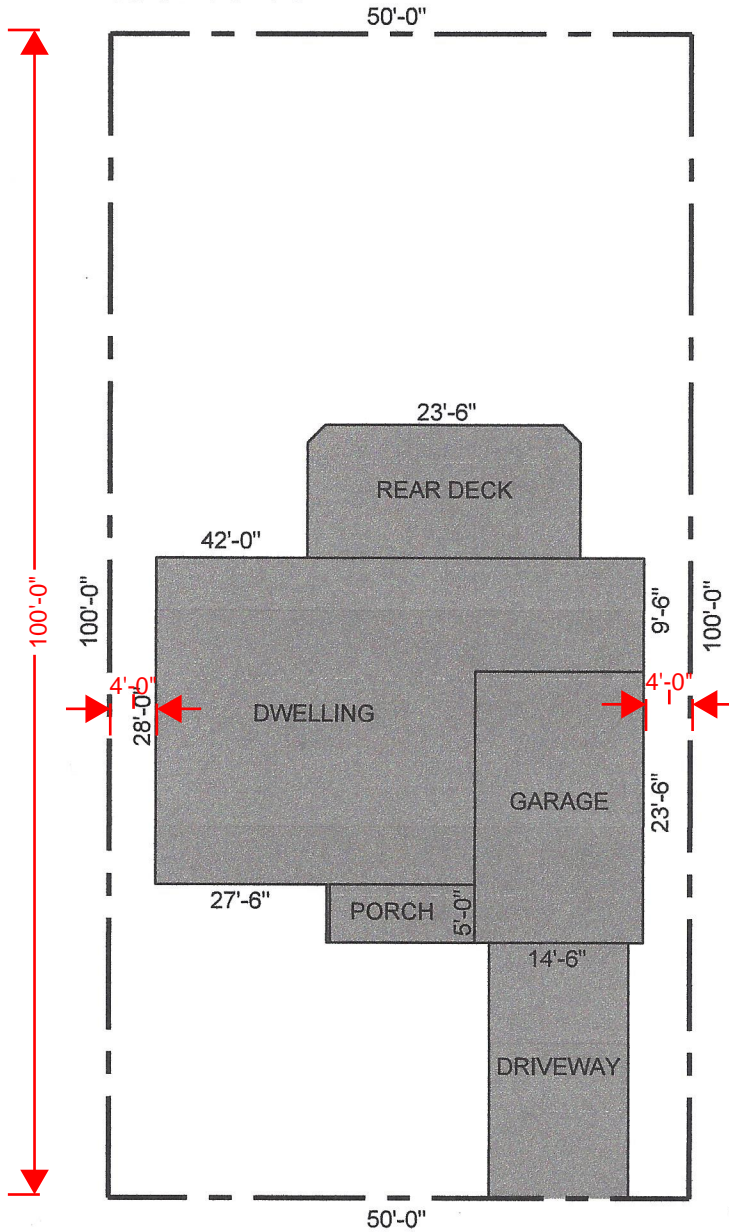
**RECEIVED**

City of Seaside Planning Department  
By: Anne McBride  
08/30/2023

50'-0"

SITE PLAN  
SCALE: 1/16"=1'-0"

This purple measurement is the calibrated base tool from which all other measurements are referenced.



City of Seaside  
Planning Approval  
By: Anne McBride  
08/30/2023

SITE  
PLAN

S. DOWNING RESIDENCE  
1518 S. DOWNING ST.  
SEASIDE, OR. 97138

  
**TWIN PEAKS  
CONSTRUCTION**



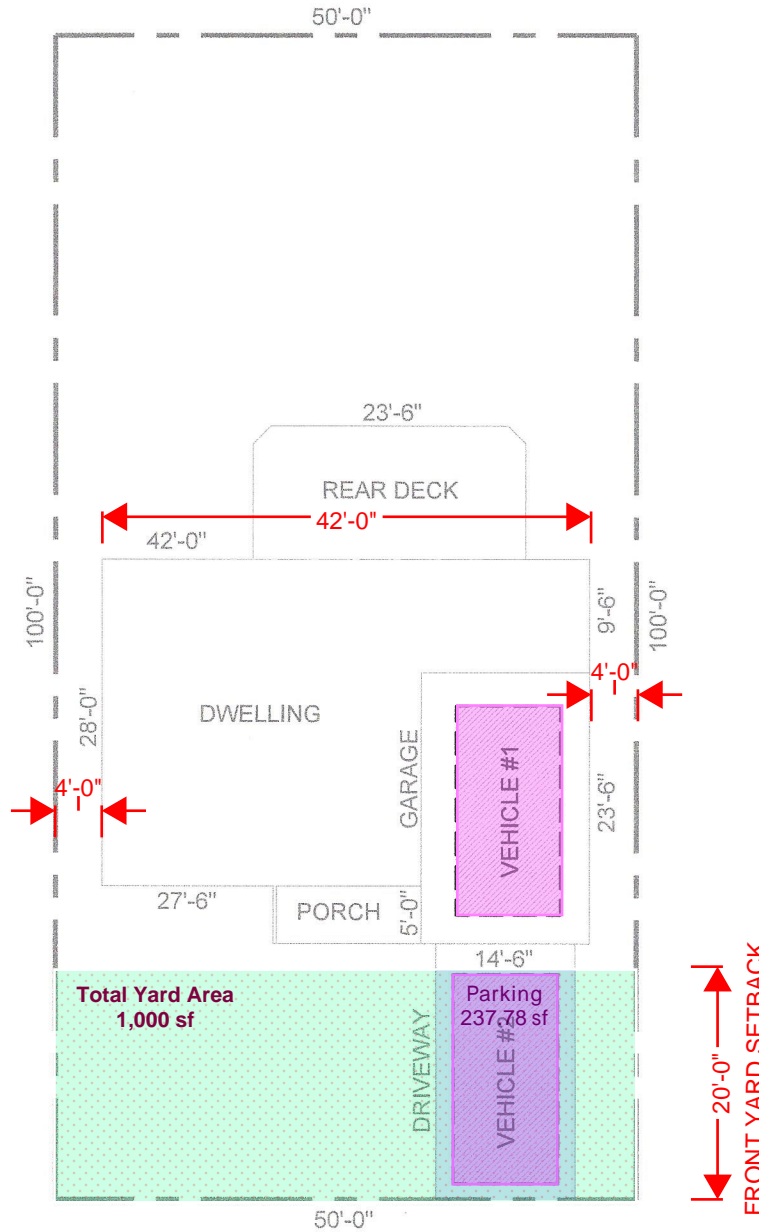
**RECEIVED**

City of Seaside Planning Department  
By: Anne McBride  
08/30/2023

This purple measurement is the calibrated base tool from which all other measurements are referenced.

PARKING PLAN  
SCALE: 1/16"=1'-0"

TOTAL PARKING  
CAPACITY = 2



OFF-STREET PARKING  
INELIGIBLE FOR  
CONSIDERATION.



**MEETS 50% FRONT YARD  
REQUIREMENT**

Parking: 237.78 Sq. Ft.  
Yard: 1000 Sq. Ft.  
Parking/Yard: 23.77% Parking



City of Seaside  
Planning Approval  
By: Anne McBride  
08/30/2023

PARKING  
PLAN

S. DOWNING RESIDENCE  
1518 S. DOWNING ST.  
SEASIDE, OR. 97138

  
TWIN PEAKS  
CONSTRUCTION



<b>APPLICATION(S):</b>	<b>769-23-000076-PLNG</b>
<b>MEETING DATE:</b>	<b>November 7, 2023</b>
<b>PUBLIC HEARING:</b>	<b>Yes</b>
Report Date:	October 24, 2023
Applicant:	Sayee Gurumurthy
Owner:	Sayee Gurumurthy and Sridevi Rajarao
Location:	2216 S. Downing St., Seaside, OR 97138
Major Street Access:	S. Downing St.
Parcel Number(s) & Size:	T6-R10-21DC02601 .11 ac
Zoning:	High Density Residential (R-3)
Adjacent Zoning:	High Density Residential (R-3)
Current Use of Parcel:	Single-Family Residential
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

**A. Summary:**

A conditional use request by Sayee Gurumurthy and Sridevi Rajarao for a one (1) bedroom Vacation Rental Dwelling with a maximum occupancy of three (3) persons over the age of three, no more than five (5) persons regardless of age.

**Staff Recommendation:**

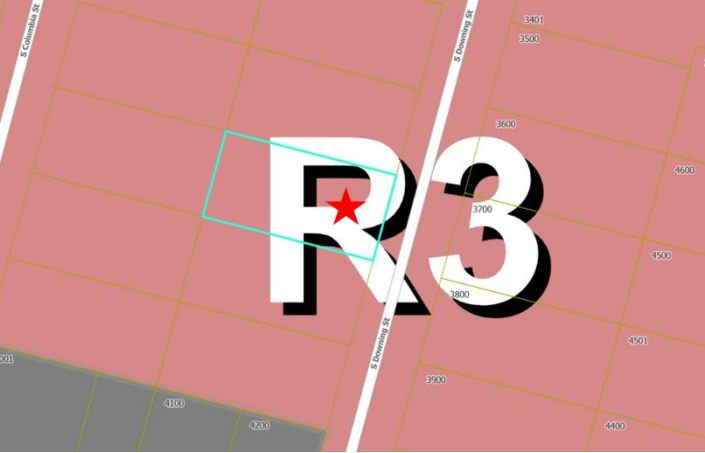
Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements,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

**B. Exhibits:**

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



Location: 2216 S. Downing St., Seaside, OR 97138



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

**C. Background:**

The applicant's property is an approximate 5,000 sq. ft. lot with a small single-family dwelling. The parking area has sufficient space for two (2) parking spaces. The off-street parking spaces are located stacked on the parking pad on the parking pad in the front yard area.

**D. Required Dates:**

This application was accepted as complete on October 17, 2023. The 120-day decision timeframe is February 14, 2024.

**E. Specific Request:**

A conditional use request by Sayee Gurumurthy for a one (1) bedroom Vacation Rental Dwelling with a maximum occupancy of three (3) persons over the age of three, no more than five (5) persons regardless of age.

**F. Process:**

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

**G. Community Review:**

Notice of this public hearing was published in the Daily Astorian on October 21, 2023. Additionally, a mailed notice was sent on October 18, 2023, to all property owners within 100 feet of the subject property.

**H. Written Comments:**

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

**I. Comprehensive Plan:**

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

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

**J. Zoning Ordinance Criteria for a Conditional Use:**

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



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

*Finding: The applicant's site plan shows sufficient parking area to accommodate two off-street parking spaces. The applicant is proposing two stacked parking spaces, both on the parking pad in the front yard area.*

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

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

*Finding: The applicant's home is a one-bedroom single-family dwelling that will allow an occupancy of three (3) persons over the age of three, no more than ten (10) persons regardless of age.*

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

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

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

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

*Finding: The applicant has listed Erin Barker with Beachhouse Vacation Rentals as the local Contact.*

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

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

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

*Finding: The density of surrounding VRDs within 100ft of the applicant's property is 28.57%. This application is being reviewed by the Planning Commission per the spatial distribution requirements. Should there be justification to add or modify conditions; the Planning Commission should discuss those justifications and determine what additional conditions or modifications to conditions could be placed on the property to alleviate any negative impact on the surrounding neighbors.*

**K. Additional Findings, Conclusions, and Justification Statements:**

1. The applicant's submitted justification is adopted by reference and summarized below:
  - a. The applicant's plot plan indicates there will be at least two (2) off-street parking spaces.
  - b. The one (1) bedroom single-family dwelling will have a limited occupancy of three (3) persons over the age of three, three no more than five (5) persons regardless of age.
  - c. The plot plan shows that parking (driveway) will not take up more than 50% of the required front yard area.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently, 28.57% of the surrounding properties within 100ft of the subject property are licensed for VRD use and 15% are licensed within 200ft. All of the surrounding properties within 100 ft are zoned Medium-Density Residential (R-2).

Applicant	<b>2216 S. Downing</b>	<b>4 / 14 = 28.57%</b>
Existing VRD	<b>100ft Analysis</b>	



Density as of September 18, 2023





3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100ft; is equal to or less than 30% or 50% depending on their proximity to the beachfront areas of Seaside. This property is within the area where the Planning Commission has determined that no more than 30% of the properties surrounding the applicant's property will be supported for VRD use. The density of VRDs surrounding the applicant's property is 28.57%.
4. The property is required to complete a VRD compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "The Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100ft of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department did not receive any letters concerning this request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts on a neighborhood cannot be predicted based solely on a change from full-time occupancy, part-time occupancy, long-term rental, or short-term rental. Short-term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short-term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. The property was previously permitted as a VRD. It should be noted that the previous owners were approved by the Planning Commission for a one-bedroom VRD with an occupancy of three persons regardless of age on January 3, 2023.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet-friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fireplaces, hot tubs, & spas can lead to late-night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late-night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.

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

**CONCLUSION:**

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

**L. RECOMMENDED CONDITIONS:**

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 the land use file (769-23-000076-PLNG) and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

2. **PARKING SPACES:** Two (2) off-street parking spaces (9ft X 18ft per space) are required on site. These spaces shall be permanently maintained and available on-site for use by the vacation rental occupants. Vacation Rental Dwelling (VRD) tenants are required to park in the spaces provided on-site for the VRD. No on-street parking associated with this VRD is allowed at this location. Vehicles parked at VRDs may not project

over the sidewalk and block pedestrian traffic. A parking map shall be posted inside the dwelling for the VRD tenants. The map must clearly indicate:

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

3. **MAXIMUM NUMBER OF OCCUPANTS:** Three (3) persons over the age of three, no more than five (5) persons regardless of age. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **APPLICABILITY OF RESTRICTIONS:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **OPEN YARD AREAS:** Front, side, and rear yards must maintain a residential appearance by limiting off-street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **LOCAL CONTACT:** The applicant has named Beachhouse Vacation Rentals as the local contact and they can be reached at 503-440-1168. The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100ft. Managers are required to notify the city any time they stop representing a VRD.

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

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

7. **COMPATABILITY:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **EXTERIOR OUTDOOR LIGHTING:** All exterior lighting must conform to the adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb.
9. **ORDINANCE COMPLIANCE & SOLID WASTE PICK-UP:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.

10. **REQUIRED MAINTENANCE:** It is the property owner's responsibility to ensure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all transient rental occupancies.
11. **PERMIT NON-TRANSFERABILITY:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
12. **BUSINESS LICENSE, ROOM TAX REQUIREMENTS & REVOCATION FOR NON-PAYMENT:** A City Business License is required and all transient room tax provisions apply to VRDs. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants who utilize these platforms to report this revenue on their quarterly returns.

13. **CONFLICTS & POTENTIAL DENIAL FOR NON-COMPLIANCE:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
14. **COMPLAINTS:** Applicants are hereby advised the City Code Compliance Officer routinely follows up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's website:

[www.cityofseaside.us/VRDComplaint](http://www.cityofseaside.us/VRDComplaint)

This form should be used to report alleged violations that are not being addressed by the local contact or property manager.

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



conditions of approval, and ordinances applicable as of the date the new application is accepted.

16. **TSUNAMI INFORMATION & WEATHER RADIO:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “You Are Here”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
17. **GRACE PERIOD:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 90 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **PET-FRIENDLY RENTAL:** If the rental allows pets and they generate complaints related to running at large, trespassing onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **REPEATED VIOLATION OF CONDITIONS:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
20. **OUTDOOR FIRE RINGS, FIREPLACES, HOT TUBS, & SPA FACILITIES:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity. It is recommended the rules include a reminder there should be NO EXCESSIVE NOISE AT ANY TIME and renters should be considerate of the residents that live around the rental dwelling they are staying at.

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

#### **M. Recommendation and Alternatives:**

##### **Staff Recommendation:**

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

##### **Alternative 1:**

The Planning Commission may choose to continue this request to the regularly scheduled December 5, 2023, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

**Alternative 2:**

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

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



**RECEIVED**  
 City of Seaside Planning Department  
 By: Jordan Sprague  
 10/13/2023

## Community Development Land Use Application

Mailing: 989 Broadway Seaside, OR 97138  
 Location: 1387 Avenue U. Seaside, OR 97138

E-mail: [cdadmin@cityofseaside.us](mailto:cdadmin@cityofseaside.us)  
 Office: (503) 738-7100

Applicant Information:					
Name of Applicant		Address		Zip Code	
Sayee Gurumurthy		12405 NE 150th ST, Woodinville, WA		98072	
Street Address or Location of Property					
2216 S. Dowling St, Seaside, OR 97138					
Zone	Overlay Zone	Township	Range	Section	Tax Lots
R3		6	10	28 BA	04500 <b>61028BA04500</b>

Owner:	Applicant/Representative Other than Owner:
Name Sayee Gurumurthy & Sridevi Rajarao	Name of Applicant/Representative
Address 12405 NE 150th ST, Woodinville, WA 98072	Address
Phone 253 332 5699	Phone
Signature 	Signature 

**Proposed Use:**

**Existing Use:**

**Site Plan:**

Please attach a site plan of the property showing lot dimensions, sizes, and locations of all existing and proposed structures. The site plan must show the structure's setbacks to all property lines as well as access to the site and the parking area layout. Site plans must be drawn to scale and show the needed information pertinent to the request. Parking Maps for VRDs must have scaled dimensions showing the location of required 9'x18' car spaces.

Specific of Request:			
<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"/>

For Office Use Only	
Application Received: <b>09/28/2023 ALM</b>	File Number: <b>769-23-000076-PLNG</b>
Application Deemed Complete: <b>10/17/23 JF</b>	120-Day Decision: <b>02/14/24</b>
Staff Decision (Type 1) <input type="checkbox"/>	PC Decision (Type 2) <input checked="" type="checkbox"/>

**City of Seaside**  
 Planning Approval  
 By: Jordan Sprague  
 10/13/2023

**City of Seaside**  
 Planning Approval  
 By: Jeff Flory  
 10/17/2023

Revised 09/23

**769-23-000076 PLNG**





**City of Seaside**  
 Planning Approval  
 By: Jordan Sprague  
 10/17/2023

**RECEIVED**  
 City of Seaside Planning Department  
 By: Jordan Sprague  
 10/17/2023

## Community Development Vacation Rental Dwelling

**1. Please describe, in detail, your specific request.**

This property will be primarily used as a second home for our family (home owners) to use part time. We would like to get short-term rental permit in the event we decide to rent our second home on occasion.

**2. Total number of bedrooms: 1**

**3. Total number of off-street parking spaces: 2**

a. VRDs are required to have a minimum of two parking spaces (each space must be 9ft x 18ft) plus one additional space for each bedroom in the dwelling.

**4. Occupancy Requested: 3**

a. To calculate your maximum occupancy, multiply the number of bedrooms by 3. If the number of parking spaces is less than the number of bedrooms, calculate your occupancy by multiplying the number of parking spaces by three.

**5. Do the required off-street parking spaces take up more than 50% of the VRD's required yard areas? Yes  No**

**6. Do any owners of the subject property have ownership in any other short-term rentals? Yes  No**

If yes, what city/state are they located in?

**7. Who will be the local contact for this VRD?**

Name	Address	24-hr Phone
Erin Barker	318 South Holladay	800-995-2796

**8. Attach scale drawings of your site plan, floor plan, and parking map.**

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

Applicant Signature: 

Date: 10/17/2023

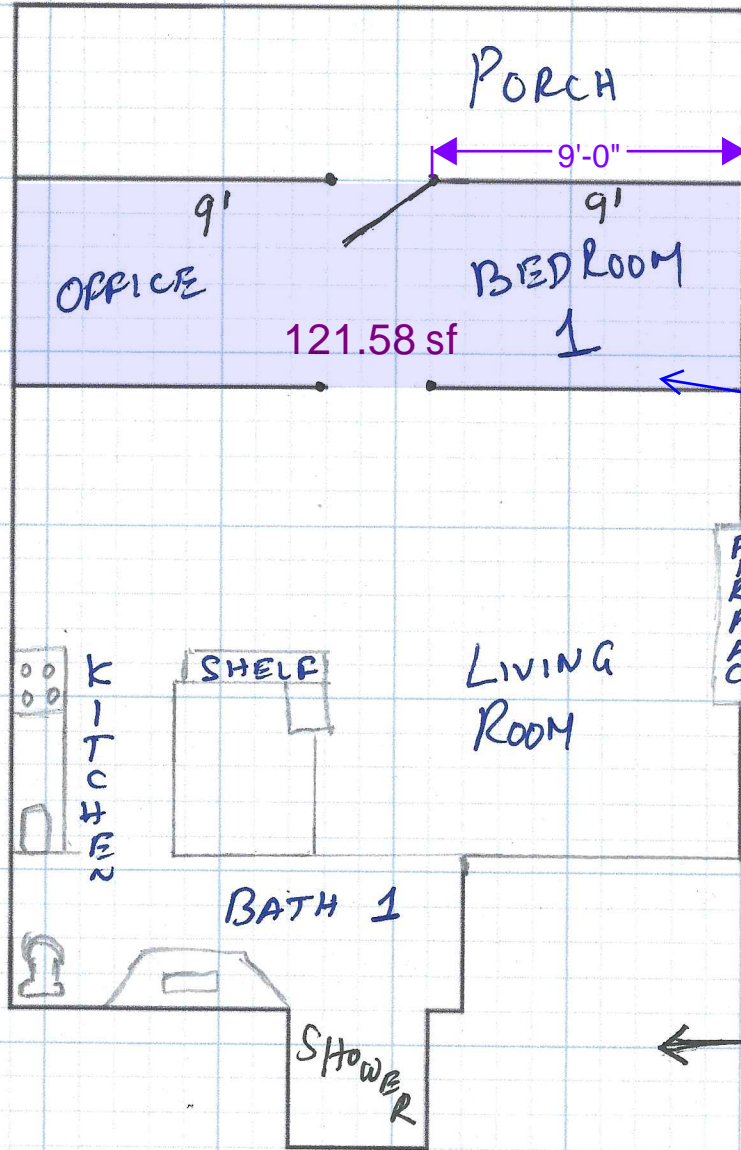
Printed Name: Sayee Gurumurthy



**RECEIVED**  
City of Seaside Planning Department  
By: Anne McBride  
09/28/2023

2216 S. DOWNING  
SEASIDE  
OR 97138

SCALE  
1" = 1'  
1" = 1'



At inspection  
verify the  
bedroom space  
is greater than  
70 sq ft. and  
has heat.

 **City of Seaside**  
Planning Approval  
By: Anne McBride  
09/28/2023

769-23-000076 PLNG

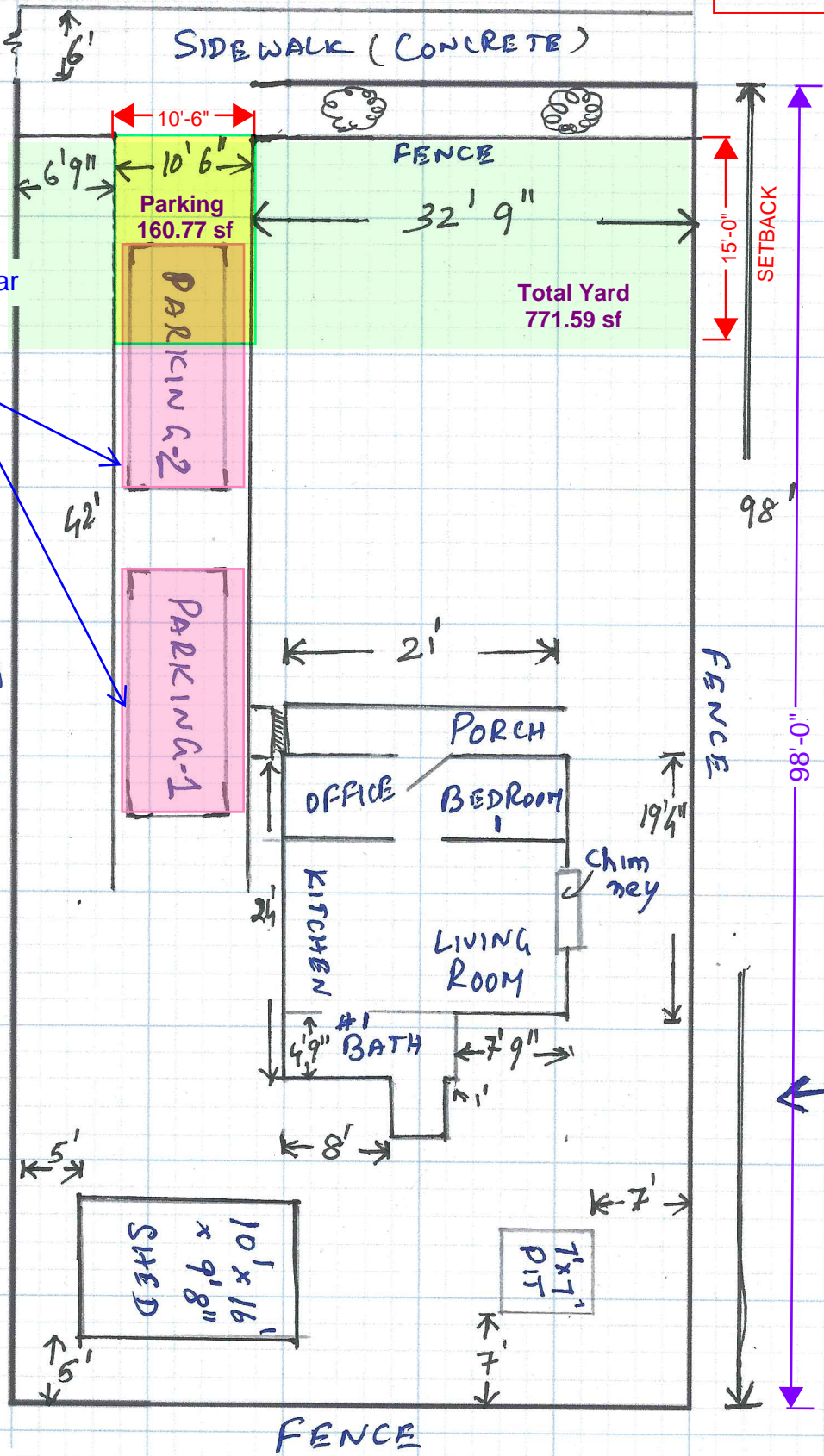


**RECEIVED**  
 City of Seaside Planning Department  
 By: amcbride  
 10/13/2023

2216  
 S. DOWNING ST  
 SEASIDE  
 OR 97138

S. DOWNING ST

SCALE  
 2' x 2' = 1" (implied)  
 2' x 2' = 1" (implied)  
 9 x 18 car



**ON-STREET PARKING  
 CANNOT BE USED  
 BY RENTERS**  
 (PLEASE USE OFF-STREET  
 SPACES PROVIDED)

**MEETS 50% YARD REQUIREMENT**  
 Parking: 160.77 Sq. Ft.  
 Yard: 771.59 Sq. Ft.  
 Parking/Landscaping: 20.83% Parking

**City of Seaside**  
 Planning Approval  
 By: Anne McBride  
 09/28/2023

769-23-000076 PLNG