

**SEASIDE PLANNING COMMISSION MEETING AGENDA**

**989 Broadway - City Hall Council Chambers**

**December 7, 2021**

**6:00 p.m.**

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** November 2, 2021
6. **PUBLIC HEARING:**
  - A. **Continuance of 21-061 PDSUB:** A Planned Development Subdivision request by **Sunset Ridge, LLC**, represented by Mark Mead. The subject property (**T6-R10-S22AB-TL# 8100**) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned **Low Density Residential (R1)** and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct.
  - B. **21-077VRD:** A conditional use request by **Ronald Di Sandro** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1149 Beach Dr** (T6-R10-21DB-TL14800) and it is zoned **Medium Density Residential (R2)**.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

## **MINUTES SEASIDE PLANNING COMMISSION November 2, 2021**

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

### **PLEDGE OF ALLEGIANCE**

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

**APPROVAL OF MINUTES:** September 21, 2021 work session memo adopted as written. October 5, 2021 minutes were amended by Chair Montero to reflect the vote was passed unanimously with Commissioner Neubecker being absent and Vice Chair Kleczek requested page numbers on the minutes.

### **INTRODUCTORY STATEMENTS**

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

Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda.

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

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Vice Chair Kleczek, Commissioner Neubecker, and Commissioner Morrissey declares a conflict of interest for project 21-061PDSUB. Chair Montero stated that she received a call regarding Indigo Dunes, but halted the conversation and referred the called to the Planning Department.

### **AGENDA:**

#### **PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Montero:

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

#### **PUBLIC HEARING**

- A. **Continuance of 21-061 PDSUB:** A Planned Development Subdivision request by **Sunset Ridge, LLC**, represented by Mark Mead. The subject property (**T6-R10-S22AB-TL# 8100**) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned **Low Density Residential (R1)** and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately

1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct. Kevin Cupples, City Planning Director, stated during the last Planning Commission meeting, the public hearing was continued and the record was reopened to allow the applicant time to submit additional information and allow time for public to review the submittal. The applicant requests a continuance due to the late date of submitting the additional documentation. Staff did send notice to the surrounding property owners and anyone who had provided testimony regarding the continuance. Mr. Cupples continued to state that the applicant had waived the 120 day time limit. Chair Montero asked if Mr. Mead would like speak on behalf of the applicant. Mark Mead, 89643 Ocean Dr., Warrenton, stated that the continuance was requested for the owners to submit one more additional document and to provide neighbors time to review the submitted documents for written comments. Chair Montero stated that the applicant had submitted a substantial number of documents, which is available at the Planning Department and online on the Planning Department's webpage. Chair Montero encouraged neighbors to review the documents prior to testifying, but opened the floor to any public comments at this time. There were none. Commissioner Wickersham motioned to continue 21-061 PDSUB to the December 7, 2021 meeting. Commissioner Rose seconded the motion. The motion passed unanimously with Vice Chair Kleczek, Commissioner Neubecker, and Commissioner Morrissey abstaining.

- B. 21-070VRD:** A conditional use request by **Mohammed Shariff** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **430 9<sup>th</sup> Ave (T6-R10-16DD-TL800)** and it is zoned **High Density Residential (R3)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Mohammad Shariff, 21181 30<sup>th</sup> PI SE, Bellevue, WA, stated that he had purchased the property to use as a family vacation house, but would like to rent it out during the parts of the year his family will not be using it.

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

Chair Montero asked if anybody would like to speak in opposition. There were none.

Chair Montero opened the discussion to the Planning Commission. Commissioner Rose stated that two floor plans were submitted, but which of the two floor plans would be used. Mr. Shariff stated that the floor plan with "proposed" above it would be used, as he had obtained a building permit to alter the house. Chair Montero asked Mr. Cupples for clarification on the setback requirement on the east side of the property and if the parking space would need to meet the required side yard setback. Mr. Cupples responded that parking can be provided in the side yard, but would still need to meet the required 50% landscaping in the side yards. Chair Montero asked if the curb cut would be extended to match the driveway approach. Mr. Shariff stated that the approach would be altered if the Planning Commission required it. Mr. Cupples added that condition number 2 requires the parking to be paved as well as providing a new driveway access permit through Public Works. Vice Chair Kleczek motioned to approve 21-070VRD. Commissioner Neubecker seconded the motion. The motion passed unanimously.

## **ORDINANCE ADMINISTRATION**

- A. 21-019SUB:** Mr. Cupples stated that on May 11, 2021, the Planning Commission had conditionally approved the referenced tentative subdivision plat. The applicant had submitted the final plat to be reviewed by the Planning Commission. The Planning Commission is to verify that the final plat meets substantial compliance with the approved tentative plat. Chair Montero asked if the applicant needs to speak. Mr. Cupples responded that staff had looked at the final plat and it is consistent with the tentative plat with a slight difference in that the applicant was required to dedicate five feet along the fronting property, pursuant to the comp plan. Commissioner Rose asked if he is to abstain from the vote, as he was not a Commissioner at the time of the original approval. Commissioner Morrissey asked if the new commissioners were required to abstain from voting. Mr. Cupples responded that they are not required to abstain because the review is to

verify the final plat is consistent with the tentative plat based on the conditions of approval. Commissioner Morrisey asked if the back 3.38 acres would remain undeveloped. Mr. Cupples responded that the area is zoned A3 and would not be allowed to be developed at this time, unless the zone is changed. Vice Chair Kleczek asked for clarification of condition 1 regarding the utility easement. Mr. Cupples replied that the 5-foot strip is dedicated to the City or County, allowing the area to be used for sidewalk or widening of the roadway if needed. Vice Chair Kleczek asked if the wetland setback was being met for the new buildings. Mr. Cupples stated that they are being met. Commissioner Neubecker motioned to approve 21-019SUB. Commissioner Morrisey seconded the motion. The motion passed unanimously with Vice Chair Kleczek abstaining.

- B. 21-011SUB:** Mr. Cupples stated that on April 6, 2021, the Planning Commission conditionally approved the referenced tentative subdivision plat. The final plat has been submitted and is to be reviewed by the Planning Commission. Staff had reviewed the final plat and appears to be substantially in compliance with the tentative plat. Chair Montero asked if sidewalks would be added to the property along Edgewood. Jason Kraushaar spoke from the audience, but did not approach the microphone so he was not added to the record. Vice Chair Kleczek asked about the status of the variance that was coupled with the subdivision. Mr. Cupples responded that the variance was approved at the time of the tentative plat by the Planning Commission. Commissioner Wickersham motioned to approve 21-011SUB. Commissioner Neubecker seconded the motion. The motion passed unanimously.
- C. 21-022HOZ:** Mr. Cupples stated that on May 11, 2021 the Planning Commission conditionally approved the referenced request to develop within the highway overlay zone. The applicant has revised their plan and reduced the number of units from 28 down to 24. Two conditions in the final decision required the Planning Commission to review the final landscaping plan and the altered site plan. A detailed landscaping plan was submitted with cross-sections. Chair Montero stated that the submitted documents are a total revision of the site plan that was originally approved. Chair Montero asked Mr. Mead to approach the microphone for questions. Mark Mead, 89643 Ocean Dr., Warrenton, stated that the changes were made after a discussion with the owner of Les Schwab regarding minimizing noise from the existing commercial building. The parking was moved to allow for an extra noise buffer, in combination with the landscaping, from Les Schwab. Two rows of buildings stayed the same while one row was changed. Chair Montero raised concerns about emergency vehicle access. Mr. Mead replied that he had sat down with the Fire Department to address the issue. Special types of pavers would be laid into the ground which firetrucks could drive on to reach the other buildings. Chair Montero asked if the fire trucks would be able to back out of the area. Mr. Mead responded that the design was made with discussions with the Fire Department. Chair Montero asked if the area where the new pool would be located could have been used as a second ingress and egress point. Mr. Mead replied that ODOT wants to limit the number of vehicle access points along the highway. Commissioner Morrisey asked if ODOT required a deceleration lane. Mr. Mead responded that they did not because the property is within a 35 mile per hour zone and is within a special distance from the stoplight. Commissioner Wickersham asked if the area in the middle of the property would be a court yard. Mr. Mead stated that it would be used as a court yard. Vice Chair Kleczek asked where the ADA accessible parking spaces were located. Mr. Mead responded that the ADA parking spaces were located near the ADA compliant units. Vice Chair Kleczek asked if the sidewalks would meet ODOT standards for width and ramps. Mr. Mead replied that the sidewalks are within the property, not in the ODOT right of way, so they would fall under City's jurisdiction. Vice Chair Kleczek asked Mr. Cupples if the sidewalk would fall under ODOT specifications and requirements for ADA compliance. Mr. Cupples responded that the applicants will need to meet ADA standards for the sidewalks. Vice Chair Kleczek stated that having two ADA parking spaces out of a total of 35 parking spaces seemed like a low number. Mr. Mead responded that the building code requires only two ADA parking spaces for parking lots up to 50 total spaces. Mr. Cupples asked Mr. Mead if he had discussed converting the courtyard into waffle block or planter blocks to be used as additional parking if necessary. Mr. Mead responded that they did consider this, but did not want to allow cars to access into the court yard. Vice Chair Kleczek asked why the parking was being relocated to the southern portion of the

property. Mr. Mead responded that the buildings would be located further away from the Les Schwab building, allowing the parking area to be used as an additional noise buffer in conjunction with the landscaping. Vice Chair Kleczek asked if approval was granted for adjusting the Mill Pond walking path. Mr. Mead responded that the Public Works Director approved the change to the walking path. Vice Chair Kleczek asked what percentage of change triggers the Planning Commission re-reviewing the entire project. Mr. Cupples stated that if there was no change to the site plan, the landscaping plan could have been approved by the Planning Director, but because of the change, it was brought to the Planning Commission for review. Vice Chair Kleczek asked if the drainage and storm water runoff was part of the landscaping plan. Mr. Cupples replied that landscaping plan was for the Planning Commission to review the frontage landscaping strip on the property. Commissioner Neubecker motioned to approve 21-022HOZ. Commissioner Rose seconded the motion. The motion passed unanimously.

**COMMENTS FROM THE PUBLIC**

Chair Montero asked if there were any comments from the public. There were none.

**COMMENTS FROM COMMISSION/STAFF**

Commissioner Neubecker gave an update on his medical conditions. Vice Chair Kleczek asked if the Planning Commission would have a joint meeting with the City Council on November 29<sup>th</sup>. Mr. Cupples responded that there was a meeting scheduled for November 29<sup>th</sup> with the City Council to discuss business license fees and vacation rental dwellings. Chair Montero asked what time and where the meeting would take place. Mr. Cupples responded 6 o'clock in the council chambers. Vice Chair Kleczek asked if she could be provided with an information sheet with the basic zoning information. Mr. Cupples replied that the office has a basic information sheet for setbacks and requirements for residential zones, and could start putting the zoning information in with the staff reports to show the setbacks and other restrictions. Vice Chair Kleczek stated that she would not be able to attend the December 7<sup>th</sup> meeting. Chair Montero asked staff to provide site plans and drawing on 11x17 size paper and who will provide the agenda for the joint work session. Mr. Cupples stated the agenda would be taken care of by the Council, but if there are any additional items that need to be added, staff could let them know. Vice Chair Kleczek requested that a discussion of recreating the comp plan to be added. Mr. Cupples replied that he would let them know. Commissioner Morrissey asked if staff could compile a total number of vacation rentals dwellings of the last 10 years. Mr. Flory replied that he would be able to compile the reports for the last 10 years. Commissioner Morrissey added that he is primarily interested in vacation rental dwellings in residential zones.

**ADJOURNMENT:** Adjourned at 6:49 PM.

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Robin Montero, Chairman

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Jordan Sprague, Admin. Assistant

## CITY OF SEASIDE UPDATED STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** November 24, 2021 for Public Hearing on December 7, 2021  
**Owners/** Sunset Ridge, LLC, P.O. Box 86100, Portland, OR 97286  
**Applicant:** Mark Mead, Mead Engineering, 89643 Ocean Dr. Warrenton, OR 97146 97138  
**Location:** T6-R10-S22AB-TL# 8100, Tract G of Vista Ridge, located north of the intersection of Hemlock St. and Aldercrest St.  
**Subject:** Planned Development 21-061PDSUB allowing the creation of a 17 lot subdivision for residential development and one large open space tract.

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### **REQUEST:**

The applicant has updated their request for a planned development that will allow the subject property to be subdivided into 17 residential development lots and create one large open space tract that will not be developed. The subject property is identified as Tract G of the Vista Ridge subdivision (T6-R10-S22AB-TL# 8100) and the Low Density Residential (R1) zoned property is approximately 6.62 acres in size.

The property is located north of the Sunset Hills subdivision and south of the first phase of the Vista Ridge subdivision that extended Forest Drive. The proposed access to the development would be provided by extending the north end of Hemlock St. beyond the intersection of Aldercrest St. by creating Hemlock Ct. and Fern Ct. The total tract is approximately 6.62 acres in size and the proposed development lots range in size from 7,310 to 14,825 sq. ft. The proposed open space tract will be approximately 1.88 acres and that accounts for just over 28% of the total square footage of the property.

### **DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:**

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These statements may be adopted by the Planning Commission to support their conclusions along with conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

**REVIEW CRITERIA #1: Section 3.115 A Planned Development Permit may be granted by the Planning Commission only if it is found that the development conforms to all the following criteria as well as to the Planned Unit Development Regulations in Sections 3.110 through 3.114:**

1. That the location, design and size are such that the development can be well integrated with its surroundings. In the case of a departure in character from surrounding uses, the location and design will adequately reduce the impact of the development.

2. That the location, design, size, and uses are such that traffic generated by the development, can be accommodated safely and without congestion on existing or planned arterial, collector or local streets. Commercial developments will not be served solely by local streets.

3. That the location, design, size, and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned facilities and services.

4. That the location, design, size and uses will result in an attractive, healthful, efficient and stable environment for living, shopping or working.

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

1. Original Mailed Notice Request Summary: **21-061 PDSUB**: A Planned Development Subdivision request by Sunset Ridge, LLC, represented by Mark Mead. The subject property (T6-R10-S22AB-TL# 8100) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned Low Density Residential (R1) and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct.

2. The applicant's supporting evidence and preliminary plan (updated on November 1 & 5 2021) are adopted by reference. The applicant's submitted information is summarized as follows:

- a. The applicant plans to divide the 6.62 acre subject property into 17 residential development lots and intends to create one open space tract that is approximately 1.88 acres.
- b. The site is served by sanitary sewer from the northern side of the site and domestic water from the eastern Sunset Hills area. Power, telco, tv, and gas will also be served from the Sunset Hills area.
- c. Storm drainage will be directed into the existing drainage ways that are currently fed by storm water from Sunset Hills. These drainages flow down to the creek that separates this site from the original Vista Ridge development.
- d. Each development lot will have frontage on a newly developed extension of Hemlock Street or a secondary access road identified as Fern Court with the exception of lot 12 being accessed via a 25' wide easement. The proposed Hemlock Court street right of ways is 50' wide with a travel surface 26' wide with sidewalk on one side that will extend to end of a cul-de-sac. Fern Court right of way is 28' wide with a travel surface 26' wide and it extends to a hammerhead turnaround. It crosses two drainages and provides access to four lots.

- e. The new street grades range from 2% to 10%.
  - f. A four foot wide walking path is being proposed that would extend from the cul-de-sac down to tie in with a walkway on the south side of Susanne Elise.
  - g. A 30' wide easement is proposed along the existing drainages and that will provide a 15' setback for any structures built on the proposed lots.
  - h. Each home would be provided with an NFPA-13D fire sprinkler system.
  - i. The current zone allows for 5 dwelling units per acre so the 6.62 acre property has a development potential that would allow 33 dwelling units. A total of 17 are proposed.
  - j. The standards in the zone call for 10,000 square foot lots with an average lot width of at least 70' at the building line. Due to the topography of the site, some smaller lot sizes and widths are being requested in recognition of providing a 1.88 acre open space lot. The development lot sizes are: Lot 1-14,825 Lot 2-9,779 Lot 3-7,387 Lot 4-7,736 Lot 5-7,888 Lot 6-8,585 Lot 7- 10,246 Lot 8-10,144 Lot-9- 14,148 Lot 10-8,987 Lot 11- 7,310 Lot 12- 8,802 Lot 13-11,607 Lot 14-9,374 Lot 15-8,868 Lot 16-7,542 Lot 17-7,557.
  - k. Although standard setbacks are proposed, increased lot coverage from 35% to 40% is being requested based on the topography and smaller lots which is consistent with the requirements in the medium density residential (R-2) zone.
  - l. A geotechnical investigation and geohazard report has been prepared for the site by Mead Engineering and it does not indicate the site is unsuitable for the proposed 17 lot subdivision. The prior report for the original Vista Ridge development, prepared by Geotech Solutions in 2004, has also been submitted.
  - m. The applicant has provided updated sheets addressing the potential development of the site which include: revised lots, areas of cut & fill, erosion control, street & utility grades, areas that will be cleared prior to any lot development (approximately 1.47 acres), street lighting, & the building area on each lot.
  - n. Ecological Land Services has provided a map showing the direct wetland impact areas. area of each lot, , areas of actual cut and fill, areas impacted by development, development lot applicant has updated.
  - o. A report on storm water and water flow report has been submitted.
  - p. CC&Rs an architectural review sheet and example house plans have been submitted.
3. The applicant's proposal is an attempt to make use of vacant R-1 zoned development land that has topographic challenges while reserving a large portion of the property for undeveloped open space.
4. The site is sufficient size to allow for a planned development and it is only planned for the development of single family dwellings.
5. All of the property is currently under single ownership. The subsequent land division would create individual lots that would be developed independent of each other by the purchasers.



6. The ownership of the open space area is not specified clearly spelled out in the draft CC&Rs. It would need to be under common ownership and control of a home owners association established for the subdivision.
7. The applicant has a certified engineer that has designed the subdivision and provided a geotechnical report for the property.
8. The property owner has not certified the talents of a state licensed architect or landscape architect will be utilized in the planning process for the development. There are provisions in the CC&R that require architectural review prior to construction and future homeowner oversight 2 years after initial construction. Currently, there is no specific building or landscaping plans for the development of any lot; however, the CC&Rs do establish controls for both of these activities when the lots are developed in the future.
9. The CC&Rs appear to indicate Fern Court & Hemlock Court will be dedicated public roads. Fern Court does not meet current City street standards.
10. The TSP calls for local streets to have right of way width between 34' and 40' with a travel way of 24'-30'. If there is no 5' wide shoulder provided, a 5' wide sidewalk is required on both sides.
11. Neither of the proposed streets have the required sidewalks on both sides required by the land division ordinance. This would require the Commission to approve a variance for the sidewalks based on the topographic limitations of the site.
12. The standard right of way width for Fern Court could be approved by the Planning Commission if they are satisfied the land divider has shown the existing topography, small number of lots served, and probably future traffic justify a narrower width.
13. Topographic factors and limited access were used to justify the narrow private street at the top of Vista Ridge and Thompson Falls. Similar factors were also used to justify the sidewalks on one side of the public streets and no sidewalks on the private roads.
14. On-street parking limitations are not addressed in the submittal or the CC&Rs; however, off-street parking is regulated by the draft CC&Rs.
15. The Seaside Fire Department indicated the travel surface of Fern Court would need to be at least 26' wide and they have identified areas that must be red curbed for fire lanes. The street width has been modified to address that concern. Fire flows have been identified at the closest hydrant, but the actual development will be subject to their requirements based on the understanding that sprinkler systems will be required for all future structures.
16. At a minimum, the finished street grades would need to be supported by the Fire Department if they will be granted any modified standard due to the topography of the site. This would need to be provided on a revised plan to provide details concerning development of future streets.
17. The proposed method and treatment of drainage crossings have not been clearly indicated on the submittal. Although they do not show up on the Clatsop County Webmaps, any modifications to the existing drainages could require permits from the Department of State Lands (DSL). At this time, staff does not believe the wetland information provided by the applicant has been approved by DSL.

18. The Tillamook Office for ODFW has expressed interest in reviewing any stream crossings where fish may be present. Any stream crossing will be subject to their provisions if they determine fish passage will be required. additional details concerning the proposed drainage crossings and the actual design of runoff treatment will need to be provided to the City and forwarded to these agencies for review and comment prior to any decision. The crossings features must also be addressed in the Geologic Hazard Mitigation Plan prepared for the development.

19. Vegetation buffers along the southern and western property lines are not mentioned in the applicant's request. Buffering between two residential subdivisions may not be necessary; however, the Commission can require buffering to improve the compatibility with existing adjacent uses.

**REVIEW CRITERIA #2: Section 7, the tentative plan shall contain the following information:**

1. Proposed name, date, north point and scale of drawing.
2. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
3. Name and address of the subdivider.
4. Appropriate identification of the drawing as a tentative plan.
5. Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.
6. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.
7. Names of the record owners of all contiguous land.
8. The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.
9. The location and approximate dimensions of each lot and each to be numbered.
10. Setback lines, if any, proposed by the subdivider.
11. The outline of any existing buildings and their use, showing those which will remain.
12. Contour lines where the data is made available by the City.
13. The location of at least one temporary benchmark within the subdivision boundaries.
14. City boundary lines crossing or bounding the subdivision.
15. Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
16. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.

**17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads & water courses.**

**18. Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets are fully described.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

20. The submitted plan may need to be updated in order to address the previously identified findings concerning street grades, modified street width, and buffering.

21. Traffic control signage and proposed lighting will be subject to approval by the Public Works Director.

22. The neighboring property owners have expressed a number of concerns over the proposed development and those concerns should be addressed in future addendum to the findings after public testimony is taken during the December 7<sup>th</sup> public hearing.

**CONCLUSION & STAFF RECOMMENDATION**

This staff report identifies a number of items that need to be clarified and/or additional information that needs to be provided by the developer before the Commission considers making a final decision. Therefore, staff has not prepared a formal recommendation at this time and believes the Commissioners should review the overall development plan, hear any relevant public testimony, and prepare a list of any additional information that may need to be provided to the Commission before they make a formal decision.

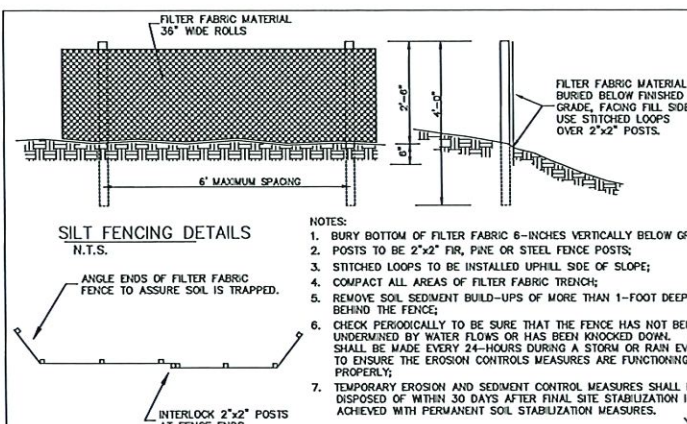
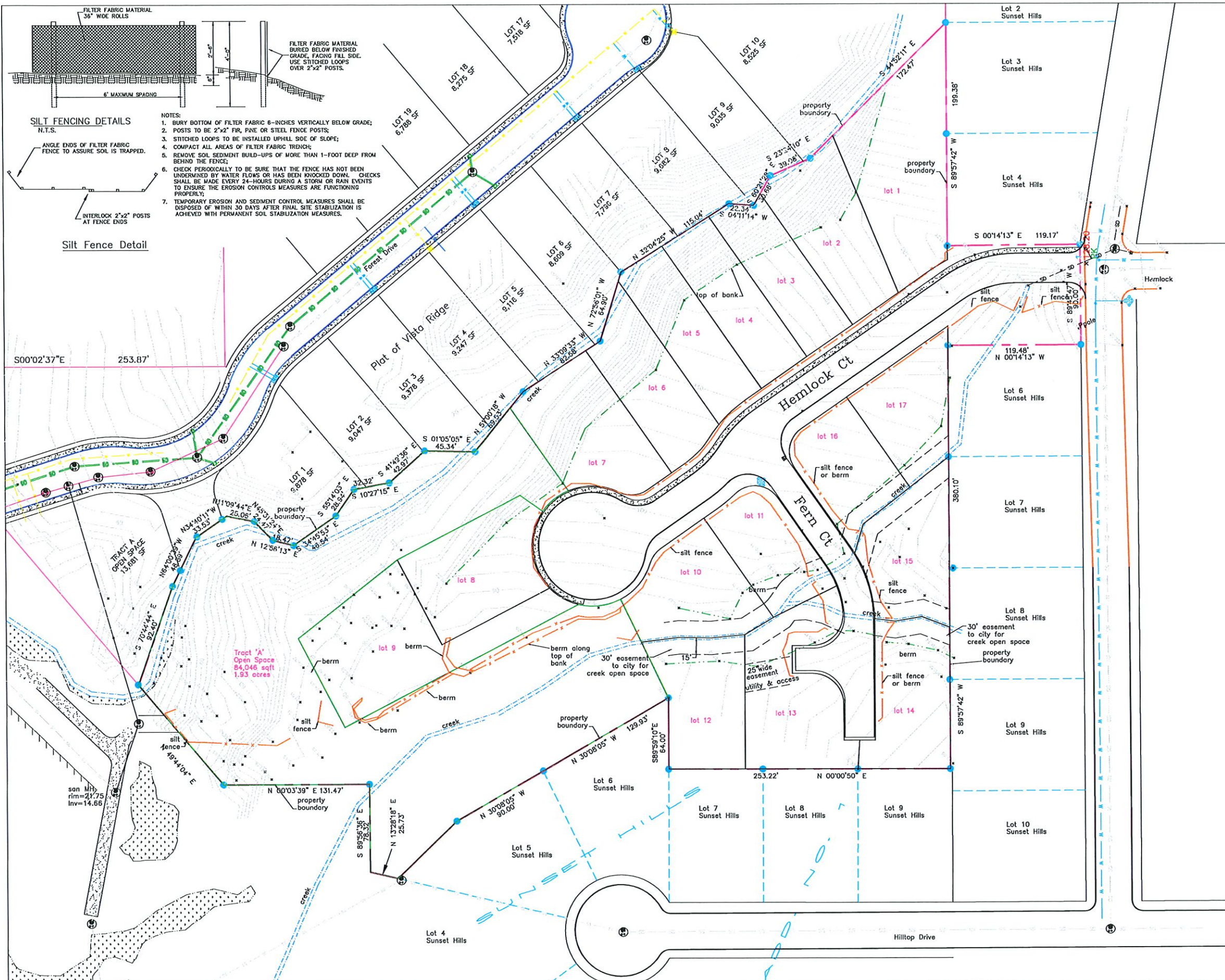
*The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.*

**Attachments (not previously provided):**

Updated Erosion Control Plan

Letter & Emails from Lief Morin

Applicant's Response to Public Comments Letter



Silt Fence Detail

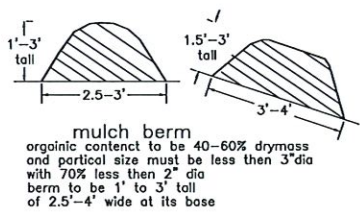
**Preliminary Plat**  
**Vista Ridge 2**  
Proposed 17 lots

Elevation datum NVGD 1988  
Zoning: R-1  
 setbacks  
Front - 20'  
Rear - 15'  
Side - 5'  
Creek - 15'

Scale 1"=40'

**Legend**

---	Property Line
---	Center Line R/W Existing AC
---	Storm Sewer Existing
---	Storm Sewer New
---	Sanitary Sewer Existing
---	Sanitary Sewer New
---	Water Main Existing
---	Water Main New
---	Gas Line
---	Power Telco, Tv conduits
---	Telco fiber conduits
⊙	Tree
⊙	Water Meter
⊙	Water Valve
⊙	Fire Hydrant
⊙	Manhole
⊙	Clean-Out
⊙	Catch Basin
⊙	Power Pole
⊙	Existing ground Elevation
---	Silt Fence
---	Erosion Mulch Berm



**Erosion Control**  
**New Lot Layout**  
**and Ground Contours**

**Proposed Development**  
**of Tract 'G' Vista Ridge**  
Sunset Ridge LLC  
PO Box 86100  
Portland, Or 97286

Project Representative: Steve Ackley  
1570 SW Pine Ct  
Warrenton, Or 97146  
Ph. 503-440-2630  
Steve.Ackley5@gmail.com



**Mead**  
Engineering LLC  
89643 OCEAN DRIVE  
WARRENTON, OREGON 97146  
Ph. 503-738-2538  
Email: mark@meadeng.com

EXPIRES 12/31/2022  
4 August 2021  
2 Oct. 2021  
26 Oct. 2021

Anne McBride

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**From:** robottaco@protonmail.com  
**Sent:** Thursday, November 4, 2021 8:44 PM  
**To:** cdadmin@cityofseaside.us  
**Subject:** Vista Ridge II - Morin Written Comments #1 - 21-061PDSUB  
**Attachments:** New Clearing Area.jpg

RECEIVED

11/5/2021  
AM  
1 of 2

Dear Mr. Cupples, Planning Commission and members of the public:

While we are waiting for the applicant to continue to provide new information, we are providing this brief update to the record:

One of the documents that was uploaded on November 1<sup>st</sup> is entitled "Clearing Area." That document indicates that the "Area to be cleared is 63,925 sq. ft (1.47 acres)" and the "Area of no clearing is 224,334 sq. ft (5.15 acres)." First, we'll use more direct terminology, this is not a clearing of underbrush or a few trees here and there, this is a clearcutting.

While this document may be correct from the perspective of the applicant's submission, it is 100% incorrect to portray these areas as the only areas that will eventually be clearcut. It is certainly the intention of this application to create 17 homesites and, of course, the only way to build homes on homesites is to clearcut them.

Whether the clearcut is performed by the applicant, or the future homebuyer of land upon which imaginary luxury homes might be built, make no mistake, the land will be clearcut.

The submission of this document might be used to mislead a member of the Planning Commission or the public, so we created our own, admittedly ugly version of the document. This will help everybody to properly evaluate the area that will actually be clearcut. In the corrected version, we calculate that approximately 196,000 sq. ft (4.5 acres) will be clearcut and 92,259 sq. ft. (2.1 acres) will not be clearcut.

We appreciate the opportunity to add appropriate context to the written record.

Don't Clearcut Seaside!

Lief & Sani Morin  
35 Hilltop Dr  
818-746-6620  
[www.dontclearcutseaside.org](http://www.dontclearcutseaside.org)

1 of 2



Nov. 3, 2021

City of Seaside  
Development Commission

RECEIVED  
11 / 5 / 2021  
Am

Re: Sunset Ridge Development

To Whom It May Concern:

As a member of the Sunset Ridge, LLC investment group, I would like to address many of the fallacies that the opposition to this project dispensed.

First item that I would like to discuss is that the technical and environmental items of this project should and will be addressed by the experts as required by local, state officials and our consultants. Some of the fallacies produced include that this property is all "wetlands", it is not. We refer to our environmental consultant's report, that responds to a notice by the Department of State Lands to investigate this issue. Using science-based methods, the consultants determined that this project is not located on wetlands. Neither is this a steep or dangerous building site. Most of the houses built, that surround this project, were built on similar terrain.

As to the characterization that our group will act irresponsibly in the development of this site, we are using only local contractors that have been working in this area, doing just these kinds of project for many years. I challenge any of our opposition to find a better, more respected group of professional than the team that we have put together to do this work. These professionals will use all the technology and techniques required to preserve and protect the stream and any other sensitive areas in the process of their work. All work will be done as required by approved plans and inspected by the appropriate local officials and inspectors.

The argument that there will not be any homes built on this project is inaccurate, there will be home sites available to builders and future homeowners. Our process will be to develop this site into buildable lots first, and then to build homes as demand deems it. But whether this group is involved in the home building portion or not, is inconsequential as the first step is to prepare the site for future home building. We will be reviewing the homes designs to ensure they fit into our neighborhood pre our CC&R's. The intent of the owners is to leave sensitive areas of the site open and undeveloped with the placement of lots/homes on the relatively level areas.

We thought that we would provide some background regarding our investment group, for your information. Some have said that we are Portland investors. Not much truth in that, our office is in Vancouver, Washington. Only a couple of our group resides in Portland. Members of this group have had long ties to the Seaside community, including members that are permanent residents of Seaside for more than 15 and 30 years. Others have had second homes for 12 to 30+ years. Our members include local business owners. This group is involved in Clatsop County's commercial real estate, land development and fulltime resident rentals. In fact over the last 4 years, members of this group have added 16 NEW fulltime resident rental units in Seaside which include the 12 units at Avenues F & G off Roosevelt & Holladay. That is possibly more than any other group during this same period. To say that we are "cut & run developers" and not connected or concerned about Seaside and Clatsop County would just be wrong. How could we not care when, as a group, we pay close to \$200,000/year to the county property taxes alone.

As I mentioned earlier, we would prefer to have this project approved on the technical issues, but the opposition has decided to make this an emotional issue. With wonderful stories of their dogs and cats frolicking through the forest. We understand that these people don't want to lose their private forest land, but it is not theirs to lose. That seems so selfish, when others in Seaside are looking for suitable housing. This site will provide it. This site is currently properly zoned for single family homes, has been deemed to be a buildable site by the 2004 report as well as our more recent engineer's reports, and all required actions to protect sensitive areas will lead to a very nice addition to the housing market in Seaside.

*Sunset Ridge, LLC*

Anne McBride

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**From:** robottaco@protonmail.com  
**Sent:** Sunday, November 7, 2021 3:57 PM  
**To:** cdadmin@cityofseaside.us  
**Subject:** Morin Response to Applicant's Letter -21-061-PDSUB  
**Attachments:** Vista Ridge 2 - Response letter - 11-5-2021.pdf

RECEIVED  
11 / 8 / 2021  
1 OF 4 /  
AMC

Dear Mr. Cupples,

Will you please add this into the record for this proposal?

Thank you very much.

Lief and Sani Morin



RECEIVED  
11/8/21  
2 OF 4 Anne

Lief and Sani Morin  
35 Hilltop Dr  
Seaside, OR 97138

City of Seaside Planning Commission  
989 Broadway  
Seaside, OR 97138

Via e-mail

November 7, 2021

RE: Proposed Development #21-061 PDSUB

Dear Commissioners,

We write today to provide rebuttal to the letter received by the Planning Department from the applicant in regard to this matter:

- 1. "Some of the fallacies produced include that this property is all 'wetlands'."**  
At no point in time has this parcel been referred to as being "all wetlands." There is publicly available information found on the State of Oregon local wetland inventory (LWI) website: <https://docs.dsl.state.or.us/PublicReview/0/doc/863323/Electronic.aspx> that show large portions of the parcel containing wetlands. The developer did not consult those maps nor conduct a wetlands delineation before the original application was submitted. Fact, not fallacy.
- 2. "...the consultants determined that this project is not located on wetlands."**  
The environmental consultant's report that was submitted just a few days ago does indeed show wetlands. Also, all areas along the banks of both streams are known as "emergent wetlands." We estimate about an acre of this property are wetlands.  
[https://www.cityofseaside.us/sites/g/files/vyhliif6311/f/uploads/sunset\\_ridge\\_site\\_map.pdf](https://www.cityofseaside.us/sites/g/files/vyhliif6311/f/uploads/sunset_ridge_site_map.pdf)
- 3. "Neither is this a steep or dangerous building site."**  
As shown in the application, at least two of the six acres are steep and/or unsuitable for building.
- 4. "Most of the houses built that surround this project were built on similar terrain."**  
Neither Sunset Hills nor Vista Ridge 1 are built in a canyon with two streams and wetlands.
- 5. "...the characterization that our group will act irresponsibly in the development of this site ..."**  
There has been no characterization that "your group will act irresponsibly in the development of this site." Rather, it is appropriate to characterize that any development on this site is irresponsible.

6. **"...use all the technology and techniques required to preserve and protect the stream and other sensitive areas ..."**  
 To "preserve and protect the stream and other sensitive areas," this property should not be developed at all. Apparently, the millions that might be made off this investment overwhelms any concerns about the environment.
7. **"The argument that there will not be any homes built on this project is inaccurate, there will be home sites available to builders and future homeowners."**  
 This sentence itself confirms that no houses will be built. The 'argument' is specifically accurate. Also, there have been empty lots in Vista Ridge 1 for over 15 years. Lots in this proposed development may similarly go unsold for years to come. If ever.
8. **"We will be reviewing the home designs to ensure they fit into our neighborhood ..."**  
 In order to be responsible, all of this work should have been completed before submitting the original application. Also, the home designs submitted were printed from an unrelated architect's publicly available website <https://www.mascord.com/>, poorly scanned, and submitted. Nothing about these plans is original or site-specific.
9. **"...the placement of lots/homes on the relatively level areas."**  
 Those "level areas" will only be level after the stream is dug up, all of the trees are cut, and uncountable tons of fill laid down. The proposed street Hemlock Ct. itself is a 13% grade. That's not exactly "level." For comparison, the steep hill from Broadway up to Sunset Hills is ~8%.
10. **"Some have said we are Portland investors. Not much truth to that."**  
 We love Portland, but the statement is entirely truthful: "Brad Arntson [address redacted] Portland, OR." One of only two members registered to Sunset Ridge, LLC. with the Oregon Secretary of State.
11. **"Others have had second homes ..."**  
**"...involved in ... commercial real estate, land development, and full-time resident rentals."**  
**"...we pay close to \$200,000/year in county property taxes alone."**  
 The developer's business operations, including the "investment group," "second homes," "commercial real estate," and the "\$200K of property taxes paid every year" that are mentioned are entirely inappropriate in this discussion. It is insulting that the developers would flaunt their unthinkable wealth while the pandemic rages and folks are having trouble making their mortgage payments and rent.
12. **"To say that we are 'cut & run developers' ... would just be wrong."**  
 The label of "cut-and-run developers" is not wrong. The trees will be cut, the land will be subdivided, the lots will be sold, no houses will be built, and the profit will all be earned by just an elite few.

13. "...but the opposition has decided to make this an emotional issue."

This a not an "emotional issue," it is a "community issue," and the community intends to defeat this application with their collective voices and on the application's lack of technical merit.

14. "We understand these people don't want to lose their private forest land, but it is not theirs to lose. That seems so selfish when others in Seaside are looking for suitable housing."

"These people" include folks who have lived in Seaside for over 40 years, who care about the environment, and who value the good of the many over the profits of a few. There has been no suggestion that this is "[our] private forest land." Quite the opposite, it is the developer who would selfishly destroy that which exists for the benefit of all of Seaside, not just for the developer's financial gain. Also, the developer just acquired this land in May, so it is bizarre to suggest that the community of Seaside isn't able to govern what now happens within the city limits. Cities all along the coast, including Seaside, are empowered, and now taking action, to protect watersheds from being destroyed at the altar of imaginary luxury homes and millions in developer profits.

15. "Sunset Ridge, LLC."

We sign our names on our letters.

*Lief Morin Sani Morin*

Don't Clearcut Seaside  
Lief and Sani Morin  
And the citizens of Seaside

## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** November 24 for Public Hearing on December 7, 2021  
**Applicant:** Ronald Di Sandro  
**Owner:** 23418 155<sup>th</sup> Ave Snohomish, WA 98296

**Location:** 1149 Beach Dr Seaside, OR 97138, T6-R10-S21DB TL#14800  
**Subject:** Conditional Use 21-077VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of nine (9) Persons.

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### REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1149 Beach Dr**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is requesting a maximum occupancy of nine (9) persons over the age of three, no more than ten persons regardless of age**, within the existing **three (3)** bedroom dwelling.

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

### DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

#### **FINDINGS & JUSTIFICATION STATEMENTS:**

- 1. Mailed Notice Request Summary: **21-077VRD**: A conditional use request by **Ronald Di Sandro** for a **three (3) bedroom Vacation Rental Dwelling** with a maximum occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age**. The property is located at **1149 Beach Dr. (T6-R10-S21DB-TL14800)** and it is zoned **Medium Density Residential (R-2)**. The applicant's submitted justification is adopted by reference and summarized below:
  - a. The applicant's plot plan indicates there will be at least **three (3) off-street parking spaces**. **One parking space will be inside the garage and two parking spaces will be stacked in the driveway in front of the garage.**
  - b. The existing **three (3) bedroom residence** will have a limited occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age**.
  - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards**.
  - d. **Ronald Di Sandro has listed Ann Westerlund, 757 Marine Dr Astoria, OR 97103 as the local contact and they can be reached at 503-791-4425.**
  - e. The owner/applicant, **Ronald Di Sandro**, has read all of the standards and conditions applicable to VRDs.

2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **38.4%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **37.8%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **Medium Density Residential (R-2)**.
3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **40%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
4. The property **has** undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **had not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.
9. The property **was previously** permitted as a VRD in 1998 and was an active VRD until the sale of the property to the applicant, Ronald Di Sandro.

10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fire places, hot tubs, & spas can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.
16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined

neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

**CONCLUSION TO CRITERIA #1:**

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

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-077VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

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

3. **Maximum number of occupants: Nine (9) persons over the age of three, no more than ten persons regardless of age.** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact: Ann Westerlund, who lives at 757 W Marine Dr Astoria, OR 97103, and can be reached at 503-791-4425, has been named as the local contact.** The local contact must be available 24 hours a day to address compliance issues while the



property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

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

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

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

- 13. Conflicts & Potential Denial for Non-Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's web site:
- <https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>
- This form should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD will be subject to an annual compliance inspection (subject to applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.
- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates "You Are Here". In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their

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

**20. Outdoor Fire Rings, Fire Places, Hot Tubs, & Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

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

### **FINAL STAFF RECOMMENDATION**

Conditionally approve application **21-077VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age at 1149 beach Dr.** This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

**Attachments:**        Applicant's Submittal  
                                 VRD Density Maps



**City of Seaside, Planning Department**

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

**Land Use Application**

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Ronald Di Sandro	ADDRESS 23418 155th Ave SE Snohomish WA	ZIP CODE 98296
STREET ADDRESS OR LOCATION OF PROPERTY 1149 Beach Dr Seaside Oregon 97138		

ZONE R-2	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 21 DB	TAX LOT 14800
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**PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):**

Short term vacation rental

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

<b>OWNER:</b>	<b>APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):</b>
PRINT NAME OF PROPERTY OWNER Ronald Di Sandro	PRINT NAME OF APPLICANT/REPRESENTATIVE
ADDRESS 23418 155th Ave SE Snohomish WA 98296	ADDRESS
PHONE / EMAIL 206-579-4412 / admin@disandroproperties.com	PHONE AND EMAIL
SIGNATURE OF PROPERTY OWNER <i>Ronald Di Sandro</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE

**FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE**

**CHECK TYPE OF PERMIT REQUESTED:**

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

<b>PLANNING DEPARTMENT USE:</b>	
DATE ACCEPTED AS COMPLETE 10-20-21	BY [Signature]
CASE NUMBER (S) 21-077	
HEARING DATE 12-07-21	P.C. ACTION

<b>OFFICE USE:</b>	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE  
VACATION RENTAL DWELLING (VRD) APPLICATION OCT 15 2021

PAID

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

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

**SUBMITTAL INFORMATION**

1. **Applicant's Name:** Ronald Di Sandro
2. **Mailing Address:** 23418 155th Ave SE Snohomish WA 98296
3. **Telephone #:** Home 206-579-4412, Work \_\_\_\_\_, Fax \_\_\_\_\_, E-Mail Admin@disandroproperties.com
4. **If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.**
5. **VRD Street Address:** 1149 Beach Dr Seaside OR 97138
6. **What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use?** 23 *The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.*
7. **How many bedrooms are in the dwelling?** 3. **Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed?** \_\_\_\_\_ **Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD** 9. *The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.*
8. **All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas?** No. *The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.*
9. **Who will be acting as the local responsible party for the VRD owner?**  
**Name:** Ann Westerlund **Phone #:** 503-791-4425  
**Address:** 757 W Marine Dr Astoria, OR 97103. *The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding*

ORIGINAL

20  
530  
430  
950

9936 2

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

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

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

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

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

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

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

Applicant's Signature:           [Signature]          , Date:           10/9/21          .

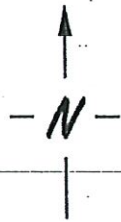
-----For Office Use Only-----

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

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

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

Submittal Date: 10/19/21 Amount Paid: 1950  
to city Hall

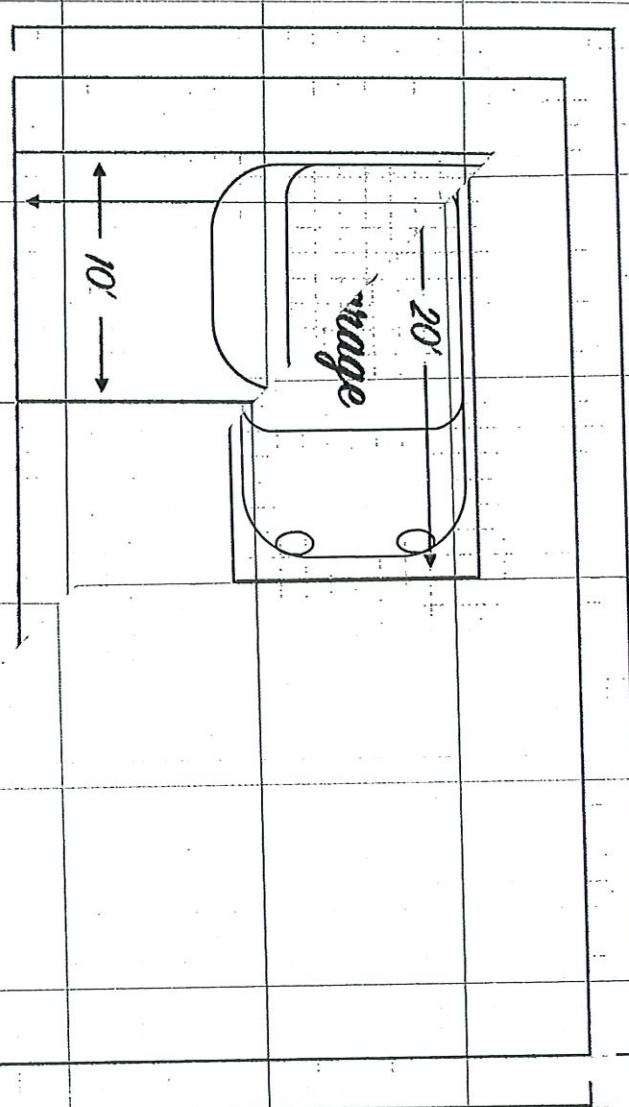


Lot size = 5000 sqft

Gr

Residential ft print = 1074 sqft

8 Feet



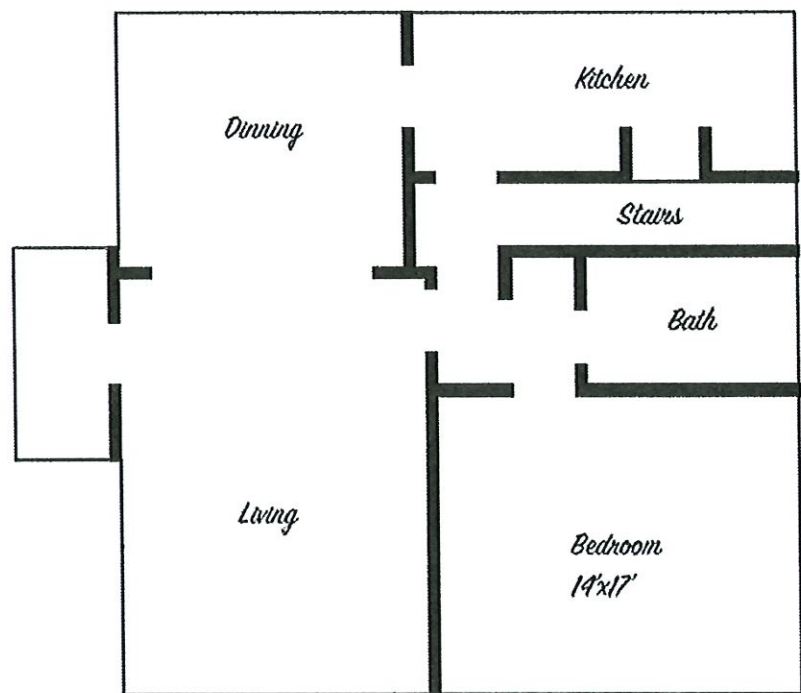
10'

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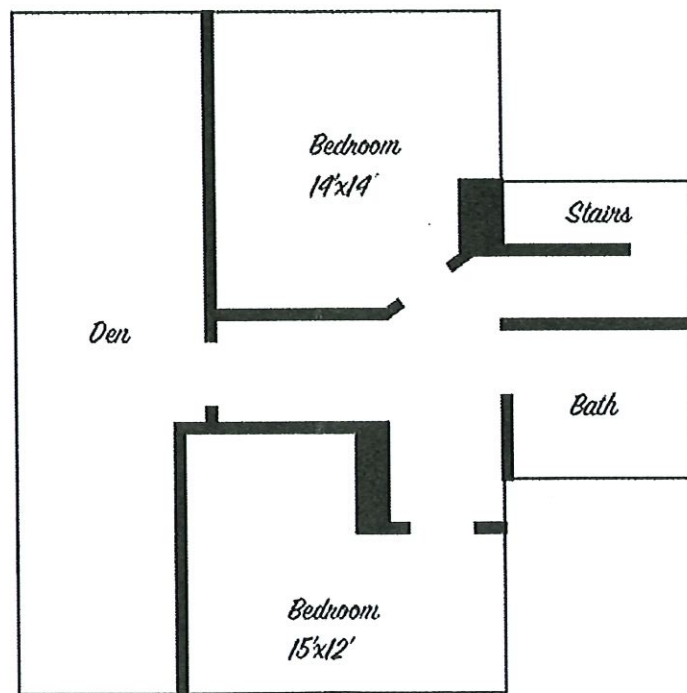
20'

50'

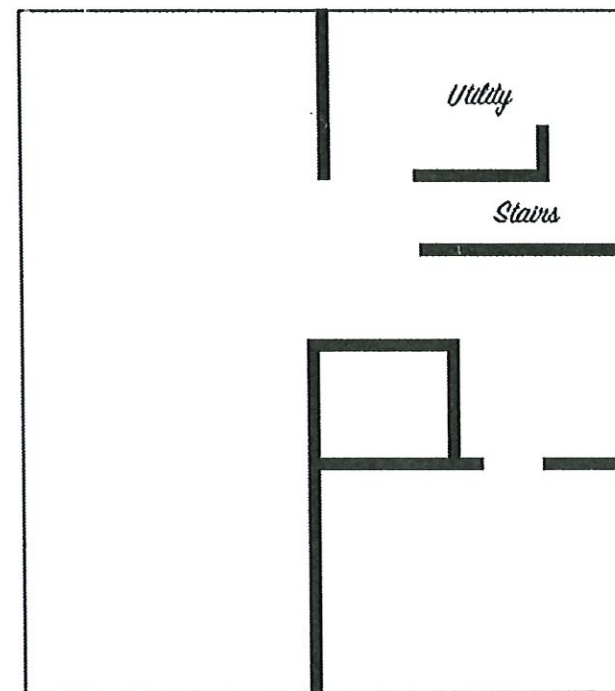




Main floor



2nd floor



Basement

Google Maps 1149 Beach Dr



Image capture: Jun 2016 © 2021 Google

Seaside, Oregon

Google

Street View - Jun 2016

# Density Analysis

## 1149 Beach Dr

1	61021DB14500	1140 S Columbia		14	1021DB11001	210 Avenue K
2	61021DB14501	1160 S Columbia	VRD 100'	15	61021DB14400	1171 S Columbia
3	61021DB14502	1120 S Columbia	VRD 200'	16	61021DB14401	1131 S Columbia
4	61021DB14700	1165 Beach Dr	Applicant	17	61021DB15200	1145 S Prom
5	61021DB14600	Vacant Tax Lot 14600		18	61021DB15301	1161 S Prom
6	61021DB14800	1149 Beach Dr		19	61021DB15400	1175 S Prom
7	61021DB14900	1117 Beach Dr		20	61021DB15500	1131 S Prom
8	61021DB15000	1116 Beach Dr		21	61021DB15600	1101 S Prom
9	61021DB15100	1132 Beach Dr		22	61021DB15700	1211 S Prom
10	61021DB15201	Vacant Tax Lot 15201		23	61021DB15701	1210 Beach Dr
11	61021DB15300	1164 Beach Dr		24	61021DB16900	Vacant Tax Lot 16900
12	61021DB15401	1176 Beach Dr		25	61021DB17100	1221 Beach Dr
13	61021DB17000	1211 S Beach Dr		26	61021DB17200	1231 Beach Dr
	61021DB17700	1210 S Columbia		27	61021DB17304	1230 S Columbia
			5 / 13 = 38.4%	28	61021DB17600	1220 S Columbia
				29	61021DB17802	1211 S Columbia
				30	61021DB17804	1231 S Columbia
				31	61021DB08401	Vacant Tax Lot 8401
				32	61021DB08500	1080 Beach Dr
				33	61021DB08600	1081 S Prom
				34	61021DB09600	1020 S Columbia
				35	61021DB09700	1080 S Columbia
				36	61021DB09800	1081 Beach Dr
				37	61021DB09900	1041 S Beach Dr

14 / 37 = 37.8%

Applicant  
Existing VRD

# 1149 Beach Dr 100' Analysis

5 / 13 = 38.4%



Density as of 10/20/21

Applicant
VRD 100'
VRD 200'

# 1149 Beach Dr 200' Analysis

5 / 13 = 38.4%

