

Notice is hereby given that the City of Seaside will conduct their Regularly Scheduled Planning Commission Meeting in accordance with ORS 192.610 to 192.690. Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

SEASIDE PLANNING COMMISSION (ELECTRONIC) MEETING AGENDA
Conducted Via Zoom Webinar, Participation Instructions Are Noted Below

March 2, 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:** February 2, 2021
6. **PUBLIC HEARING:**
 - A. **21-001VRD:** A conditional use request by **Krystin Baker** 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) regardless of age. The property is located at **450 8th Ave. (T6-R10-16DD-TL2100)** and it is zoned **High Density Residential (R3)**.
 - B. **21-004OM:** A request by **Bill Montero** to allow outdoor merchandising (a food truck) in conjunction with the Hamilton Market located at **250 Avenue U (T6-R10-S28BA-TL4000, 4100 & 4200)**. The subject property is zoned Central Commercial (C-1) and the zone allows the Planning Commission to review limited outdoor merchandising based on the provisions in Section 5.100, 3,A-C of the Seaside Zoning Ordinance. As proposed, the food truck would be located within the existing parking lot on the west side of Hamilton Market.
7. **ORDINANCE ADMINISTRATION:**
 - A. Summary of discussed topics at the Planning Commission Work Session on February 16, 2021
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

All interested persons are invited to attend the meeting electronically. Members of the public wishing to address the Planning Commission during the public comment period of the hearing will be able to join the webinar as an "attendee." Attendees will be able to view the Webinar on a desktop, laptop or mobile device such as a smartphone or iPad. The public may also dial-in to listen to the Commission meeting. Instructions for participating in the meeting will be posted on the home page of City of Seaside website at www.cityofseaside.us and also the City of Seaside Facebook page so they can provide oral testimony in favor or in opposition to the request.

MINUTES SEASIDE PLANNING COMMISSION (ELECTRONIC MEETING)
February 2, 2021

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman, Chris Hoth, Vice Chairman, Robin Montero, Lou Neubecker, Teri Carpenter, Jon Wickersham and Kathy Kleczek. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer.

APPROVAL OF MINUTES: December 1, 2020 adopted as written.

INTRODUCTORY STATEMENTS

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

Chairman Hoth asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response.

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

Chairman Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman Hoth:

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

PUBLIC HEARING

- A. 20-057CU:** A conditional use request by Captain Kid Amusement Park, LLC, for modifications to their existing amusement facility at 2735 S Roosevelt (T6-R10-28DA-TL300&400). The subject property is zoned General Commercial (C-3) and the zone conditionally permits indoor & outdoor amusement activities. The applicant plans replace some of the existing buildings and provide additional storage in compliance with any applicable FEMA floodplain regulations.

Kevin Cupples, Planning Director, stated that this project was requesting a continuance to next meeting, March 2nd, and that the report was not prepared for this project at this time. Chair Hoth asked if there was a representative for this project. There was none. Vice Chair Montero asked if there was a determined amount of time for a continuance. Mr. Cupples replied that there is not a set time frame for a continuance, but the applicant must provide documentation stating they are

waiving their time period for a final decision. Failure to provide this information obligates the City to make a decision within the time period from when the application is submitted. Commissioner Kleczek motioned to approve the continuance of 20-057CU. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- B. 20-058VRD:** A conditional use request by Tram A. Tran 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) regardless of age. The property is located at 498 12th Ave. (T6-R10-16DA-TL10004) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Tram Tran, 22850 SW Main St, Sherwood, OR 97140, stated that her and her family have been vacationing in Seaside for years, and would like to have a property in town for when they visit. Having the house be a short term rental would offset the cost of home, while still being able to visit Seaside. Chair Hoth asked to clarify the submittal information which states that this is their second home, not their second home in Seaside. Mrs. Tran stated that this is correct.

Chairman Hoth asked if anybody else would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Commissioner Neubecker asked for clarification on the applicant's zip code, and asked Mr. Cupples if this provided a problem. Mr. Cupples replied that it did not. Vice Chairman Montero asked when the applicant planned on paving the rest of the driveway. Mrs. Tran stated that she contacted the builder of the home to complete the pouring of the driveway, but will have to wait until the rain has slowed down, and estimated it would be completed in the next couple of months. Vice Chairman Montero asked about the local contact, Victoria's Cleaning Service, and if it was an owner operated business or an LLC. Mrs. Tran responded that it is an owner operated business and is located in Seaside. Commissioner Carpenter questioned if the additional parking space would take up more than 50% of the required landscaping. Mr. Cupples replied that the two off-street parking spaces would still maintain the 50% landscaping requirement. Commissioner Neubecker motioned to approve 20-058VRD. Vice Chairman Montero seconded the motion. The motion passed unanimously.

- C. 20-062VRD:** A conditional use request by Randall and Shari Johnson for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) regardless of age. The property is located at 494 12th Ave. (T6-R10-16DA-TL10003) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Randy Johnson, 3486 Brittany Way, Eldorado Hills, California 95762, spoke about his history in Oregon and coming to Seaside before moving to California. The house is to be used as a vacation spot for their family, as well as rent out to others.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Vice Chairman Montero asked if Mr. and Mrs. Johnson own other properties in Seaside. Mr. Johnson responded that they do not. Vice Chairman Montero wanted to clarify that the gravel area would be landscaped prior to the house being rented. Mr. Johnson stated that the gravel does need to be modified to prevent the area being used as parking. Commissioner Carpenter asked to clarify that this lot would have 2 parking spaces. Chairman Hoth responded that this lot would only accommodate 2 parking spaces, as the lot is not wide enough to fit the extra parking space without encroaching

into the required 50% landscaping. Mr. Cupples agreed with what was said by Chairman Hoth and stated that there is an added provision under condition number 5. Commissioner Kleczek asked if there was a predicted timeframe for the completion of the graveled area. Mr. Johnson responded that they are working with their local contact on getting the gravel area completed within an estimated 90 days. Chairman Hoth requested that a condition be added to the conditional use permit for the gravel area to be either landscaped or sectioned off within 1 year. Vice Chairman Montero motioned to approve 20-062VRD with the added condition of the landscaping being completed within 1 year. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- D. 20-063VRD:** A conditional use request by Daniel Jordan 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) regardless of age. The property is located at 350 12th Ave. (T6-R10-S16DA-TL9900) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Dan Jordan, 51600 NW Scofield Rd, Buxton, OR 97109, stated that this house has been within their family for 50 years. Mr. Jordan stated that he purchased the house from his grandfather to keep the house within the family. The house will be used by family members, but wants to have the house be short term rental to offset the cost of a second home.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth asked about the parking area being surfaced, along with the fence opening being widened. Mr. Jordan responded that the fence does not prevent the parking of multiple vehicles and no alterations were proposed. Chairman Hoth questioned about the local contact being local residents. Mr. Jordan responded that they are residents who live across the street from the house. Chairman Hoth stated that there is a local contact acknowledgement form that needs to read and signed, if the local contact agrees to the terms. Mr. Jordan stated that they have read the terms and was willing to help out in getting it signed. Vice Chairman Montero asked if Mr. Jordan owns any other houses in Seaside. Mr. Jordan responded that he does not. Commissioner Neubecker motioned to approve 20-063VRD. Vice Chairman Montero seconded the motion. The motion passed unanimously.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the school district was wanting to relocate the existing reader board from the old site on N Roosevelt Drive to the new site at 2600 Spruce Dr. Mr. Cupples added that the Planning Commission reviewed and approved the original reader board. The placement at the new location would need to be approved by the Planning Commission. Chairman Hoth asked if restrictions were in place for the reader board and flashing of messages, and if the new location would still have the same requirements. Mr. Cupples stated that the sign ordinance regulates reader boards. Commissioner Kleczek questioned if the sign will be illuminated during the night hours. She is concerned about the effects on the wildlife and surrounding houses. Mr. Cupples responded that the sign will be placed on the new school grounds, and the sign will be dimmed or turned off during the night. Chairman Hoth added that the new school has lights that are turned on during the night, so the effects from the sign would not be the only light source on the property. Vice Chairman Montero responded that the red LED lights have a different effect than the normal overhead lights for the school. Chairman Hoth questioned if an addendum could be added to the approval to have the sign illuminated during school hours and events. Commissioner Neubecker added that the sign has a program that allows the lights to dim within certain hours. Commissioner Wickersham asked if the school has a requirement for all lights to be turned off. Mr. Cupples replied that there is an outdoor lighting ordinance, but lit reader

boarders have an exemption for a certain lumen light. Commissioner Neubecker reiterated that there is programming within the signs that allows for the lights to be dimmed during certain hours. Chairman Hoth asked the Commission if they would like to make specific requirements for Mr. Cupples, or have Mr. Cupples prepare verbiage that would address the concerns raised during this discussion. Mr. Cupples stated that he can put generic conditions on the sign with stipulations that if issues are brought up in the future, further restrictions can be put into place. Chairman Hoth asked what kind of restrictions. Mr. Cupples replied that restrictions on hours of use or intensity. Commissioner Carpenter added that a nuisance clause on the permit, where if complaints are raised, the school would take care of them at that time.

Mr. Cupples stated that Commission still has a vacancy and the City Council will be interviewing a candidate at the City Council meeting on the February 22nd, and asked if the Commission would want to reappoint officers at this time, or once the vacancy has been filled. Chairman Hoth responded that his view was to wait until the vacancy has been filled. Commissioner Neubecker questioned what the outcome would be if the Council didn't appoint a new member. Chairman Hoth responded that the Commission would appoint new officers at that time. Mr. Cupples added that the appointment of officers will be added to the March 2021 agenda. Commissioner Carpenter asked if there are any candidates at this time. Mr. Cupples responded that there is one candidate.

Mr. Cupples stated that Jeff Flory, Transient Rental Compliance Officer, has information and talking topics to bring up at the work session this month. Chairman Hoth asked what that date would be. Mr. Sprague responded with February 16th.

COMMENTS FROM THE PUBLIC

Chairman Hoth asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth welcomed the new Commissioner Kathy Kleczek. The rest of the Commission joined in welcoming Commissioner Kleczek.

ADJOURNMENT: Adjourned at 6:48 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: March 2, 2021
Applicant: Krystin Baker
Owner: 855 SW Summit View Dr Portland, OR 97225
Location: 450 8th Ave., Seaside, OR 97138, T6-R10-S16DD TL#2100
Subject: Conditional Use 21-001VRD, Two Bedroom Vacation Rental Dwelling with Limited Occupancy of Six (6) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **450 8th Avenue**. The subject property is zoned **High Density Residential (R-3)** and the applicant is requesting a maximum occupancy of **six (6) persons over the age of three, no more than ten regardless of age**, within the existing **two (2)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-001VRD**: A conditional use request by **Krystin Baker** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than ten persons regardless of age. The property is located at **450 8th Avenue. (T6-R10-S16DD-TL2100)** and it is zoned High Density Residential (R-3). 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, **stacked in the parking area outside the existing garage.**
 - b. The existing **two (2)** bedroom residence will have a limited occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age.**
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**

- d. **Krystin Baker has listed Nicole Sturgill, 5399 Drummond Dr. Gearhart, OR 97138, as the local contact for the VRD and she can be reached at 503-867-0277**
 - e. The owner/applicant, **Krystin Baker**, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **25%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **26.5%** are licensed within 200'. All of the surrounding property within 100 feet are zoned **High Density Residential (R-3)**.
 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 **has 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 licensed in 1992; however, the street file does not indicate how long it was operational.
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 an 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. A recent 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 **(21-001VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

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

3. **Maximum number of occupants: Six (6) persons over the age of three (no more than ten 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: Nicole Sturgill, 5399 Drummond Dr. Gearhart, OR 97138, has been identified as the local contact for the VRD and she can be reached at 503-867-0277**
7. 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.

8. **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.
9. **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.*
10. **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.
11. **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.
12. **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.

13. 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.

14. 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.

15. 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:

http://www.cityofseaside.us/sites/default/files/docs/complaintintro_1.pdf

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

16. 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.

17. 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.

18. **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.
19. **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.
20. **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.
21. **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 **21-001VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6) persons over the age of three (no more than ten regardless of age)** at **450 8th Avenue**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

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

Attachments: Applicant's Submittal
 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 KRYSTIN BAKER	ADDRESS 899 SW Summit View DR	ZIP CODE 97225
STREET ADDRESS OR LOCATION OF PROPERTY 450 8th Ave Seaside, OR 97138		

ZONE R-3	OVERLAY ZONES	TOWNSHIP 6	RANGE 10	SECTION 16DD	TAX LOT 02100
--------------------	---------------	----------------------	--------------------	------------------------	-------------------------

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

vacation rental dwelling

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:		APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):	
PRINT NAME OF PROPERTY OWNER KARI OTANI PIGAO	ADDRESS 15625 NW Perimeter DR 97006	PRINT NAME OF APPLICANT/REPRESENTATIVE KRYSTIN BAKER	ADDRESS 899 SW Summit View DR 97225
PHONE / FAX / EMAIL 808 281 2327 kari@miterandvie.com	SIGNATURE OF PROPERTY OWNER <i>[Signature]</i>	PHONE / FAX / EMAIL 503 313 3049 Krystin@miterandvie.com	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>[Signature]</i>

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 1/06/20	BY JF
CASE NUMBER (S) 21-001	
HEARING DATE 3/02/21	P.C. ACTION

OFFICE USE:	
FEE \$430-	RECEIPT cityham
DATE FILED 1/07/20	BY

PAID

240.00 2/25/21

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION JAN 07 2021

PAID

The City of Seaside requires approval for short term (less than 30 day) rental of certain types of residential property. These uses are referred to as vacation rental dwellings (VRDs) and they must be approved in accordance with the conditional use provision in Chapter 6.137 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 and submit it for review along with their business license application.

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

SUBMITTAL INFORMATION

- 1. Applicant's Name: Kristin Baker
- 2. Mailing Address: 899 SW Summit View Drive Portland, OR 97225
- 3. Telephone #: Home 503 313 3049 Work _____, Fax _____
- 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: 450 SW Street Seaside, OR 97138
- 6. Tax Map Ref.: Township 1e, Range 10, Section 1600, Tax lot # 02100
- 7. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 2 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- 8. How many bedrooms are in the dwelling? 2 Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 1e Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD _____. The VRD ordinance states: 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.
- 9. 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

ORIGINAL

20
500
430

950

9896

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.

10. Who will be acting as the local responsible party for the VRD owner? Name: Nicole Sturall Phone # 503 867 0277. Address: 5399 Drummond Drive 98138. 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 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).

11. What is the zone designation of subject property? R-3. 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.

12. 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.).

13. 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: Kristin Baker Date: 01/06/21

-----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 \$75.00, 6-10 occupants \$100.00, 11+ occupants 150.00. This fee must be accompanied by a one time filing fee of \$20.00.

In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 11) 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: 10/21 Amount Paid: \$950 - to city hall

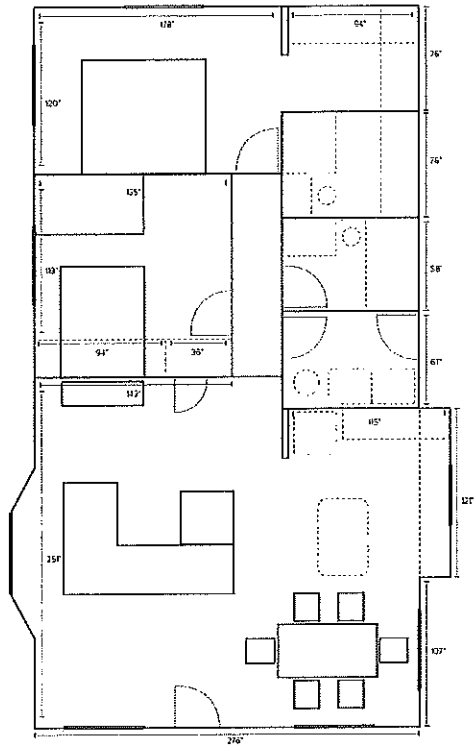
~~~~~ For Community Development Use ~~~~~

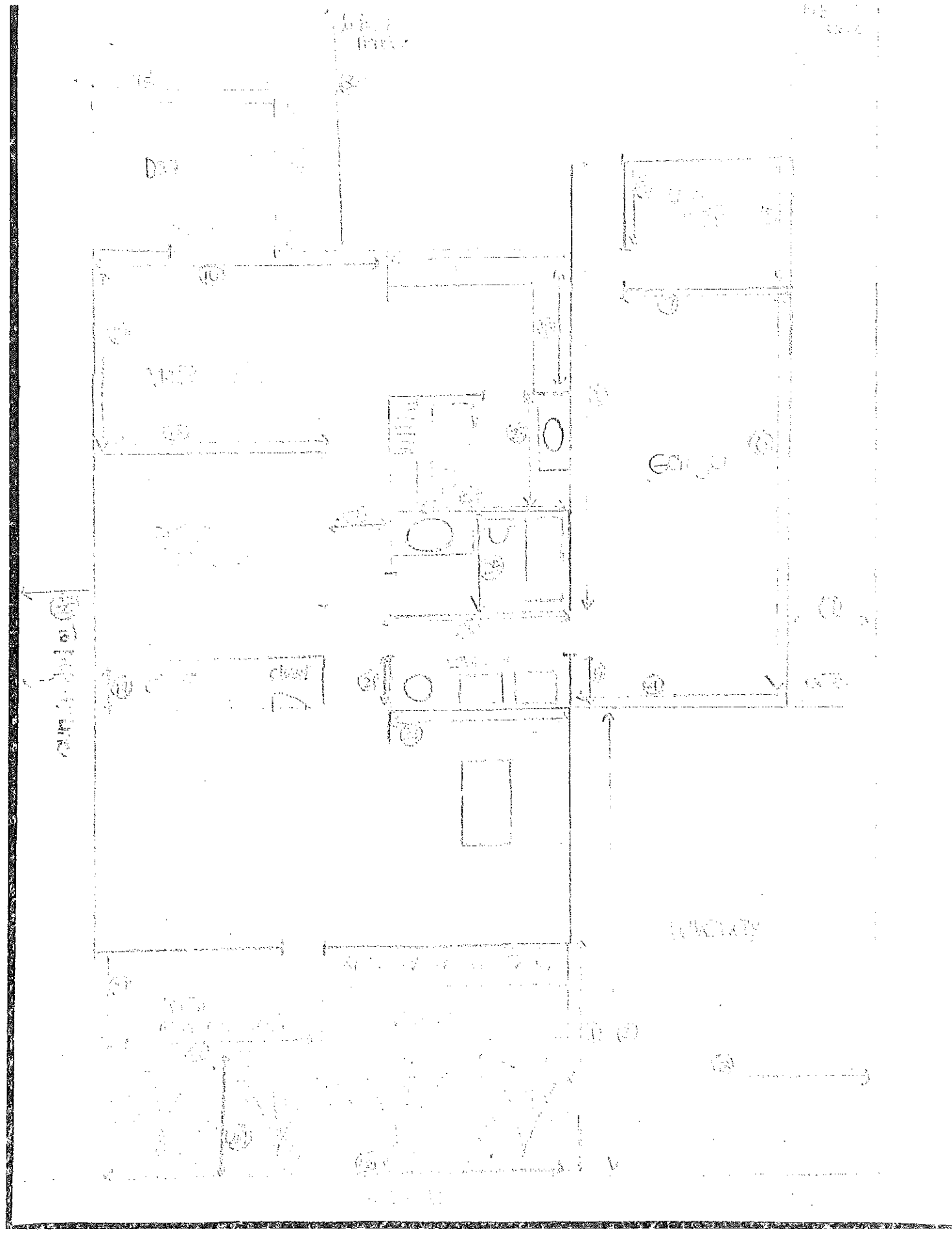
Date application was received at Community Development: 10/20

File Reference # 21-001 Date determined to be complete: 1/11/21

If applicable, date for Planning Commission Hearing: 08/02/21







●  
GUEST  
Bedroom

GUEST Bathroom

●  
Garage  
21 ft x 14 ft

●  
20 inches / square

Laundry room

Kitchen

LIVING room

DRIVEWAY  
41 ft 4 in x 19 ft

Dining Room

Front patio  
11 ft 9 in x 6 ft

Front yard  
30 ft 7 in x 9 ft 7 in

sidewalk

© 2020



## Density Analysis 450 8th Ave

|    |              |                          |                   |
|----|--------------|--------------------------|-------------------|
| 1  | 61016DD00900 | 822 Necanicum Dr Seaside | Existing VRD 100' |
| 2  | 61016DD02000 | 822 Necanicum Dr Seaside | Existing VRD 200' |
| 3  | 61016DD01000 | Tax Lot 1000             | Applicant         |
| 4  | 61016DD01100 | 415 9th Ave Seaside      |                   |
|    | 61016DD02100 | 450 8th Ave Seaside      |                   |
| 5  | 61016DD02200 | 406 8th Ave Seaside      |                   |
| 6  | 61016DD02700 | 455 8th Ave Seaside      |                   |
| 7  | 61016DD02701 | Tax Lot 2701             |                   |
| 8  | 61016DD02703 | Tax Lot 2703             |                   |
| 9  | 61016DD02704 | Tax Lot 2704             |                   |
| 10 | 61016DD02709 | 465 8th Ave Seaside      |                   |
| 11 | 61016DD02800 | 721 N Franklin Seaside   |                   |
| 12 | 61016DD02900 | 405 8th Ave Seaside      |                   |

3 / 12 = 25%

|    |              |                        |
|----|--------------|------------------------|
| 13 | 61016DC02100 | 370 9th Ave Seaside    |
| 14 | 61016DD00105 | 470 9th Ave Seaside    |
| 15 | 61016DD00106 | 450 9th Ave Seaside    |
| 16 | 61016DD00107 | 440 9th Ave Seaside    |
| 17 | 61016DD00119 | 474 9th Ave Seaside    |
| 18 | 61016DD00600 | 911 N Franklin Seaside |
| 19 | 61016DD00700 | 420 9th Ave Seaside    |
| 20 | 61016DD00800 | 430 9th Ave Seaside    |
| 21 | 61016DD01200 | 403 9th Ave Seaside    |
| 22 | 61016DD01300 | 369 9th Ave Seaside    |
| 23 | 61016DD02300 | 340 8th Ave Seaside    |
| 24 | 61016DD02301 | 330 8th Ave Seaside    |
| 25 | 61016DD02705 | Tax Lot 2705           |
| 26 | 61016DD02706 | Tax Lot 2706           |
| 27 | 61016DD02707 | 475 8th Ave Seaside    |
| 28 | 61016DD02708 | Tax Lot 2708           |
| 29 | 61016DD03000 | 331 8th Ave Seaside    |
| 30 | 61016DD03100 | 325 8th Ave Seaside    |
| 31 | 61016DD04200 | 332 7th Ave Seaside    |
| 32 | 61016DD04300 | 711 N Franklin Seaside |
| 33 | 61016DD04301 | 709 Franklin Seaside   |
| 34 | 61016DD04404 | 430 7th Ave Seaside    |

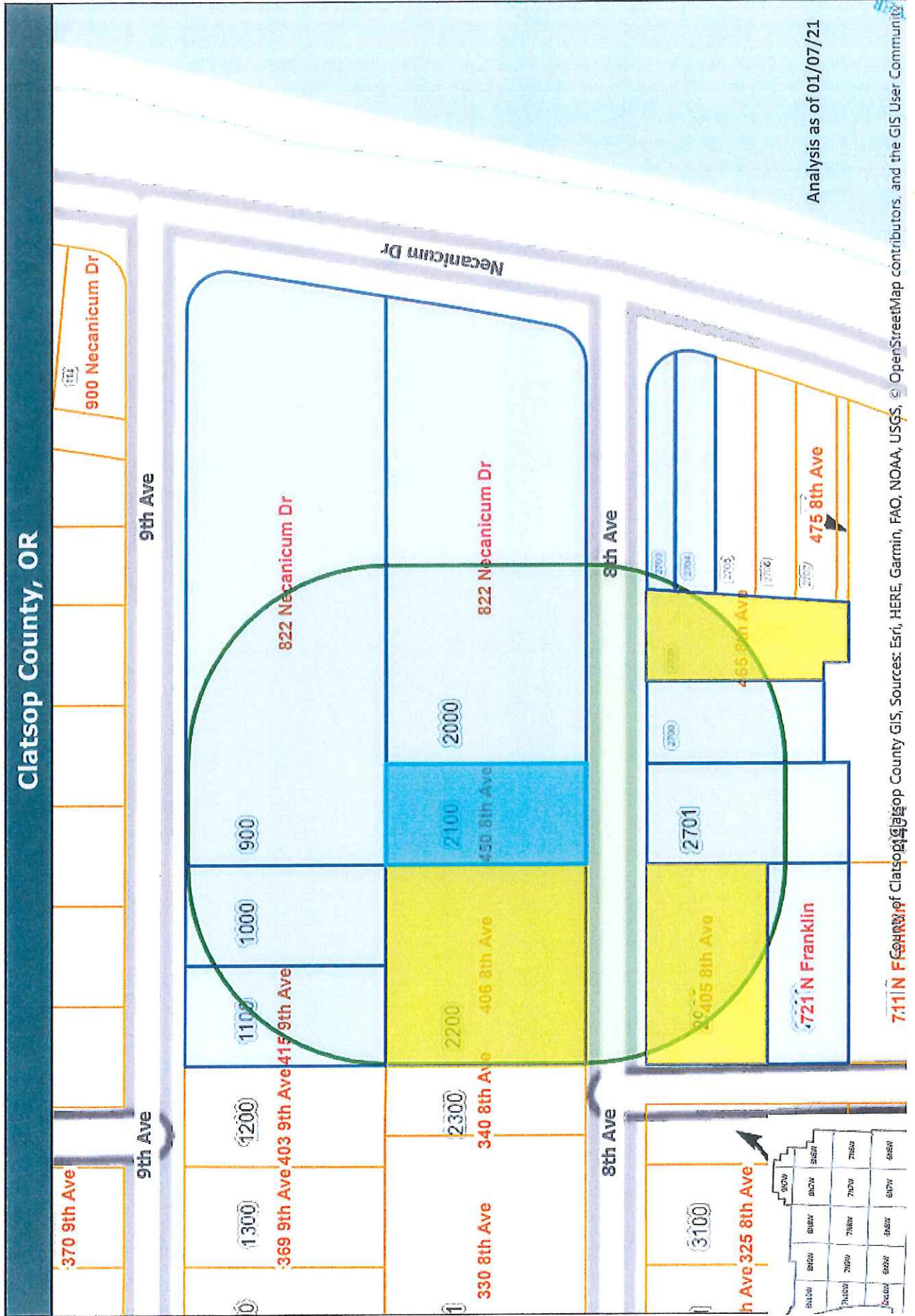
9 / 34 = 26.5%



Applicant  
Existing VRD

# 450 8th Ave 100' Analysis

3 / 12 = 25%

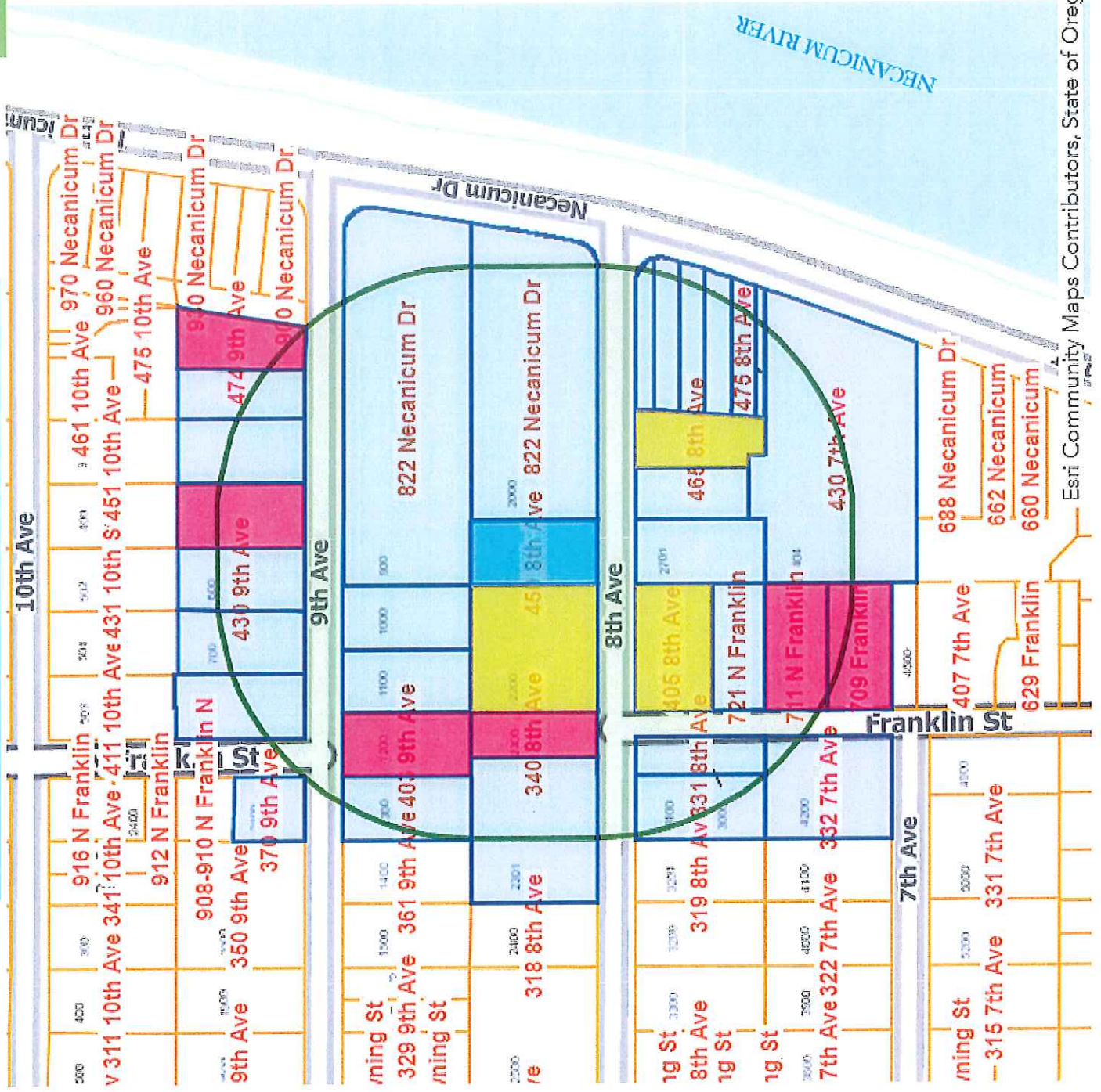


Analysis as of 01/07/21



# 450 8th Ave 200' Analysis

|                      |
|----------------------|
| Applicant            |
| Existing VRD<br>100' |
| Existing VRD<br>200' |



## CITY OF SEASIDE STAFF REPORT

**To:** Seaside Planning Commission  
**From:** Planning Director, Kevin Cupples  
**Date:** March 2, 2021  
**Applicant/  
Owner:** Bill Montero, Hamilton Market LLC; 2471 Sunset Blvd.  
Seaside, OR 97138  
**Location:** 250 Avenue U (T6- R10-S28BA-TL4000, 4100 & 4200)  
**Subject:** 21-004OM: Outdoor Merchandising Utilizing a Food Truck  
within the Central Commercial (C-1) Zone

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### **REQUEST:**

The applicant is requesting approval to allow outdoor merchandising (a food truck) in conjunction with the Hamilton Market located at 250 Avenue U (T6-R10-S28BA-TL4000, 4100 & 4200). As proposed, the food truck would be located within the existing parking lot on the west side of Hamilton Market.

The subject property is zoned Central Commercial (C-1) and the zone allows the Planning Commission to review limited outdoor merchandising based on the provisions in Section 5.100, 3,A-C of the Seaside Zoning Ordinance.

The food truck was previously authorized for short term use (four sales events in 2020 & four more in 2021) under the parking lot sales provision in Article 5; however, the owner is now interested in extending the authorization in accordance with the Planning Commission's public hearing review process.

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

The following is a list of the permit 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 interests of the surrounding area of the city as a whole and support the purpose statements identified in the ordinance. Although each of the findings or justification statements specifically applies to one of the permit criteria, any of the statements may be used to support the Commission's final decision.

#### **DECISION CRITERIA # 1: Pursuant to Section 5.100, of the Seaside Zoning Ordinance, the Planning Commission may permit certain types of Outdoor Merchandising based on the following:**

**Section 5.100, Subsection 3. : The outdoor storage, display, sale or rental of merchandise or services may be permitted where:**

- A. The outdoor area in which the merchandise or service is stored, displayed, sold or rented is accessible only through a building entrance where such entrance is of similar height, construction and appearance to adjacent structures; or**
- B. The outdoor area is screened from a public street or adjacent property by sight obscuring vegetation at least six feet in height; or**

**C. The use is similar to the main use(s) of the site where the main use(s) is enclosed in a permanent structure that complies with applicable land use and building code requirements and:**

- 1. The outdoor storage, display, sale or rental of merchandise or services will be located on the same parcel as the main use; and**
- 2. The outdoor storage, display, sale or rental of merchandise or services does not utilize more than 15% of the area of the parcel on which the main use is located.**

**FINDINGS & JUSTIFICATION STATEMENTS:**

1. Mailed Notice Request Summary: **21-004OM**: A request by Bill Montero to allow outdoor merchandising (a food truck) in conjunction with the Hamilton Market located at 250 Avenue U (T6-R10-S28BA-TL4000, 4100 & 4200). The subject property is zoned Central Commercial (C-1) and the zone allows the Planning Commission to review limited outdoor merchandising based on the provisions in Section 5.100, 3,A-C of the Seaside Zoning Ordinance. As proposed, the food truck would be located within the existing parking lot on the west side of Hamilton Market.

2. The applicant’s supporting evidence and site plan information is adopted by reference. The applicant’s submitted information is summarized as follows:

- a. The Outdoor Mobile Food Truck serves prepared foods to local residents and visitors. The food truck would complement the current use of the building on the property which sells a wide variety of packaged food, beverages and household products.
- b. The licensed food truck, Sasquatch Sandwiches, will be located in the northwest corner of the Hamilton Market parking lot and the south side of the truck will be obscured by a privacy fence.
- c. The Hamilton Market property encompasses 18,380 sq. ft. and the food truck is approximately 200 sq. ft. The percentage of utilized area is under 2%.
- d. The food truck will be located in the west parking lot and its view from the abutting public street (Avenue U) will be obscured by a fence.
- e. Parking is available in the Market lot or the overflow lot in back of the building.
- f. An A-frame sign will be used in front of the Market for food truck advertising.
- g. Hours will be from 11a.m. to 4p.m. during days of operation.
- h. There is one 21+ restaurant/bar next door and two other restaurants within two blocks.
- i. The food truck has already been operating under a special event permit during December and January with great success and acceptance by both the neighbors and adjacent businesses.

3. The sale of prepared sandwiches from the food truck is similar to the sales of food items within the Hamilton Market and the main market building complied with the applicable ordinance and building code requirements at the time it was established.

4. Although the Hamilton Market property is a combination of three platted lots and a portion of a fourth lot (four total tax lots), it is all on one deed (2019-06616). It was all surveyed as one parcel in August of 1993.

5. The Central Commercial (C-1) zoned portion of the subject property is approximately 13,387 sq. ft., so the 200 sq. ft. food truck would be utilizing less than 2% of the commercially zoned portion of the property.
6. Site obscuring vegetation is only required for outdoor merchandising proposed under Section 5.100, Subsection 3. B and screening is not required by the ordinance for uses permitted under Subsection 3. C.
7. The customer service floor area of the Hamilton Market is approximately 1,811 sq. ft. and they have two to three employees. There are 14 parking spaces in the west parking lot and 3 spaces in the east parking lot. Not counting the available employee parking north of the building, the market has a total of 17 spaces and the ordinance would require 13 spaces for the market, thus leaving an excess of 4 spaces. If the food truck takes up one space and adds one space to the retail demand, the market will still have two spaces in excess of the demand identified in the ordinance.
8. Based on staff's prior discussions with the owner, this food truck does not use propane as a fuel source for appliances within the truck. The use of propane as a fuel source has been linked to past food truck fires in other jurisdictions.
9. The applicant did not specify if the food truck operator would have access to the restroom inside the market. No provisions for outdoor dining have been specified that could indicate a need for additional requirements such as providing additional garbage cans or public access to the restrooms in the main building.
10. The purpose of the outdoor merchandising section in the Seaside Zoning Ordinance states: This section is to ensure that certain commercial activities are carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.

#### **CONCLUSION TO CRITERIA #1:**

The proposed food truck will satisfy the applicable permit requirements for limited outdoor merchandising, and although no compatible issues with the surrounding area have been identified, staff believes the following condition should be attached to the permit approval.

**Condition 1:** The food truck employees will have access to the restroom facilities within the Hamilton Market main building.

**Condition 2:** Although the Sasquatch Sandwiches food truck was specifically identified in the application, the permit approval would still be valid for a different licensed food truck of similar size that does not utilize gas fueled appliances.

#### **FINAL STAFF RECOMMENDATION**

Conditionally approve permit request 21-004OM allowing limited outdoor merchandising for the use of one food truck at 250 Avenue U. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject the previously stated conditions.

*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





# City of Seaside, Planning Department

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

## Land Use Application

RECEIVED

2 / 1 / 2021

Kevin Cupples, Director

PLEASE PRINT OR TYPE

|                                        |             |          |
|----------------------------------------|-------------|----------|
| NAME OF APPLICANT                      | ADDRESS     | ZIP CODE |
| HAMILTON MARKET, LLC                   | 2471 SUNSET | 97138    |
| STREET ADDRESS OR LOCATION OF PROPERTY |             |          |
| 250 AVE "U"                            |             |          |

|      |               |          |       |         |         |
|------|---------------|----------|-------|---------|---------|
| ZONE | OVERLAY ZONES | TOWNSHIP | RANGE | SECTION | TAX LOT |
| C1   |               | 610      | 28    | BA      | 4200    |

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

APPLICATION FOR OUTDOOR MERCHANDISING

(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<br>William Montero        | PRINT NAME OF APPLICANT/REPRESENTATIVE              |
| ADDRESS<br>2471 SUNSET BLVD                            | ADDRESS                                             |
| PHONE / FAX / EMAIL<br>206.250.5914 MONTERO@SEANES.COM | PHONE / FAX / EMAIL                                 |
| SIGNATURE OF PROPERTY OWNER                            | SIGNATURE OF APPLICANT/REPRESENTATIVE               |

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

### CHECK TYPE OF PERMIT REQUESTED:

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

|                                 |                    |
|---------------------------------|--------------------|
| <b>PLANNING DEPARTMENT USE:</b> |                    |
| DATE ACCEPTED AS COMPLETE       | BY                 |
| CASE NUMBER (S)                 | 21-0040M           |
| HEARING DATE                    | 3/2/21 P.C. ACTION |

|                     |               |
|---------------------|---------------|
| <b>OFFICE USE:</b>  |               |
| FEE \$670.00        | RECEIPT 17352 |
| DATE FILED 2-1-2021 | BY Ann        |

**P.A.I.D.**

February 1, 2021

Hamilton Market, LLC  
250 Avenue U  
Seaside, OR 97138

Community Development Department  
1387 Avenue U  
Seaside, OR 97138

Re: Application for Outdoor Merchandising – Planning Commission Decision -Food Truck at Hamilton Market, 250 Avenue U

To whom it may concern:

Please accept our attached application for a Planning Commission Decision to place a licensed food truck in an obscured fenced area in the west Hamilton Market parking lot (see attached exhibit).

According to a 2015 study by the American Planning Association, Food Trucks “expand food access in areas underserved by traditional restaurants.” Most restaurants, take-out and curbside services are one mile from the south end of Seaside. The neighborhood residents (including existing restaurant owners) are supportive of a food truck at the Market.

*Mobile food vending is increasingly being recognized as a community economic development tool. Food trucks, trailers, and carts (collectively known as mobile food units) provide opportunities for entrepreneurs and small businesses; add interest, vibrancy, and activity to streetscapes and sites; and expand food access in areas underserved by traditional restaurants. Balanced regulations and permitting procedures can help ensure that food trucks have ample vending opportunities within a jurisdiction without posing a threat to brick-and-mortar restaurants, blocking the public right-of-way, or creating a nuisance.*

During this time of severe Covid restrictions including restaurant closures and limitations on seating, there is a need for local, specifically south end Seaside residents, to have access to take-out food.

Our intention is to have a food truck in proximity to a food market where many of the residents and visitors shop. We also intend to have prepared sandwiches from the same vendor available in the market when the food truck is not present.

Please call me at 206-250-5919 or email at [montero@seanet.com](mailto:montero@seanet.com) with any questions or clarification.

Sincerely yours,



William S Montero  
Hamilton Market, LLC



## OUTDOOR MERCHANDISING – SECTION 5.100, 3.

### TYPE 2 - PLANNING COMMISSION DECISION

**FEE: \$ 670.00**

The City of Seaside regulates outdoor merchandising in accordance with Section 5.100 of the Seaside Zoning Ordinance. This section allows some uses and activities to be carried on outside of a building; however, it is intended that all commercial activities be carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use. Before completing this application, all proposals should be discussed with the Planning Department to determine if it will qualify for one of the exemptions identified in the Ordinance.

All uses in the C-1, C-2, C-3, C-4, R-C, R-R, M-1 and AD zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be permitted where the standards of subsection 3 of Section 5.100 are met. The Planning Commission shall review all requests pursuant to this subsection and the review shall be subject to the public hearing procedures set forth in Article 10 of the Seaside Zoning Ordinance. The Planning Commission shall have the authority to approve, approve with conditions, or disapprove the request in accordance with the following provisions in the Seaside Zoning Ordinance.

**Section 5.100, 3: The outdoor storage, display, sale or rental of merchandise or services may be permitted where:**

- A. The outdoor area in which the merchandise or service is stored, displayed, sold or rented is accessible only through a building entrance where such entrance is of similar height, construction and appearance to adjacent structures; or**
- B. The outdoor area is screened from a public street or adjacent property by sight obscuring vegetation at least six feet in height; or**
- C. The use is similar to the main use(s) of the site where the main use(s) is enclosed in a permanent structure that complies with applicable land use and building code requirements and:
  - 1. The outdoor storage, display, sale or rental of merchandise or services will be located on the same parcel as the main use; and**
  - 2. The outdoor storage, display, sale or rental of merchandise or services does not utilize more than 15% of the area the of the parcel on which the main use is located.****

**250 Ave U - Parcels: 61028BA04000 61028BA04100 61028BA04200 61028BA04300**

The Planning Commission will make a determination concerning the request based on the applicant's justification of the following statements:

1. What is the proposed outdoor merchandizing proposed in the zone and how does it relate to the current use on the property?

**Outdoor Mobile Food Unit (Food Truck) serving prepared foods to local residents and visitors. The Food Truck would complement the attached "current use" of the building on the property which sells a wide variety of packaged food, beverages and household products.**



- 
2. Explain in detail how the proposed outdoor merchandising will conform to the development standards identified A, B, or C above?

**A licensed food truck (Sasquatch Sandwiches) obscured by "privacy" fencing in the Hamilton Market building parking lot (see attached exhibits) identified in Section B & C**

3. If justified under Section C above, indicate where the activity will take place on the subject property and the percentage of the lot area that will be utilized?

**See attached drawings for location of the Food Truck. The Market property encompasses 18,380 sq ft. The food Truck is 200 sq ft. The percentage of utilized area is under 2%**

4. Describe the measures that will be taken to ensure the proposal will be aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.

**Food Truck will be located in the Hamilton Market parking lot, completely hidden from street view.**

**Parking is available in the Market lot or spare lot in the back of the building.**

**An "A" board will be used in front of the Market for Food Truck advertising.**

**Hours will be from 11am to 4pm during days of operation.**

**There is one 21+ restaurant/bar next door; two other restaurants within two blocks.**

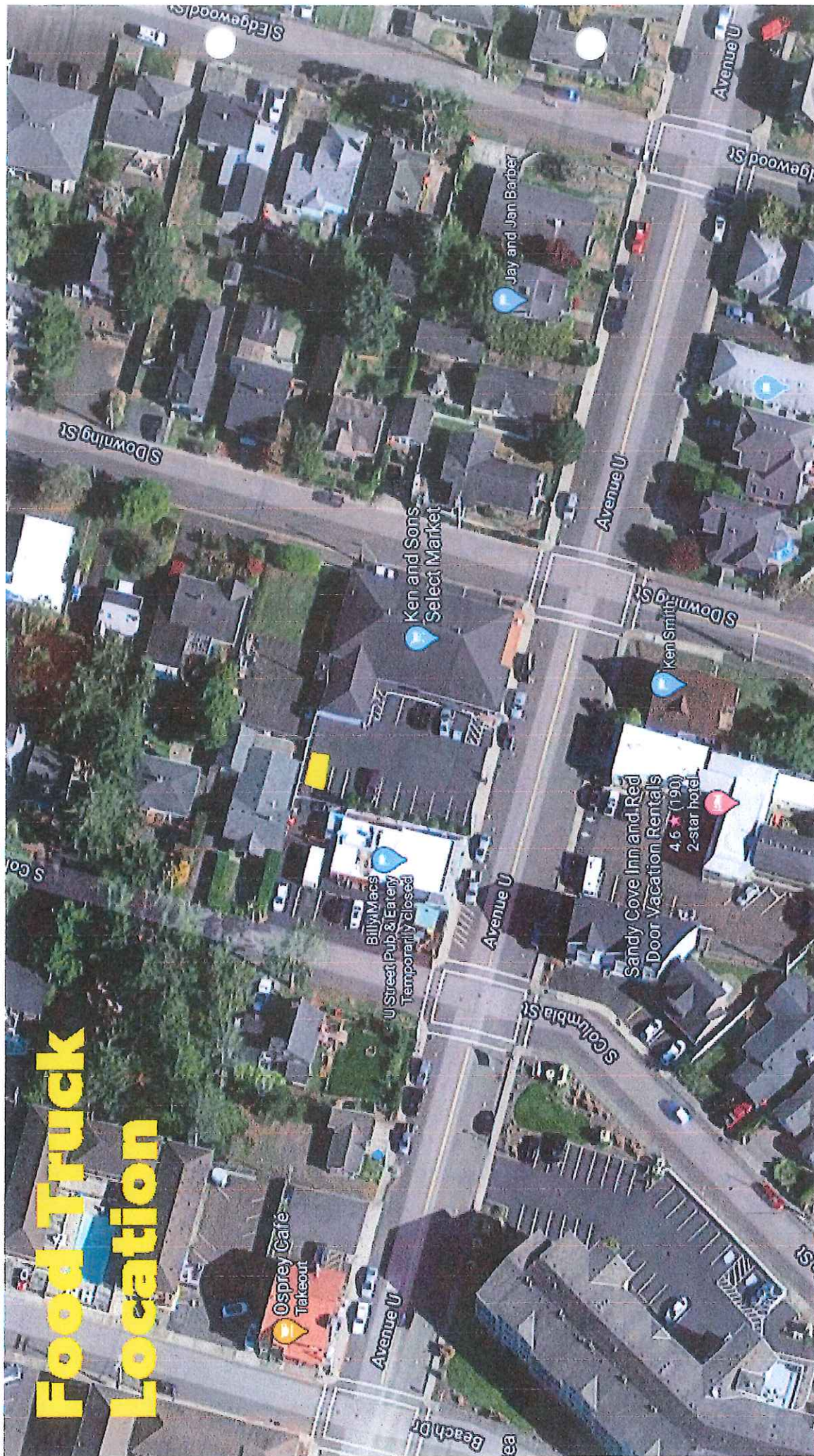
**Food Truck has been operating under event permit for the last two months with great success and acceptance by both the Neighbors and adjacent businesses.**

5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the subject property, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building, the location of adjacent streets and accesses, traffic circulation, landscaped areas, visual buffers or fences, pedestrian facilities and other information that may help support the proposal or determine conformance with the development standards in the ordinance. Photos may also be submitted to provide additional information concerning the proposal.

**ATTACH EXTRA SHEETS IF NEEDED**



# Food Truck Location

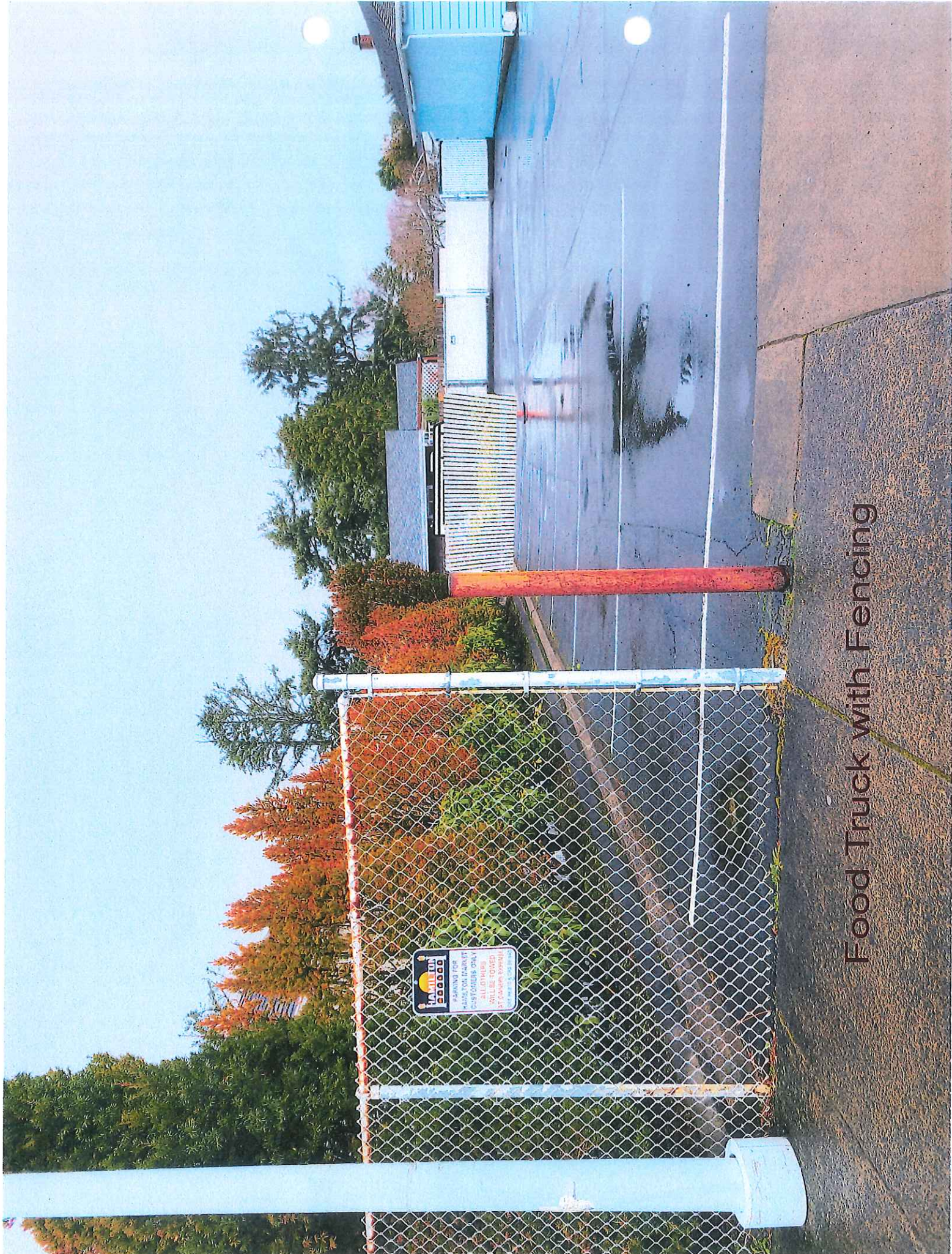






Food Truck without Fencing





Food Truck with Fencing



# Six Foot High Fencing

S Columbia St

Avenue U

S Columbia St

S Downing St

Avenue U

S Edgewood St

Avenue U

S Edgewood St

Hamilton Market

Billy Macs  
U Street Pub & Eatery  
Temporarily closed



Jay and Jan Barber



Ken Smith

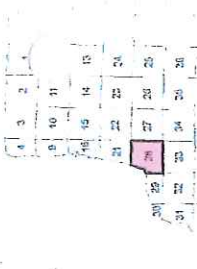


Sandy Cove Inn and Red  
Door Vacation Rentals  
4.6 ★ (190)  
2-star hotel





Scale 1:1,200  
 0 62.5 125 250 ft.



CANCELLED TAXLOT NUMBERS

|      |      |      |      |       |
|------|------|------|------|-------|
| 500  | 2200 | 5301 | 6500 | 7501  |
| 700  | 2300 | 5600 | 6600 | 7601  |
| 1000 | 3000 | 6000 | 6901 | 7701  |
| 1400 | 3100 | 6200 | 7100 | 12001 |
| 1801 | 5500 | 6800 | 7201 | 13010 |
| 2100 | 5900 | 6400 | 7301 | 13010 |



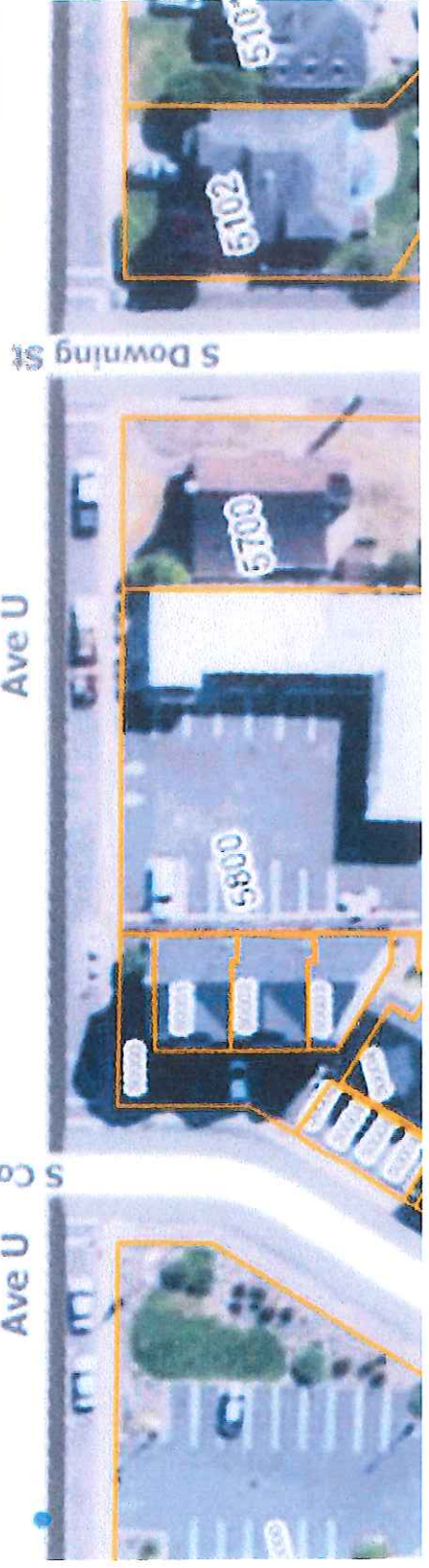
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT  
[WWW.CO.CLATSOP.OR.US](http://www.co.clatsop.or.us)  
 This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuses, or misinterpretation.

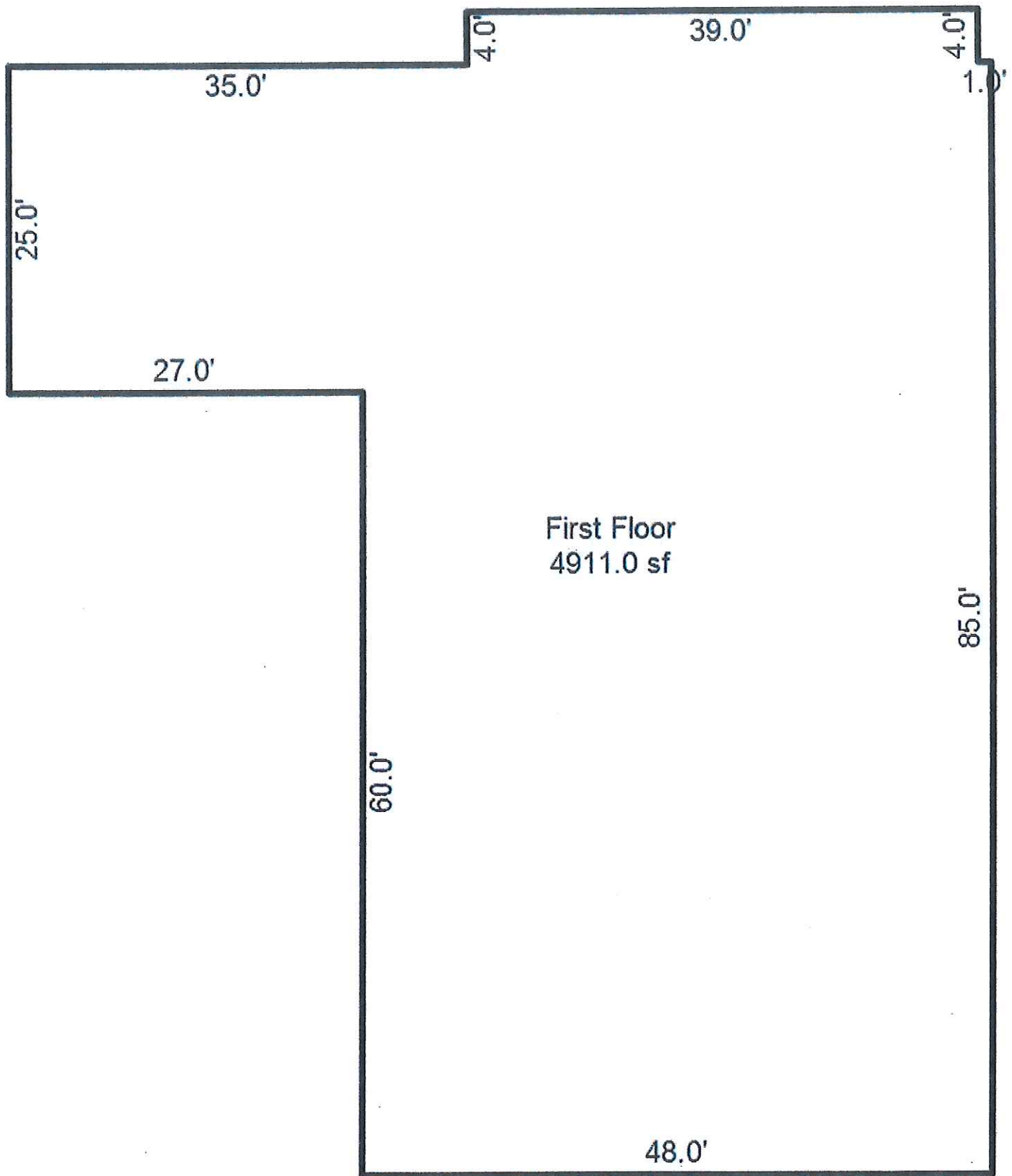
PLOT DATE: 10/01/2020  
 6 10 28 BA

**Hamilton  
 Market  
 Property**



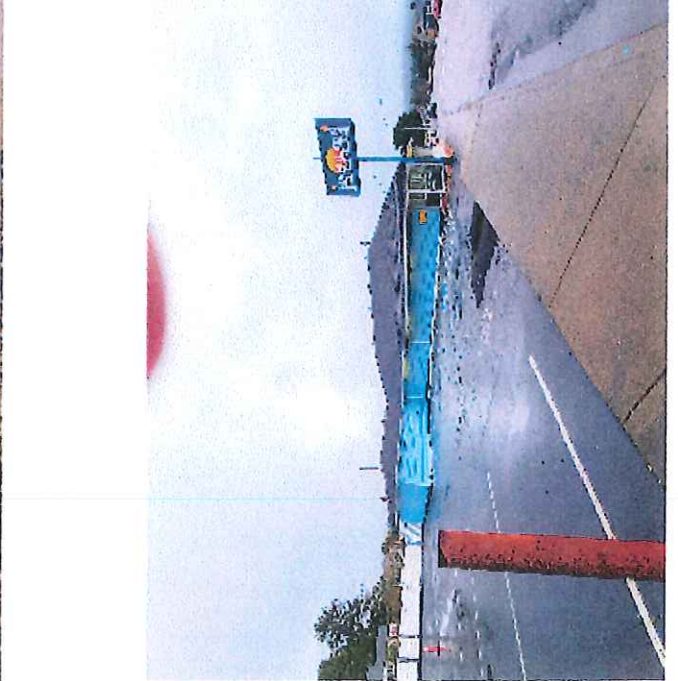
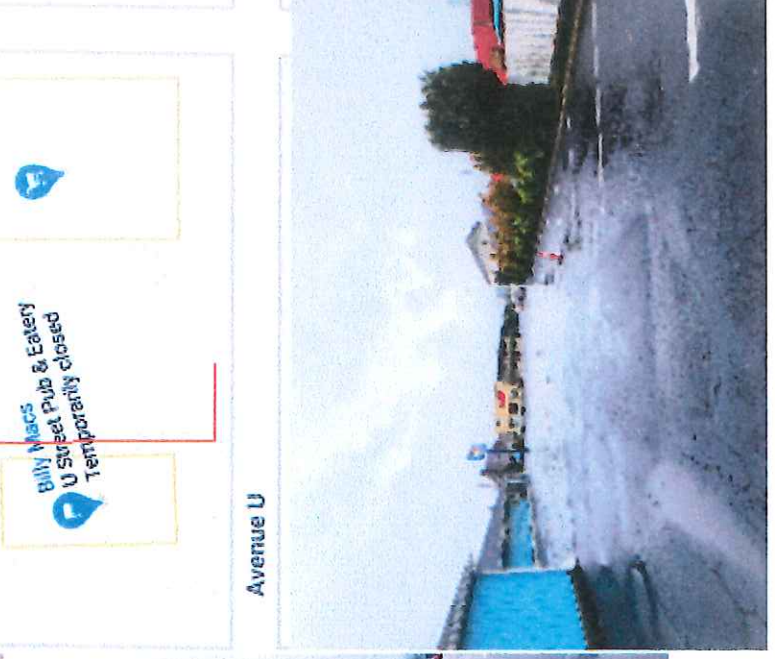
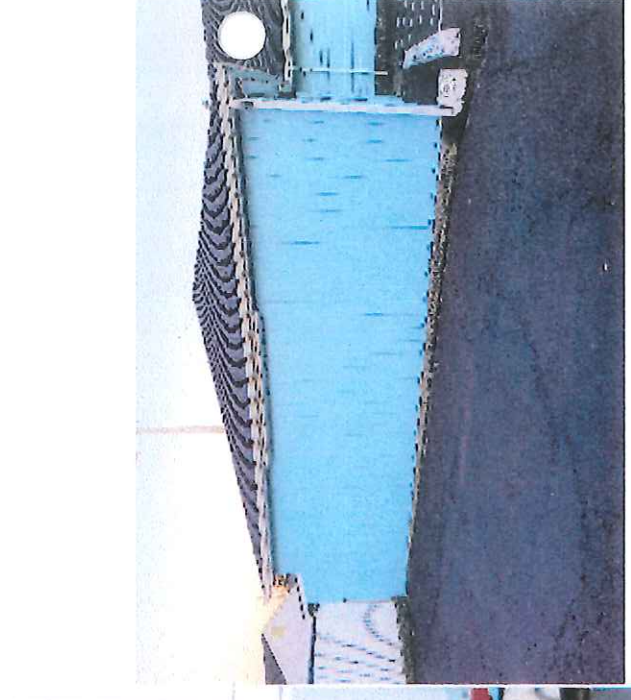
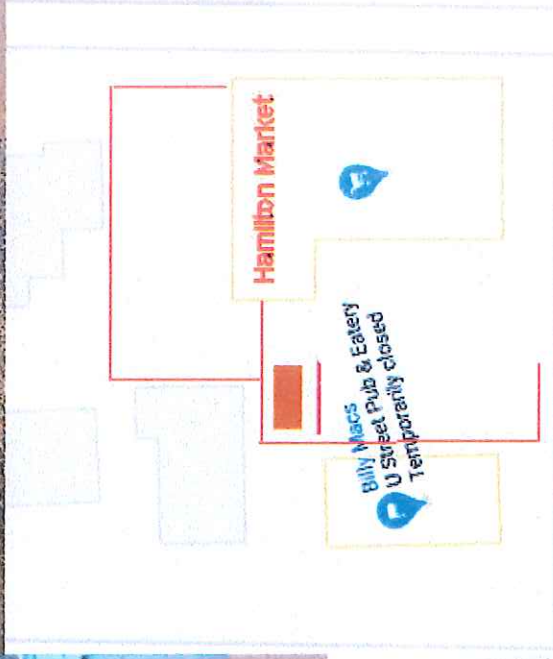




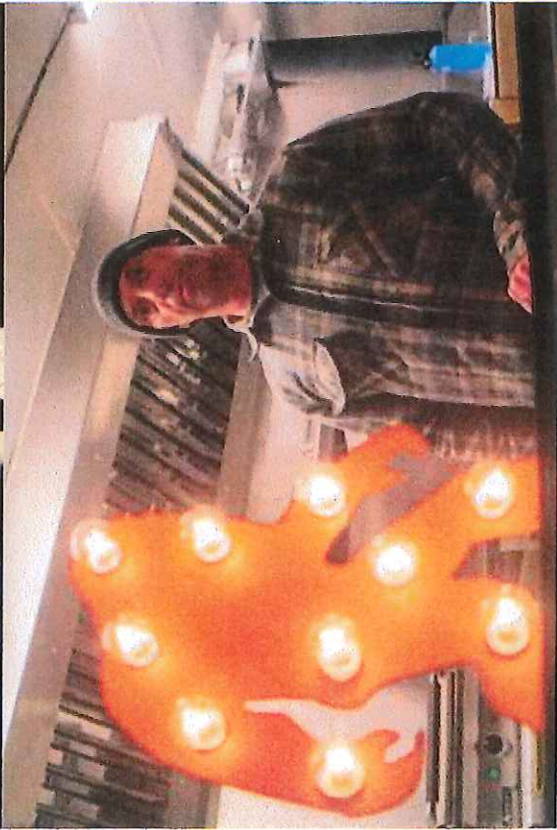


**Hamilton Market Floor Plan**

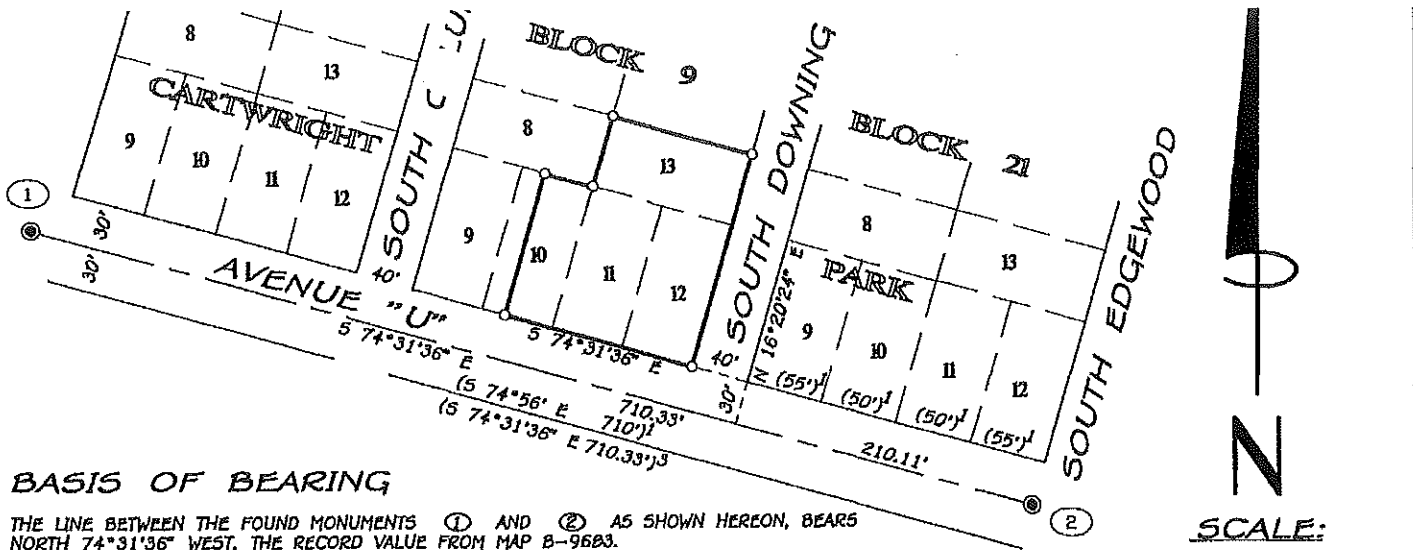












SCALE:  
1" = 100'

**BASIS OF BEARING**

THE LINE BETWEEN THE FOUND MONUMENTS ① AND ② AS SHOWN HEREON, BEARS NORTH  $74^{\circ}31'36''$  WEST, THE RECORD VALUE FROM MAP B-96B3.

**NARRATIVE**

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN BOOK 555, PAGE 286, DEED RECORDS, CLATSOP COUNTY. THE SUBJECT PROPERTY WAS LAID OUT AT RECORD VALUES FROM THE BASIS OF BEARING USING THE PROPORTIONALITY FACTOR IN THE EAST-WEST DIRECTION SHOWN AS FOLLOWS:

$$\text{EAST-WEST PROPORTIONALITY FACTOR} = \frac{710.33' - (100' \text{ STREETS}) = 610.33'}{(710') - (100' \text{ STREETS}) = 610'} = 1.000541$$

THE BEARING OF NORTH  $16^{\circ}20'24''$  EAST USED FOR THE NORTH-SOUTH DIRECTION OF CARTWRIGHT PARK WAS HELD AS DETERMINED ON THE CONTROL SURVEY BY CRITES, MAP B-96B3. A PREVIOUS SURVEY WAS CONDUCTED ON THE SUBJECT PROPERTY BY ELLISON (MAP AA-426B). MONUMENTS FROM THIS SURVEY WERE SEARCHED FOR, BUT NONE WERE FOUND.

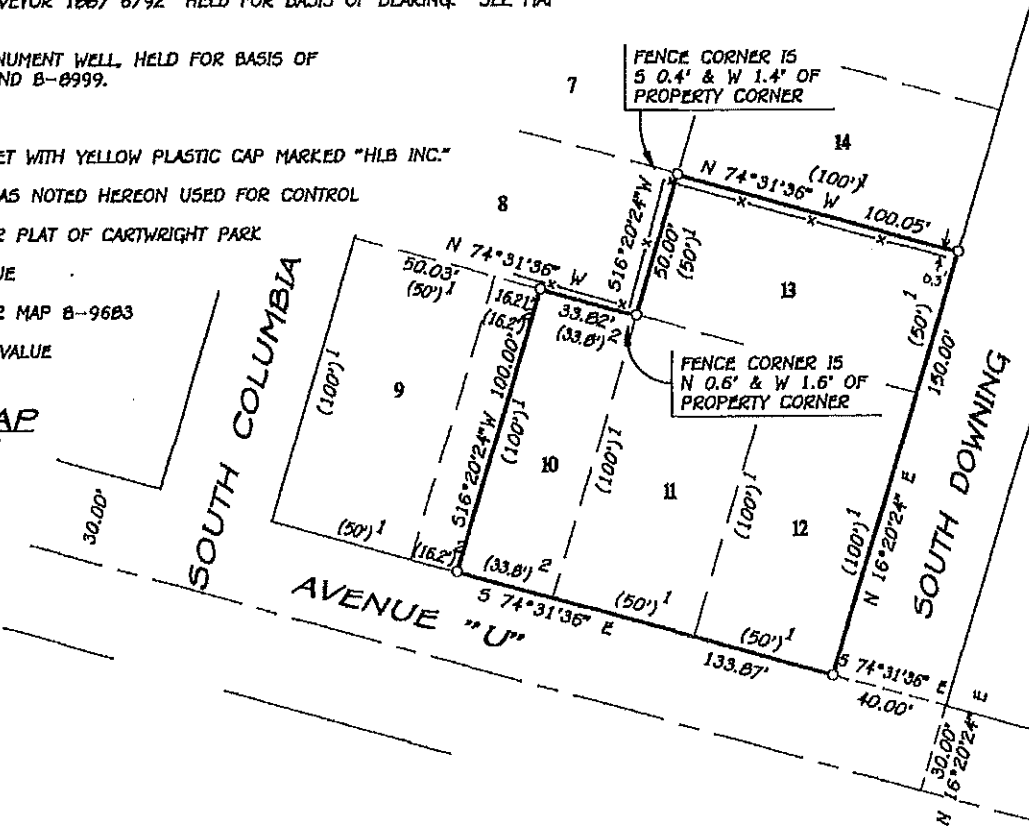
**MONUMENT NOTES**

- ① FOUND 3" BRASS DISK IN MONUMENT WELL, MARKED "CITY OF SEASIDE STREET MONUMENT. C.O.S. #114, SURVEYOR 1887 6/92" HELD FOR BASIS OF BEARING. SEE MAP B-96B3.
- ② FOUND 1/2" IRON PIPE IN MONUMENT WELL, HELD FOR BASIS OF BEARING. SEE MAP B-96B3 AND B-8999.

**LEGEND**

- INDICATES 5/8"x40" REBAR SET WITH YELLOW PLASTIC CAP MARKED "HLB INC."
- ⊙ INDICATES MONUMENT FOUND AS NOTED HEREON USED FOR CONTROL
- ( )<sup>1</sup> INDICATES RECORD VALUE PER PLAT OF CARTWRIGHT PARK
- ( )<sup>2</sup> INDICATES RECORD DEED VALUE
- ( )<sup>3</sup> INDICATES RECORD VALUE PER MAP B-96B3
- NO ( ) INDICATES MEASURED VALUE

**DETAIL MAP**  
1" = 50'



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Dale N. Barrett*

OREGON  
July 16, 1982  
DALE N. BARRETT  
1979  
RENEWAL DATE: DECEMBER 31, 1993

SMITH-PS.DWG  
"WOLL" 38

SURVEY FOR:  
**KEN SMITH**  
THAT PARCEL AS DESCRIBED  
IN BOOK 555, PAGE 286  
NW1/4 SECTION 28, T6N, R10W, W.M.  
CLATSOP COUNTY

SURVEY BY:  
**HANDFORTH LARSON & BARRETT, INC.**  
P.O. BOX 219  
MANZANITA, OR 97130  
(503) 368-5394 FAX (503) 368-5847

CLATSOP COUNTY  
SURVEYOR  
RECEIVED  
SEP. 17, 1993  
FILED 9-28-93 S.T.  
ASTORIA, OREGON

# Vacation Rental Dwelling Application and Approval Policies



The following are the current policies of the Planning Commission that are taken into considerations during the review of any conditional use request for a Vacation Rental Dwelling (VRD).

## 1. VRD SUPPORTED LOCATIONS:

VRD applications are not supported in certain residential areas of the city.

VRD applications are currently supported for properties located west of Neawanna Street, west of N Holladay Drive and South Holladay Dr, and west of S Roosevelt Drive (excluding the Ocean Cove Estates and The Rose Creek Subdivision. The locations where VRD applications are not supported have historically been dominated by full time residential uses. (See VRD Location map [Addendum A.](#))

## 2. VRD SPATIAL DISTRIBUTION:

The Planning Commission will not support the approval of a VRD Conditional Use Permit applications if more than 40% of the surrounding properties within 100' of an applicant's property are currently licensed as VRDs.

The Planning Commission has established a maximum percentage of VRDs that will be authorized within a set distance from an applicant's property. This policy avoids turning the majority of properties into transient rentals and maintains the integrity of the Medium Density (R-2) and High Density (R-3) residential zones. Although the percentage of second homes may be higher than this percentage in some areas, it doesn't mean every second home needs to be afforded an opportunity to allow transient rentals (rental for periods less than 30 days).

All VRD applications are reviewed with a density analysis that shows the percentage of VRD licensed properties within 100' of the applicant's exterior property lines.

### Exceptions:

- I. This percentage does not apply within the Resort Residential (R-R) zone as motels are an outright permitted use in that zoning district. (See RR Zone map [Addendum B.](#))
- II. VRDs within the R-R zone will not be counted in the density analysis for applications for properties that border that zone for the purposes of determining if the surrounding percentage of VRDs exceeds 40%.
- III. The VRD density is increased to 50% for properties in the following areas:
  - a. Properties on the ocean side of Sunset Boulevard from the southern end of the road to The Cove parking lot.
  - b. All properties that abut Sunset Boulevard from The Cove parking lot to the intersection of Sunset Boulevard and Evergreen Drive, then continuing easterly along Sunset Blvd. up to the Sailors Grave.



- c. All properties on the ocean side of Sunset Blvd. from the Sailors Grave to the intersection with South Edgewood Drive and along South Edgewood Dr to the intersection of Beach Drive.
- d. All properties on the ocean side of Beach Drive from the intersection of Beach Drive and South Edgewood Drive north to the R-R zone.
- e. Properties at the end of the R-R zone at 12<sup>th</sup> Avenue along the ocean front area that abut the platted portion of Ocean Avenue to 15<sup>th</sup> Avenue.
- f. Properties on the ocean side of North Columbia that abut the platted portion of North Prom to 19<sup>th</sup> Avenue where it reaches the Open Space Park (OPR) zone. (See VRD Density map [Addendum C.](#))

### 3. LIMIT ON VRD CONDITIONAL USE PERMITS PER OWNER OR OWNERSHIP:

The Planning Commission and the Planning Director will only support the approval of one VRD conditional use permit for a single owner or ownership. If an owner has more than one single family dwelling or multiple dwelling units on a property (duplex or triplex), only one dwelling unit shall be approved for VRD use.

VRD conditional use permits are intended to be an accessory use to a dwelling. One owner having multiple dwellings that are licensed for VRD use is the equivalent of operating a motel with separate units scattered throughout the city's residential zones. The licensing of duplexes or triplexes will fall under the same restriction since they have multiple dwelling units under one ownership.

### 4. REQUIREMENTS OF LOCAL CONTACTS/**PRIMARY CONTACTS**:

The Planning Director and Planning Commission will require the Local Contact to sign a Local Contact Acknowledgement form as a condition of approval. If an owner wants to identify an additional Primary Contact, they will also be required to sign a Primary Contact Acknowledgement form.

The Local Contact Acknowledgement form makes Local Contacts aware of the Planning Commission's expectations at the time the application. The requirement for a Local Contact to sign the form is a formal acknowledgment of their requirements as a local contact and the expectations set by the Planning Commission. (See Local Contact Acknowledgement [Addendum D.](#))

The Primary Contact is supplemental and secondary to the Local Contact. The applicant/VRD owner is required to have a Local Contact that permanently resides within Clatsop County. The Primary Contact may not reside within Clatsop County, but can be listed along with the Local Contact as a primary point of contact for the VRD. The Primary Contact is required to sign the Primary Contact Acknowledgement form as a formal acknowledgment of the requirements of the Primary Contact and the expectations set by the Planning Commission. (See Primary Contact Acknowledgement [Addendum E.](#))

**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~~ The primary contact and local contact are required to 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. If an additional Primary Contact is identified, they too must sign a Primary Contact Acknowledgement Form. **The addition of a primary contact does not replace the requirement for the VRD to maintain a local contact that resides within Clatsop County and is available to respond to issues with the operation of the VRD in a reasonable amount of time.**

## **5. REQUIREMENT FOR AN ANNUAL COMPLIANCE INSPECTION:**

The Planning Director and the Planning Commission will require an Annual Compliance Inspection for all new VRD applications.

## **6. APPLICATION PROCESS:**

VRD applications must reflect the dwelling unit the applicant is applying to transient rent. Applications will not be accepted until certain conditions for the dwelling unit are met. VRD applicants must be the owner of record for the subject property with the exception of the applicant applying, with the property owner's permission, and the property owner is to retain ownership of said property.

- I. VRD applications will not be accepted on newly constructed dwellings until all of the building permits have an approved final inspection and the certificate of occupancy is issued by the Building Official.
- II. VRD applications will not be accepted on existing dwellings undergoing a significant remodel that could change the occupancy load allowed by current VRD standards. VRD applications can be submitted once all of the building permits have an approved final inspection by the Building Official.
- III. An existing owner of a VRD may apply for a review of their conditional use permit to expand their VRD occupancy prior to the completion of the remodel of their dwelling. The applicant must submit plans for the expansion, and if approval is granted, the final inspection must show the work done to the dwelling substantially matches the plans that were used as the basis for the conditional use permit approval.
- IV. VRD applications will not be accepted pursuant to a purchase contract for a property. The VRD application will be accepted once the purchase contract is final and the applicant has taken possession of the property.

## **7. VRD PARKING:**

VRDs are required to have a minimum of 2 off-street parking spaces and an additional off-street parking space per bedroom over two bedrooms. On-street parking is prohibited by occupants of a VRD. **Persons visiting occupants of a VRD are allowed to use on-street parking, on a limited basis, for a limited period of time. Visitors to a VRD should not significantly increase traffic or negatively impact the surrounding neighborhood since this is a violation of the VRD's condition of approval which states: . 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. VRD OCCUPANCY:**

VRD occupancy is calculated by multiplying the number of bedrooms by 3 persons over the age of three. VRDs are required to have one off-street parking space per bedroom with a minimum of two parking spaces. If the number of bedrooms exceeds the number of required parking spaces the occupancy will be adjusted to reflect the number of parking spaces available.

For example: a three-bedroom VRD would be issued an occupancy of 9 persons over the age of three. If the three-bedroom VRD only has two off-street parking spaces the occupancy will be reduced to 6 persons over the age of three to reflect the number of available off-street parking.

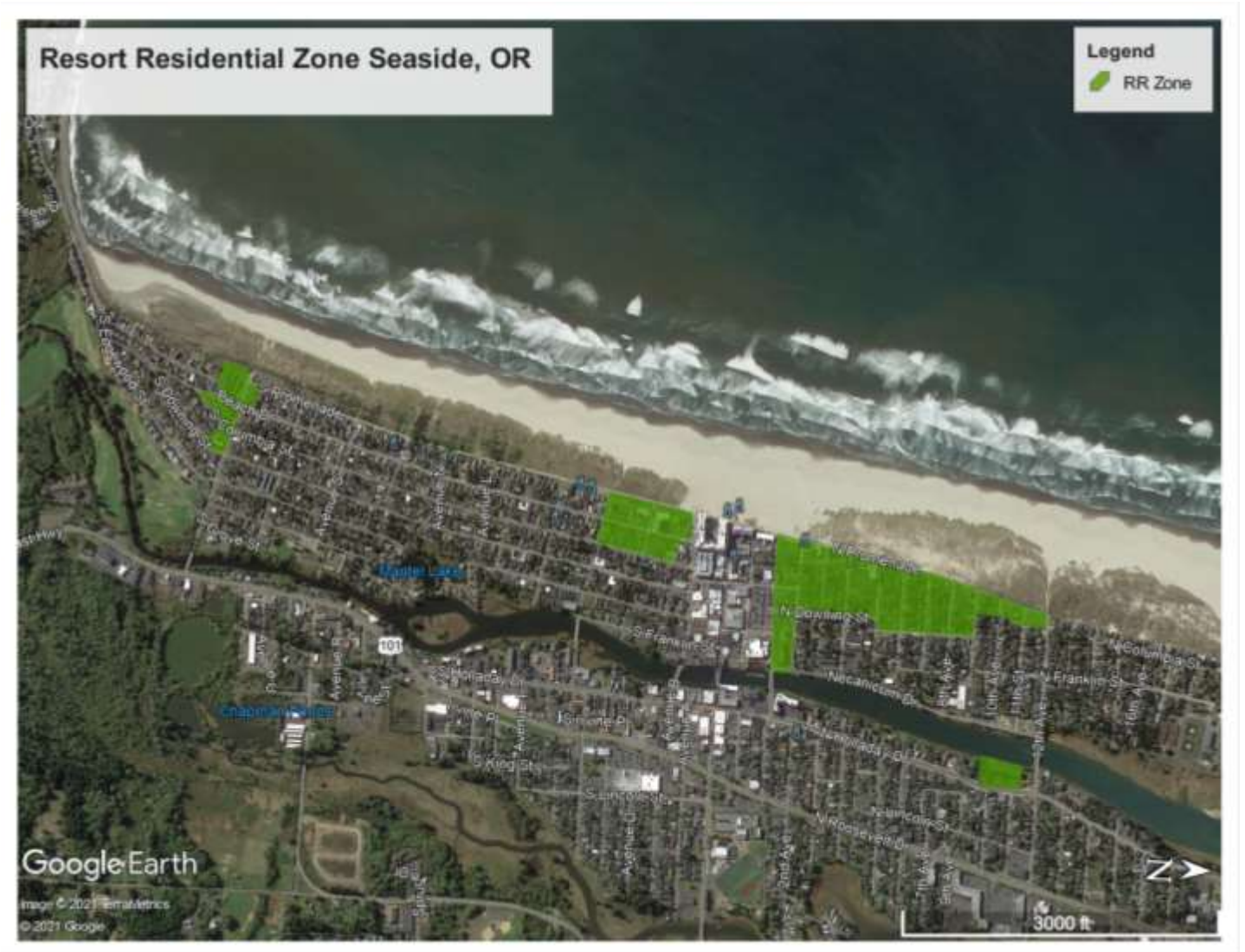
At no time shall the occupancy of a VRD exceed 10 persons regardless of age unless a fire suppression sprinkler system is installed in the dwelling. If a fire suppression sprinkler system is installed the occupancy can be increased to 12 persons provided the VRD has the required number of bedrooms and parking spaces.

## **9. STANDARD CONDITIONS OF APPROVAL:**

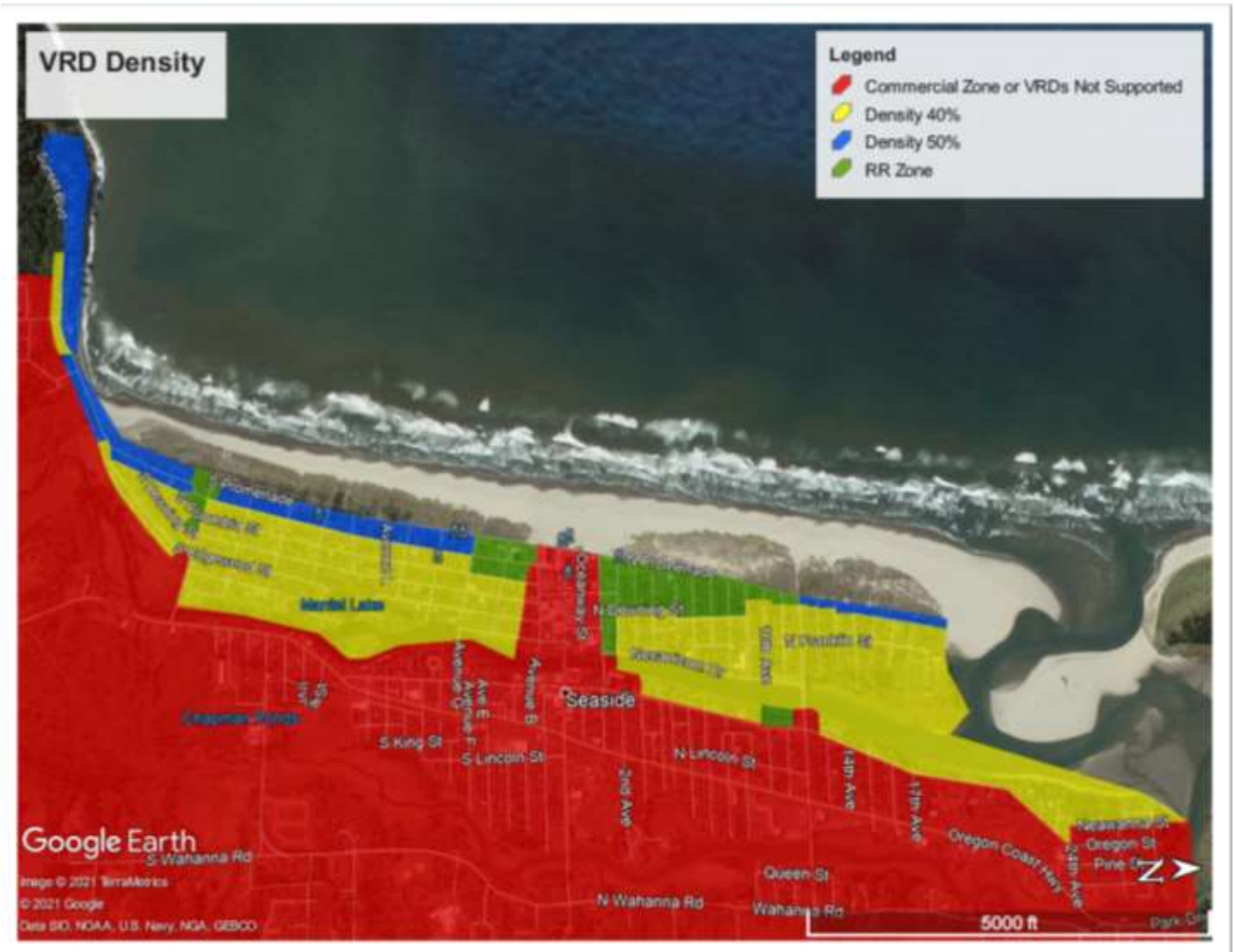
A standard list of conditions is issued with each conditional use permit. The standard conditions may be altered or additions may be made based on findings during the review conducted by the Planning Director or the Planning Commission. (See a list of standard conditions in [Addendum F.](#))







Addendum C







# VACATION RENTAL DWELLING LOCAL CONTACT ACKNOWLEDGEMENT

Addendum D

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 cadmin@cityofseaside.us. If you have questions regarding this form please call 503-738-7100.

Property Address: \_\_\_\_\_

- Int. \_\_\_\_\_ I certify that I am the local contact for the VRD located at the listed address and I understand the Planning Commission's expectation that I will be available 24 hours a day to address complaints associated with this VRD.
- Int. \_\_\_\_\_ 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. \_\_\_\_\_ 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. \_\_\_\_\_ 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. \_\_\_\_\_ 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.

\_\_\_\_\_  
Address of the Local Contact

\_\_\_\_\_  
Email Address for the Local Contact

\_\_\_\_\_  
Name of the Local Contact

\_\_\_\_\_  
Local Contact 24 Hour Phone Number

**X** \_\_\_\_\_

Signature of the Local Contact

\_\_\_\_\_  
Date

VRD Permit # \_\_\_\_\_  
Received By \_\_\_\_\_  
Date Received \_\_\_\_\_



# VACATION RENTAL DWELLING PRIMARY CONTACT ACKNOWLEDGEMENT

Addendum E

*Property Owners: This form must be completed by the Primary Contact AFTER the final decision of the Planning Director or Planning Commission has been issued for your Vacation Rental Dwelling (VRD). Please ensure your primary 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 cadmin@cityofseaside.us. If you have questions regarding this form please call 503-738-7100.*

**Property Address:** \_\_\_\_\_

- Int. \_\_\_\_\_ I certify that I am the primary contact for the VRD located at the listed address and I understand the Planning Commission’s expectation that I will be available 24 hours a day to address complaints associated with this VRD.
  
- Int. \_\_\_\_\_ 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. If I am unable to respond in person within two (2) hours I will send the local contact to address any complaints that require an in-person response.
  
- Int. \_\_\_\_\_ 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. \_\_\_\_\_ 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. \_\_\_\_\_ 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.

\_\_\_\_\_  
Address of the Primary Contact

\_\_\_\_\_  
Email Address for the Primary Contact

\_\_\_\_\_  
Name of the Primary Contact

\_\_\_\_\_  
Primary Contact 24 Hour Phone Number

**X** \_\_\_\_\_

Signature of the Primary Contact

\_\_\_\_\_  
Date

|                     |
|---------------------|
| VRD Permit # _____  |
| Received By _____   |
| Date Received _____ |



## 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 **(XX-XXXVRD)** 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: X (#) 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: X (#) persons over the age of three (no more than ten 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: XXXX., is identified as the local contact for the VRD and they can be reached at xxx-xxx-xxx.** 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:
- [http://www.cityofseaside.us/sites/default/files/docs/complaintintro\\_1.pdf](http://www.cityofseaside.us/sites/default/files/docs/complaintintro_1.pdf)
- 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.**