



# CITY OF SEASIDE PLANNING COMMISSION AGENDA

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**Tuesday, April 2, 2024**

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

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

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

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

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF MINUTES**
5. **DECLARATION OF POTENTIAL CONFLICT OF INTEREST**
6. **PUBLIC HEARING**
7. **769-24-000009-PLNG:** A conditional use request by Ashley Flukinger to construct an office building with a third-floor dwelling unit at 600 12<sup>th</sup> Ave. (61015CB TL:5101). The property is zoned C1.  
  
**769-24-000010-PLNG:** A Public Hearing to remove Vacation Rental Dwellings and Bed and Breakfasts from the Seaside Zoning Ordinance. Regulations regarding Short-Term Rentals will later be introduced under business licensing in the Seaside Code of Ordinances.
8. **ORDINANCE ADMINISTRATION**
9. **COMMENTS FROM CITY STAFF**
10. **COMMENTS FROM THE COMMISSION**
11. **ADJOURNMENT**

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

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



# CITY OF SEASIDE PLANNING COMMISSION

## MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Tuesday, March 5, 2024

### Planning Commission Meeting

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

#### II. Roll Call

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

<b>Staff Members</b>	
Jeff Flory, Community Development Director	Debbie Kenyon, Community Development Administrative Assistant
Jordan Sprague, Code Compliance Official	

<b>Visitors in Chambers (attendance sheet)</b>	<b>Visitors on Zoom</b>
Padraic Ansbro	
Susan Penrod	
Josh Modin	
Brian Hardebeck	
Janice Magness	
Celest Bogner	
Katherine Davidson	
James Moreland	
Erin Barker	
Susan Coddington	

#### III. Approval of Minutes

February 6, 2024 minutes were adopted as written.

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

Vice Chair Kleczek declared an exparte contact with 769-23-000084-PLNG.

Chair Montero wanted to disclose that in regards to 769-23-000075-PLNG, her husband is on the SEPRD budget committee.

V. Public Hearings

**769-23-000075-PLNG:** A conditional use request by Brandon Dole, Scott Edwards Architecture, for the property located at 1120 Broadway (T6-R10-22BB-TL:4700). The proposal is to turn the building, formerly known as the Broadway Middle School, into a public recreation facility with office spaces. The current zoning is Medium Density Residential (R-2) and General Commercial (C-3).

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

Chair Montero asked if there was a representative for this project who would like to tell the commission about the project.

Chris Mastrandre with the Klosh Group, spoke on behalf of the application.

Brandon Dole with Scott Edwards Architecture, the applicant, spoke on behalf of the application.

Chair Montero opened the discussion to those in favor.

Celest Bogner spoke in favor of the application.

Susan Penrod spoke in favor of the application.

Carry Janick spoke in favor of the application.

Chair Montero asked if there was any one else in favor of the application. There were none.

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

Chair Montero opened the discussion to the Commission.

Vice Chair Kleczek had questions regarding the parking.

<b>Motion:</b>	Motion to approve 769-23-000075-PLNG with the proposed site plan with additional parking as presented.			
<b>Moved:</b>	Kleczek			
<b>Seconded:</b>	Johnson			
<b>Ayes:</b>	Kleczek, Montero, Stahmer, Rose, Johnson, Neubecker	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Kraft	<b>Recused:</b>
<b>Passed:</b>	<b>6-0 with Commissioner Kraft absent</b>			

**769-23-000084-PLNG:** A conditional use request by Elements Environmental, to convert an existing garage into an approximate 743 sq. ft., 2-bedroom, Accessory Dwelling Unit (ADU). The property is located at 161 Hilltop Dr. (T6-R10-22AC-TL:2200). The current zoning is Low Density Residential (R-1).

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

Chair Montero asked if there was a representative for this project who would like to tell the commission about the project.

Padraic Ansbro, the owner, spoke on behalf of the application.

Zachary Johnson, the applicant, spoke on behalf of the application.

Chair Montero asked if there was any one else in favor of the application. There were none.

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

Chair Montero closed the public comment and opened the discussion to the Commission.

Commissioner Rose had questions regarding other ADU requests for the neighborhood.

Commissioner Stahmer asked about the parking.

Vice Chair Kleczek stated this is good idea.

Chair Montero asked Mr. Ansbro if this would be long term rental, Mr. Ansbro said yes.

<b>Motion:</b>	Motion to approve 769-23-000084-PLNG.			
<b>Moved:</b>	Kleczek			
<b>Seconded:</b>	Neubecker			
<b>Ayes:</b>	Kleczek, Montero, Stahmer, Rose, Johnson, Neubecker	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Kraft	<b>Recused:</b>
<b>Passed:</b>	<b>6-0 with Commissioner Kraft absent</b>			

**769-24-000002-PLNG:** A conditional use request by James Moreland for a four (4) bedroom Vacation Rental Dwelling at 1101 S Prom (T6-R10-21DB TL:15600) with a maximum occupancy of 10 persons regardless of age. The current zoning is Medium Density (R-2).

Code Compliance Official Sprague presented the staff report, decision criteria findings, conditions, and conclusions.

Chair Montero asked if there was a representative for this project who would like to tell the commission about the project.

James Moreland, the applicant, spoke on behalf of the application.

Chair Montero opened up the discussion to those in favor of the project. There was none.

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

Chair Montero closed the public comment and opened the discussion to the Commission.

Vice Chair Kleczek had questions regarding the deed restrictions.

James Moreland stated he didn't know about the deed restriction.

<b>Motion:</b>	Motion to approve 769-24-000002-PLNG with staff's conditions.			
<b>Moved:</b>	Johnson			
<b>Seconded:</b>	Neubecker			
<b>Ayes:</b>	Kleczek, Montero, Stahmer, Rose, Johnson, Neubecker	<b>Nays:</b> <b>0</b>	<b>Absent:</b> Kraft	<b>Recused:</b>
<b>Passed:</b>	<b>6-0 with Commissioner Kraft absent</b>			

**769-24-000007-PLNG:** The applicant is requesting a modification to Condition 5 of their prior approval which, if approved, will allow them to remove the netting on the West side (first base line) of the soft ball field and not keep the nets up year-round. The property is located at 1140 Broadway (T6-R10-22BB TL:4700). The current zoning is Medium Density Residential (R-2) and General Commercial (C-3).

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

Chair Montero asked if there was a representative for this project who would like to tell the commission about the project.

Susan Penrod, Josh Modin, and Brian Hardebeck, the applicants, spoke on behalf of the application.

Chair Montero opened up the discussion to those in favor of the project.

Janice Magness spoke in favor of the application.

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

Chair Montero closed the public comment and opened the discussion to the Commission.

Commissioner Stahmer asked about the length of time the net will be up.

Commissioner Neubecker stated this is a safety net to protect the neighboring property owners.

Vice Chair Kleczek stated that she has concerns regarding the netting and fencing and the time that it will be up.

Chair Montero concurred with Vice Chair Kleczek concerns.

Josh Modin addressed the commissioner's concerns.

<b>Motion:</b>	Motion to approve modifications to condition 5 with the additional conditions that the north facing netting would be up 365 days, the west side netting would be removed on October 31st and reinstalled on February 1st, the height of the fence must be 40 feet tall, the west length of the net would be from home plate to the south end of the pitcher's box, and the north netting is permitted to be removed for the duration of a significant weather event.			
<b>Moved:</b>	Johnson			
<b>Seconded:</b>	Kleczek			
<b>Ayes:</b>	Kleczek, Montero, Stahmer, Rose, Johnson, Neubecker	<b>Nays:</b>	<b>Absent:</b>	<b>Recused:</b>
<b>Passed:</b>	<b>6-0 with Commissioner Kraft absent</b>			

## VI. Ordinance Administration

Community Development Director Flory provided a request to the Commission to initiate the Zoning Ordinance to remove Vacation Rental section.

The Planning Commissioners made a recommendation to schedule a public hearing with the Planning Commission on the Zoning Ordinance amendment for the April 2<sup>nd</sup> meeting.

## VII. Public Comments

There were no public comments.

## VIII. Planning Commission and Staff Comments

Commissioner Rose will not be available for the April Planning Commission meeting.

Vice Chair Kleczek shared a book on housing choices.

Chair Montero asked if Mr. Flory received a definition between recusal and abstain from the attorney. Mr. Flory stated not at this time.

**IX. Adjournment at 8:03 PM.**

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

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

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



<b>APPLICATION(S):</b>	<b>769-24-000009-PLNG – Similar Use</b>
<b>MEETING DATE:</b>	<b>April 2, 2024</b>
<b>PUBLIC HEARING:</b>	<b>Yes</b>
Report Date:	March 25, 2024
Applicant:	Ashley Flukinger
Owner:	Ashley Flukinger
Location:	600 12 <sup>th</sup> Ave. Seaside, OR
Major Street Access:	12 <sup>th</sup> Ave
Parcel Number(s) & Size:	61015CB05101 Approximately .23 Acres
Parcel Zoning:	Neighborhood Commercial (C-1)
Adjacent Zoning:	Neighborhood Commercial (C-1)
Current Use of Parcel:	Vacant
Adjacent Uses:	Single-Family Residential
Previous Meetings:	None
Previous Approvals:	None
Type of Action:	Quasi-Judicial
Land Use Authority:	Planning Commission
Future Routing:	None
Planner:	Jeff Flory, Community Development Director

**A. Summary:**

The applicant is requesting conditional use approval to construct a three-story building with two floors of office space and a third-floor dwelling unit on the approximate .23-acre lot.

**Staff Recommendation:**

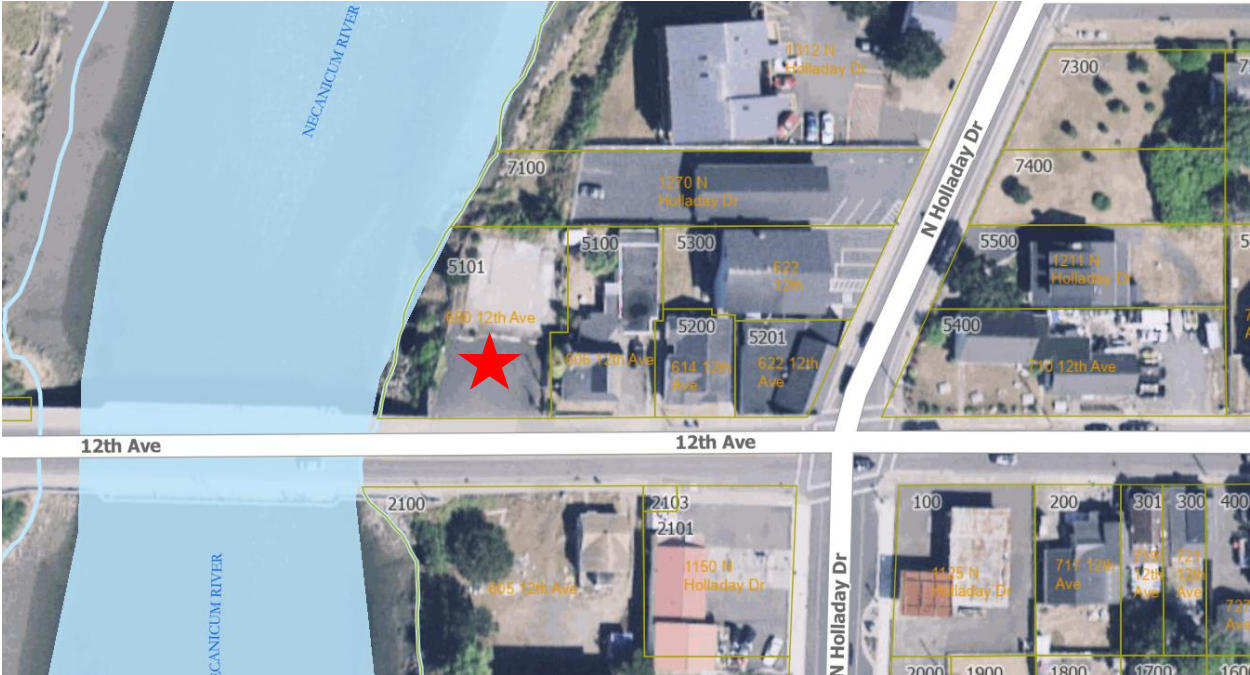
Staff recommends the Planning Commission conduct a public hearing on the application, take public comments, and review and discuss the request. Unless submitted comments or other clarifications or justifications are needed, staff recommends the Commission adopt the findings, justification statements,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

**B. Exhibits:**

**1. Applicant Submittals**



**Location: 600 12th Ave. Seaside, OR (61015CB05101)**



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

**C. Background:**

This applicant’s approximate .23-acre property is a vacant lot located on 12<sup>th</sup> Ave near the Necanicum River. The property was previously used as a grocery store that was destroyed by fire in 2010. The lot was cleared after the fire and has remained vacant since.

**D. Required Dates:**

This application was accepted as complete on March 13, 2024. The 120-day decision timeframe is July 11, 2024.

**E. Specific Request:**

The applicant is requesting conditional use approval to construct a three-story building with two floors of office space for her law firm and a third-floor dwelling unit on the approximate .23-acre lot.

**F. Process:**

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

**G. Community Review:**

Notice of this public hearing was published in the Daily Astorian on March 14, 2024. Additionally, a mailed notice was sent on March 13, 2024, to all property owners within 100 feet of the subject property.

**H. Written Comments:**

No comments have been received at the time of this report.

**I. Comprehensive Plan:**

The applicant’s property is located within Neighborhood Commercial zoning designation which states that this is the area for the location of small businesses and services adjoining residential areas. The Neighborhood Commercial areas prohibit residential uses except for those in connection with a commercial use. The Comprehensive Plan gives an example of a grocery store with the owner's residence above or behind the store.

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

**Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include (but are not limited to) the following:**

- 1. Increasing the required lot size or yard dimension.** *Finding: The applicant's plan does not alter the lot size or yard areas.*
- 2. Limiting the height of buildings.** *Finding: The height of the applicant’s proposed building is less than the 35 ft. maximum allowed in the zone.*

3. **Controlling the location and number of vehicle access points.** *Finding: There is one existing access point to the site. The applicant is not proposing an additional access.*
4. **Increasing the street width.** *Finding: No streets are proposed.*
5. **Increasing the number of required off-street parking spaces.** *Finding: The applicant's proposed parking lot provides 8 parking spaces for the office and 1 additional space for the third-floor, one-bedroom, dwelling unit.*
6. **Limiting the number, size, location, and lighting of signs.** *Finding: No signage is proposed however, signage is required to be in accordance with the City's sign code.*
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.** *Finding: The applicant has not proposed additional screening or fencing. The existing vegetation along the Necanicum River will remain intact.*
8. **Designating sites for open space.** *Finding: The applicant's proposal keeps some of the existing open space near the edge of the river and to the north behind the proposed building.*

#### K. Zoning Ordinance Criteria for a Similar Use:

##### Section 6.250 SIMILAR USE

The Similar Use process is intended to only allow those uses or activities that are similar to uses or activities specifically listed in the zone. This process is not intended as a means of bypassing the text amendment process when such process is appropriate nor is it intended to allow uses or activities that are not compatible with the Purpose of the zone. A similar use must comply with the following:

1. **The proposed use or activity is similar in nature to a specific use or activity listed in the zone.** *Finding: The zone allows for retail businesses, barber and beauty shops, restaurants, laundry and dry cleaning, and the rental of non-motorized bicycles, trikes, and boats. The applicant's proposed use as a law office is similar to some of the other service uses that are outright permitted or conditionally permitted within the zone.*
2. **The impact of the proposed use or activity is not greater than what would likely be created by the specific use for which the proposed use or activity is similar.** *Finding: The law office will have less of an impact than many of the outright permitted or conditionally permitted uses. The law office will have less traffic than a convenience store or rental shop, which are two uses near the subject property. The intensity of the proposed activity is less than the prior use or other outright or conditionally permitted uses.*
3. **The proposed use is consistent with the Purpose statement of the zone.** *Finding: The addition of a law office to the neighborhood fits with the purpose of the zone. The purpose states the zone is to "provide for the location of small businesses and services adjoining the residential areas of the city. Businesses are intended to fit into the residential character of the neighborhood and not create either architectural or traffic conflict."*

*The applicant's proposal will have a significantly lower traffic count than the prior use as a small grocery store. The live/work residential unit will add a residential use to the building that will serve as the owner's residence. The building's height is compatible with nearby properties. The neighboring house is two stories as well as the nearby convenience store. Not far from the subject property is a large 4-story condominium building.*

**The reviewing body may impose conditions deemed necessary to assure the use or activity complies with the purpose of the zone and is compatible with adjacent uses and activities.**

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

1. The residential use within the commercial building is conditionally permitted per Section 3.063.
2. The use as an office building is similar, and less intense, than some of the outright and conditionally permitted uses within the zone.
3. The applicant has provided a parking lot with enough spaces to accommodate the employees and customers in the office building as well as the residential use on the third floor.
4. The applicant's engineer has shown a 15 ft required setback off the estuary. Very little riparian vegetation exists along this portion of the bank. The one existing tree and the existing vegetation west of the top of the bank is to remain.

**M. Conclusion:**

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

**N. Recommended Conditions:**

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

**Condition 2:** Any signage proposed for the office building is required to comply with the standards in the City's sign code.

**O. Recommendation and Alternatives:**

**Staff Recommendation:**

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

**Alternative 1:**

The Planning Commission may choose to continue this request to the regularly scheduled May 7, 2024, Planning Commission meeting to allow the Commission time to review submitted evidence or to allow the applicant, other affected parties, and the public, additional time to review or submit further evidence, rebuttals, or justifications.

**Alternative 2:**

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

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



# Community Development Land Use Application

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

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

Property Information:					
STREET ADDRESS OR LOCATION OF PROPERTY					
600 12th Ave					
ZONE	OVERLAY ZONE	TOWNSHIP	RANGE	SECTION	TAX LOT(S)
C1		6	10	15CB	05101

Owner:	Applicant/Representative Other than Owner:
NAME Ashley Flukinger, Attorney at Law, LLC	NAME OF APPLICANT / REPRESENTATIVE Ashley Flukinger
ADDRESS 810 Avenue G.	ADDRESS PO Box 612
PHONE 503-739-7101	PHONE 503-440-2951
EMAIL ashley@flukingerlaw.com	EMAIL ashley@flukingerlaw.com
SIGNATURE	SIGNATURE

**Proposed Use:** Law Office & Personal Residence

**Existing Use:** Vacant Lot

**Site Plan:**

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

Specific of Request:			
<input 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	

For Office Use Only	
Application Received: 02/14/24	File Number: 769-24-00009-PLNG
Application Deemed Complete: 03/11/24	120-Day Decision: 07/09/24
Staff Decision (Type 1) <input type="checkbox"/>	PC Decision (Type 2) <input checked="" type="checkbox"/>



## Community Development

# Conditional Use – Type 2

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In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristic, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Director shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Director may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location, and lighting of signs.
7. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Director will make a determination concerning a conditional use based on the applicant's justification of the following statements or questions. The applicant must provide sufficient information to the following statements or questions for this application to be accepted as complete.

1. What is the scope of your project?

Please see attached.

2. What is the proposed use in the zone?

Please see attached.

3. How will the development conform to the general development standards in the Seaside Zoning Ordinance and the specific standards in the zone?

Please see attached.

4. How will the development meet any of the applicable standards in Article 6 of the Seaside Zoning Ordinance?

Please see attached.

5. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

Please see attached.

6. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

**Attach Additional Sheets if Necessary**



1. What is the scope of your project?

I plan to build a 3-story building. The first floor will contain a reception area, legal assistant workspace, storage/mail room, conference room, 1 office, and a bathroom for client use. The second floor will contain private offices and storage space (along with 1 employee bathroom). The 3<sup>rd</sup> story will be my private living space.

2. What is the proposed use in the zone?

I would like to create 1 new residential unit. This will be for personal use and NOT a vacation rental. While I have no intention on creating a new vacation rental, the City would have extra assurance that this would not occur because Vacation Rental Dwellings are not an approved use within the C-1 zone. I would also use the bottom two floors for my law office. The first floor would be reserved for client space. There will be one private office and a conference room for meeting with clients. There will also be a client restroom and waiting area. The 2<sup>nd</sup> floor will also have a restroom for employee use, and will have private office spaces for staff.

3. How will the development conform to the general development standards in the Seaside Zoning Ordinance and the specific standards in the zone?

The use of the property for a law office is a similar use to what is already allowed in the C1 zone. In a C-1 zone, residential use and retail businesses are permitted. The law office will create less traffic than a typical retail business as this is not a “revolving door” type of establishment. Currently my office has 1 attorney, 2 full-time legal assistants, and one part-time legal assistant. Since Covid 19, it is far more likely that clients opt for telephone or Zoom conferences rather than driving to the office. It is rare to have more than 1-2 client vehicles in the parking lot at any given time. The use will be similar but will likely create less of a traffic concern to nearby residents, as the law office is not as busy as a true retail business.

4. How will the development meet any of the applicable standards in Article 6 of the Seaside Zoning Ordinance?

The proposed use of a law office/residential space is similar in nature to a beauty shop or barber shop that is an outright use in this zone. A law office is similarly a service related industry and does not typically create the same heavy traffic that a restaurant or convenient store would create. There is a person residence on the property immediately to the east of this lot, so having a residential unit also will not stand out in this zone.

The purpose of the C-1 zone is “to provide for the location of small businesses and services adjoining residential areas of the city.” My proposed use would be a small business with a residence on the upper floor. The C-1 zone purpose also states, “businesses are intended to fit into the residential character of the neighborhood and not create either architectural or

traffic conflict.” The office/residential space will not conflict with the architectural or traffic on 12<sup>th</sup> Avenue nor the City of Seaside. Putting a new building in the existing vacant lot will provide beautification for an area that is largely only used by crabbers as a parking zone. Further, as discussed above, a law office does not create a substantial amount of traffic the way a convenient store or restaurant would.

5. Describe any additional measures (if any) the applicant will take in order to protect the interest of the surrounding area or the city as a whole.

The plans for this office include preservation of the current natural landscape of the riverbank. There are also plans for landscaping and beautification after construction has been completed. There is no parking allowed on the street around the new office site. Therefore, client’s and staff will be utilizing the private parking lot that will be created on site.

Construction of a law office would potentially allow for additional attorneys to work on a full-time or contract basis to provide legal services to the community. Currently, Clatsop County is in the middle of a public defender shortage crisis. Due to the shortage of attorneys, there are close to 100 criminal defendants who qualify for indigent defense who are unrepresented. Currently I take approximately 20 misdemeanor cases per month. However, hiring another attorney would allow our office to serve far more people and assist the county and state with the current public defender crisis.

A TOPOGRAPHIC AND SITE SURVEY OF THAT PROPERTY DESCRIBED IN INSTRUMENT # 201505940 CLATSOP COUNTY DEED RECORDS, CLATSOP COUNTY DEED RECORDS, THE SAME BEING LOT 1 AND A PORTION OF LOT 2, LOGANS SUBDIVISION OF BLOCK1, OCEAN GROVE, SITUATED IN THE SE 1/4 SECTION 16, T 6 N, R 10 W, W.M., CITY OF SEASIDE, CLATSOP COUNTY, OREGON

MAY 12, 2021

THE BASIS OF BEARING FOR THIS SURVEY IS THE RECORD BEARING FROM MONUMENT # 1094 TO MONUMENT # 1092 PER CCSR MAP B-8988.

SURVEY BY:  
 NEIL A. MENDENHALL JR., LS 2001  
 dba MENDENHALL & ASSOC  
 PO BOX 2025  
 SEASIDE, OR 97138  
 (503) 738-6383  
 nmendenhall2025@gmail.com  
 file: 11thove2017.pro

SURVEY FOR:  
 ASHLEY FLUKINGER

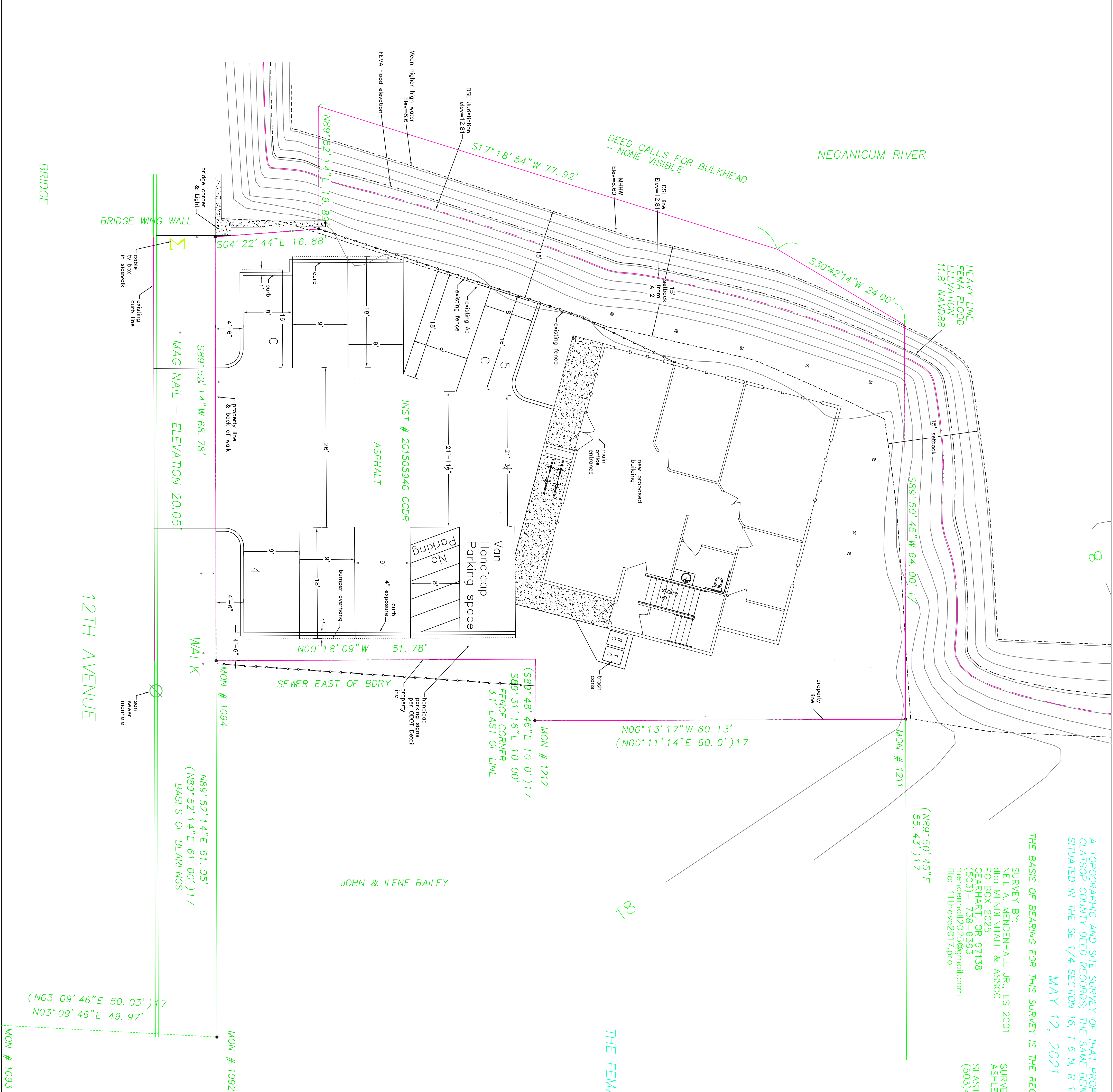
(N89° 50' 45" E  
 55.43') 17

MON # 1211

NECANICUM RIVER

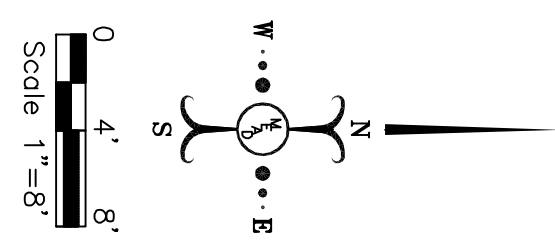
DEED CALLS FOR BULKHEAD  
 - NONE VISIBLE

THE FEMA FLOOD ELEVATION AT THIS LOCATION IS 11.8 FEET NAVD 88.



City Land Zoning C-1	
Parking Spaces	
Standard = 9' wide, 18' deep	
Compact = 8' wide, 16' deep	
Parking Required	
Office space = 1/400 + employees	
Residential, apartment one bedroom = 1 space	
Required	8
Provided	
Standard	6
Compact	2
Handicap	1
Total	9

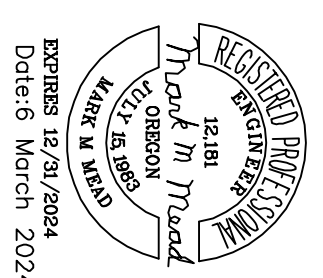
- Elevation datum NWGD 1988
- FEMA Flood Elevation 11.80
- DSL Jurisdiction Elevation = 12.81
- Mean Higher High Water Elevation = 8.6
- 15' A-2 setback
- Property Line
- 1' Contour Line Mendenhall
- Spot elevations Mendenhall



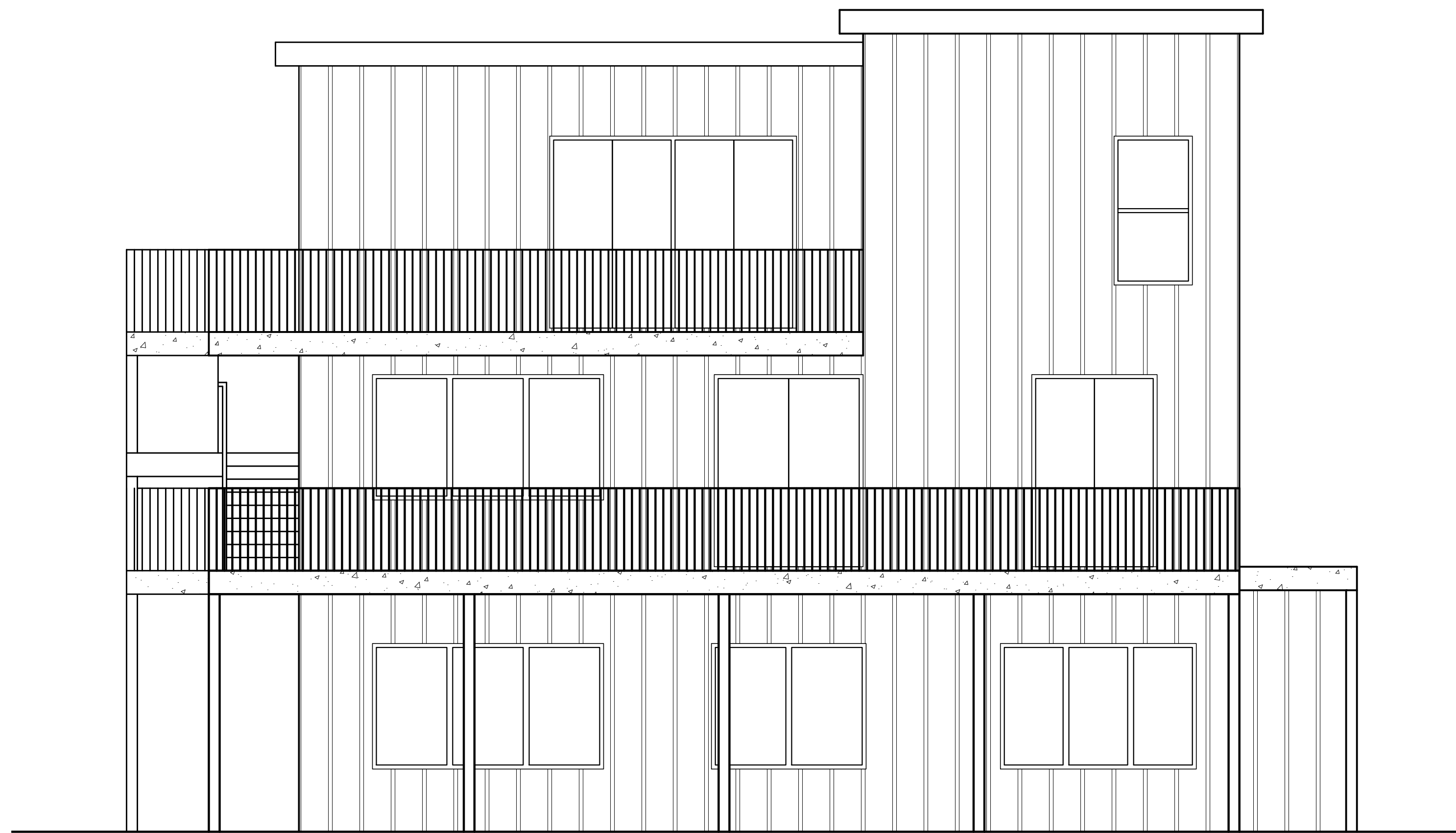
MON # 1093

**New Site Plan**  
 New Office  
 Ashley Flukinger  
 600 - 12 Ave  
 PO Box 612  
 Seaside, Oregon 97138

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



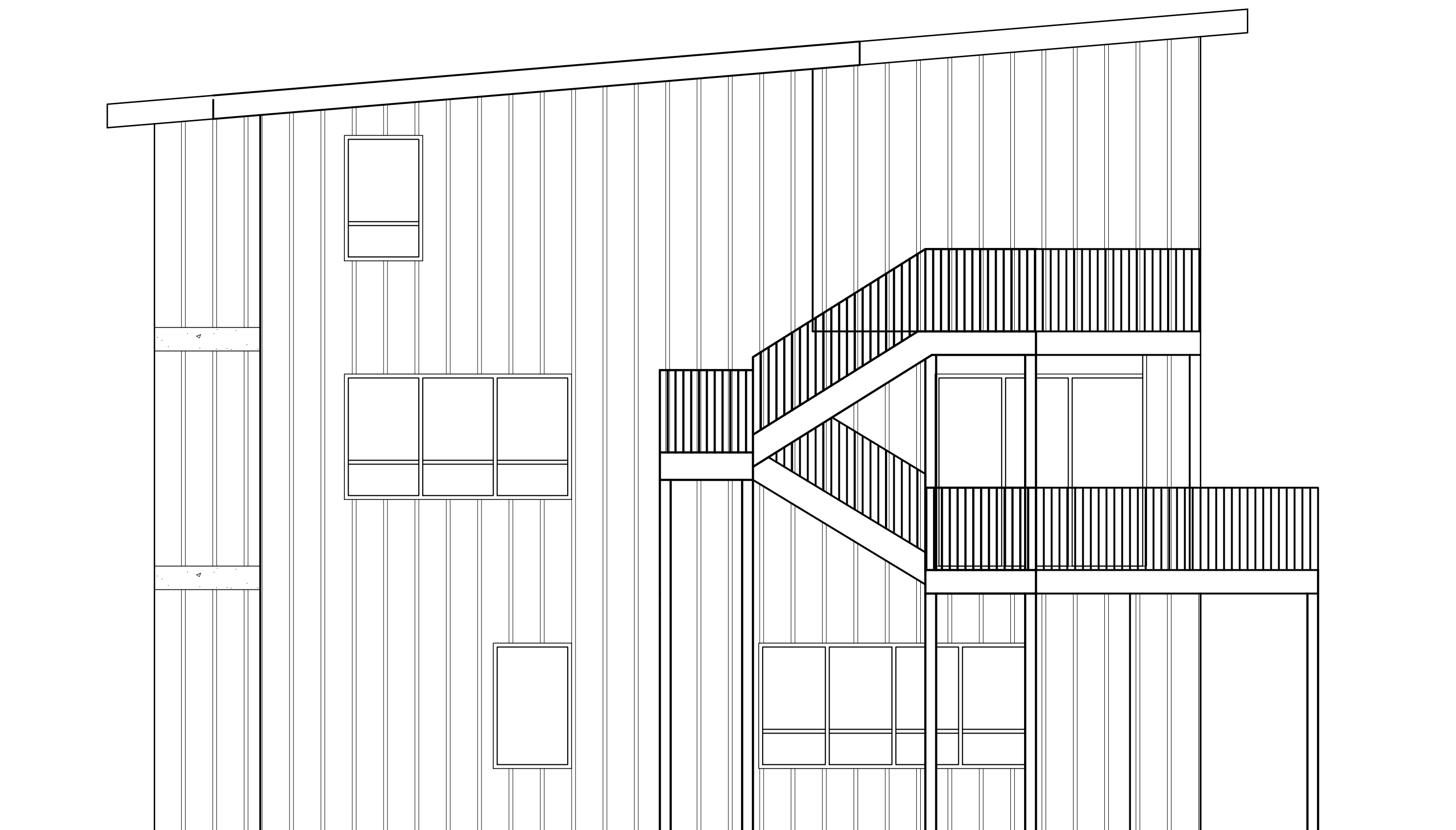




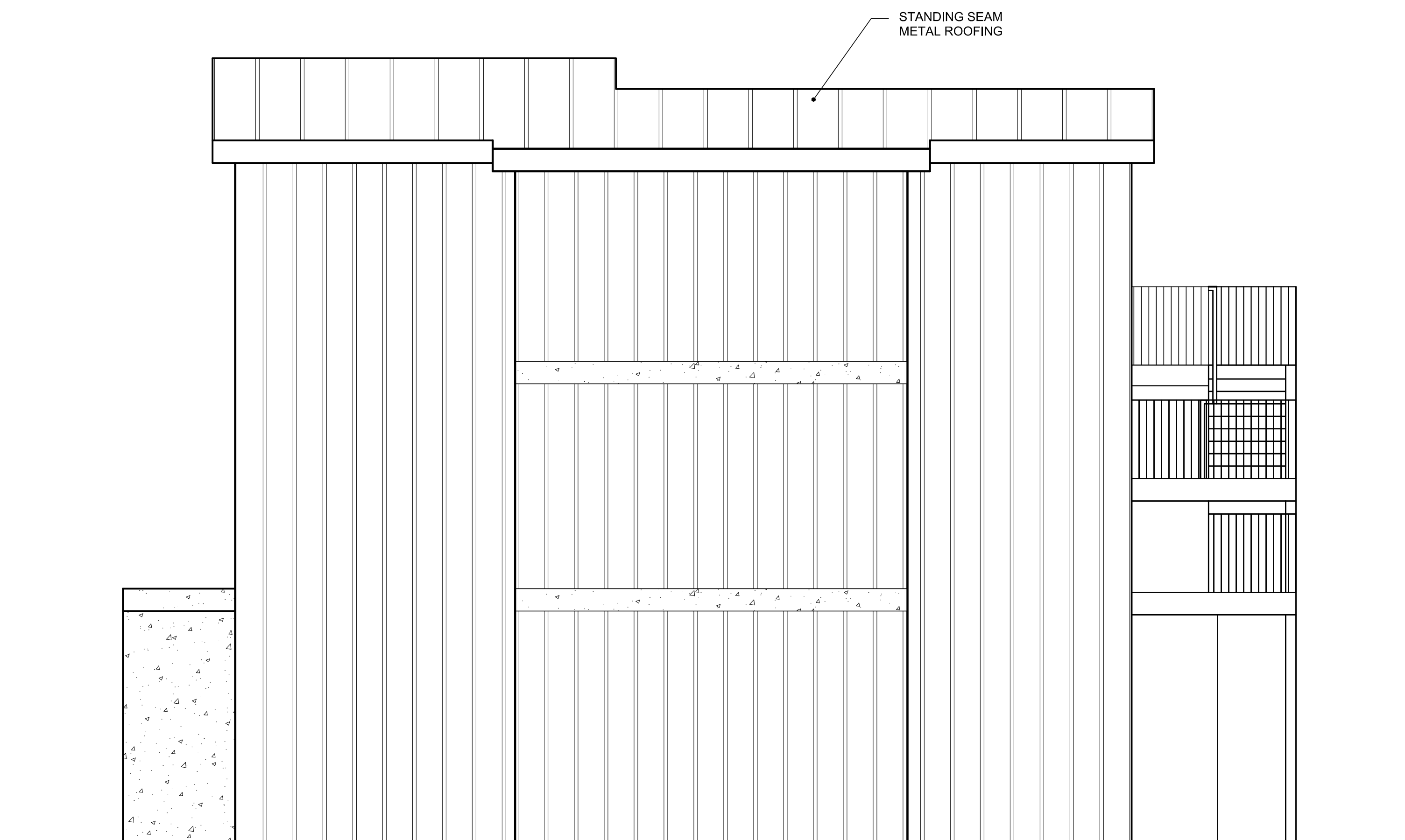
2 LEFT ELEVATION  
A1.1 SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION  
A1.1 SCALE: 1/4" = 1'-0"



3 REAR ELEVATION  
A1.1 SCALE: 1/4" = 1'-0"



4 RIGHT ELEVATION  
A1.1 SCALE: 1/4" = 1'-0"

1/24/2024



DESCRIPTION

REVISIONS

No. DATE

PROJECT:  
**12th AVENUE OFFICE**

LOCATION:  
**600 12th AVENUE  
SEASIDE, OR 97138**

SHEET TITLE:  
**BUILDING ELEVATIONS**

CLIENT:

**STABILITY ENGINEERING**  
777 NE SECOND STREET, SUITE 200  
P.O. BOX 2646, CORVALLIS, OR 97339  
TEL: (541)223-5380 FAX: (541)223-5278

JOB NO.

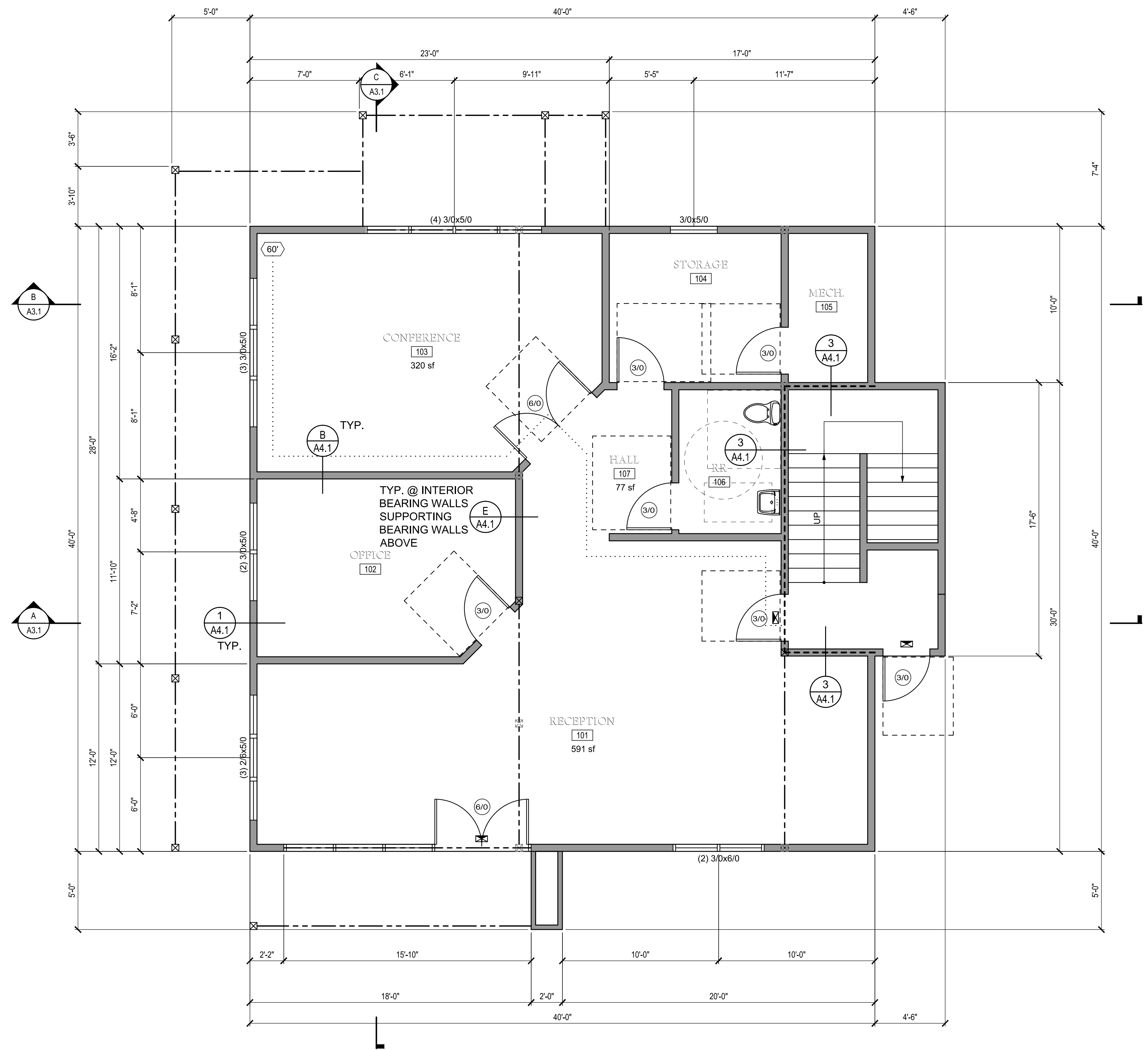
DATE: 1/24/2024

DRAWN: CCS

SCALE: AS SHOWN

SHEET

**A1.1**



1 FIRST FLOOR PLAN  
A2.1 SCALE: 1/4" = 1'-0"

- LEGEND**
- 2x WOOD STUD WALL
  - RATED FIREWALL
  - EXIT ACCESS TRAVEL PATH
  - EXIT ACCESS TRAVEL DISTANCE
  - ILLUMINATED EXIT SIGN

FIRST FLOOR AREAS			
FOOTPRINT	OUTDOOR COVERED	EXTERIOR WALLS	G.F.A.
1679	90	85	1684



REVISIONS No.	DATE	DESCRIPTION

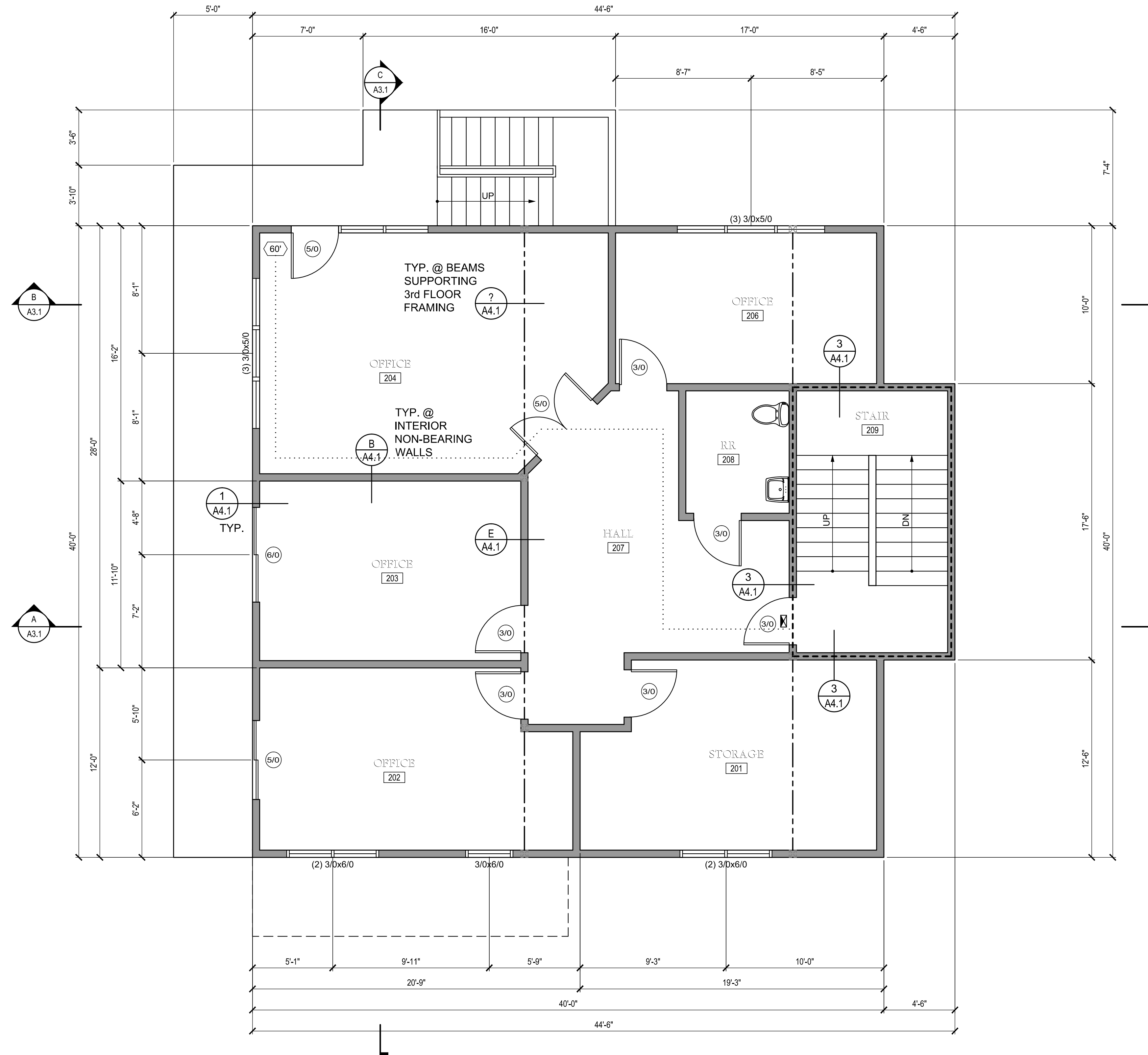
PROJECT: **12th AVENUE OFFICE**  
 LOCATION: **600 12th AVENUE SEASIDE, OR 97138**

SHEET TITLE: **FIRST FLOOR PLAN**  
 CLIENT: **-**

**STABILITY ENGINEERING**  
 777 NE SECOND STREET, SUITE 200  
 P.O. BOX 2846, CORVALLIS, OR 97339  
 TEL: (541)223-5380 FAX: (541)223-5278

JOB NO. -  
 DATE: 1/24/2024  
 DRAWN: CCS  
 SCALE: AS SHOWN  
 SHEET

**A2.1**



- LEGEND**
- 2x WOOD STUD WALL
  - RATED FIREWALL
  - EXIT ACCESS TRAVEL PATH
  - EXIT ACCESS TRAVEL DISTANCE
  - ILLUMINATED EXIT SIGN

SECOND FLOOR AREAS			
FOOTPRINT	OUTDOOR COVERED	EXTERIOR WALLS	G.F.A.
1679	0	85	1594

1 SECOND FLOOR PLAN  
A2.2 SCALE: 1/4" = 1'-0"



REVISIONS No.	DATE	DESCRIPTION

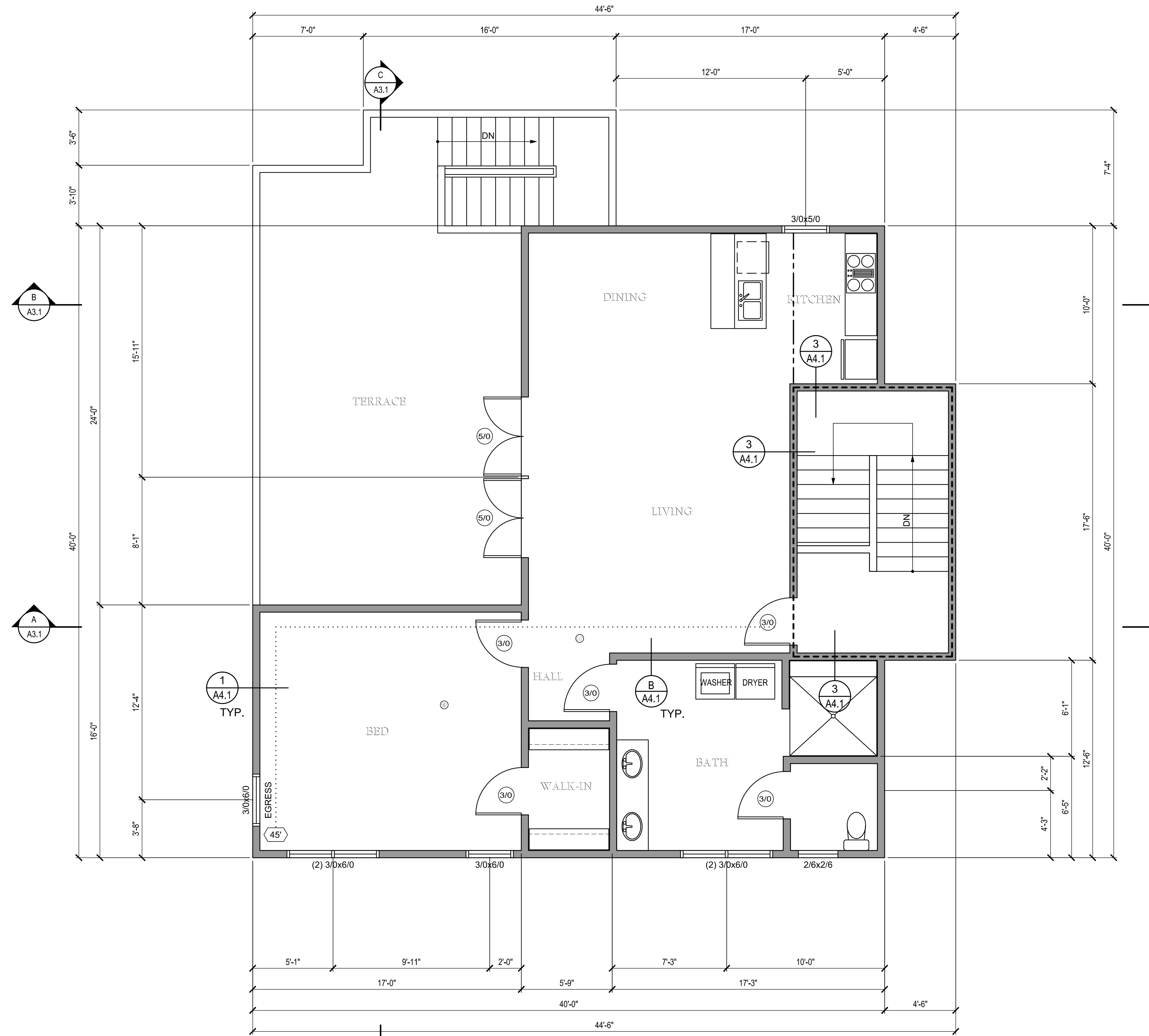
PROJECT: **12th AVENUE OFFICE**  
 LOCATION: **600 12th AVENUE SEASIDE, OR 97138**

SHEET TITLE: **SECOND FLOOR PLAN**  
 CLIENT: .

**STABILITY ENGINEERING**  
 777 NE SECOND STREET, SUITE 200  
 P.O. BOX 2846, CORVALLIS, OR 97339  
 TEL: (541)223-5380 FAX: (541)223-5278

JOB NO. -  
 DATE: 1/24/2024  
 DRAWN: CCS  
 SCALE: AS SHOWN

SHEET **A2.2**



1 THIRD FLOOR PLAN  
A2.3 SCALE: 1/4" = 1'-0"

- LEGEND**
- 2x WOOD STUD WALL
  - RATED FIREWALL
  - EXIT ACCESS TRAVEL PATH
  - EXIT ACCESS TRAVEL DISTANCE
  - ILLUMINATED EXIT SIGN

THIRD FLOOR AREAS			
FOOTPRINT	OUTDOOR COVERED	EXTERIOR WALLS	G.F.A.
1271	63	84	1250



REVISIONS No.	DATE	DESCRIPTION

PROJECT: **12th AVENUE OFFICE**  
 LOCATION: **600 12th AVENUE SEASIDE, OR 97138**

SHEET TITLE: **THIRD FLOOR PLAN**  
 CLIENT: .

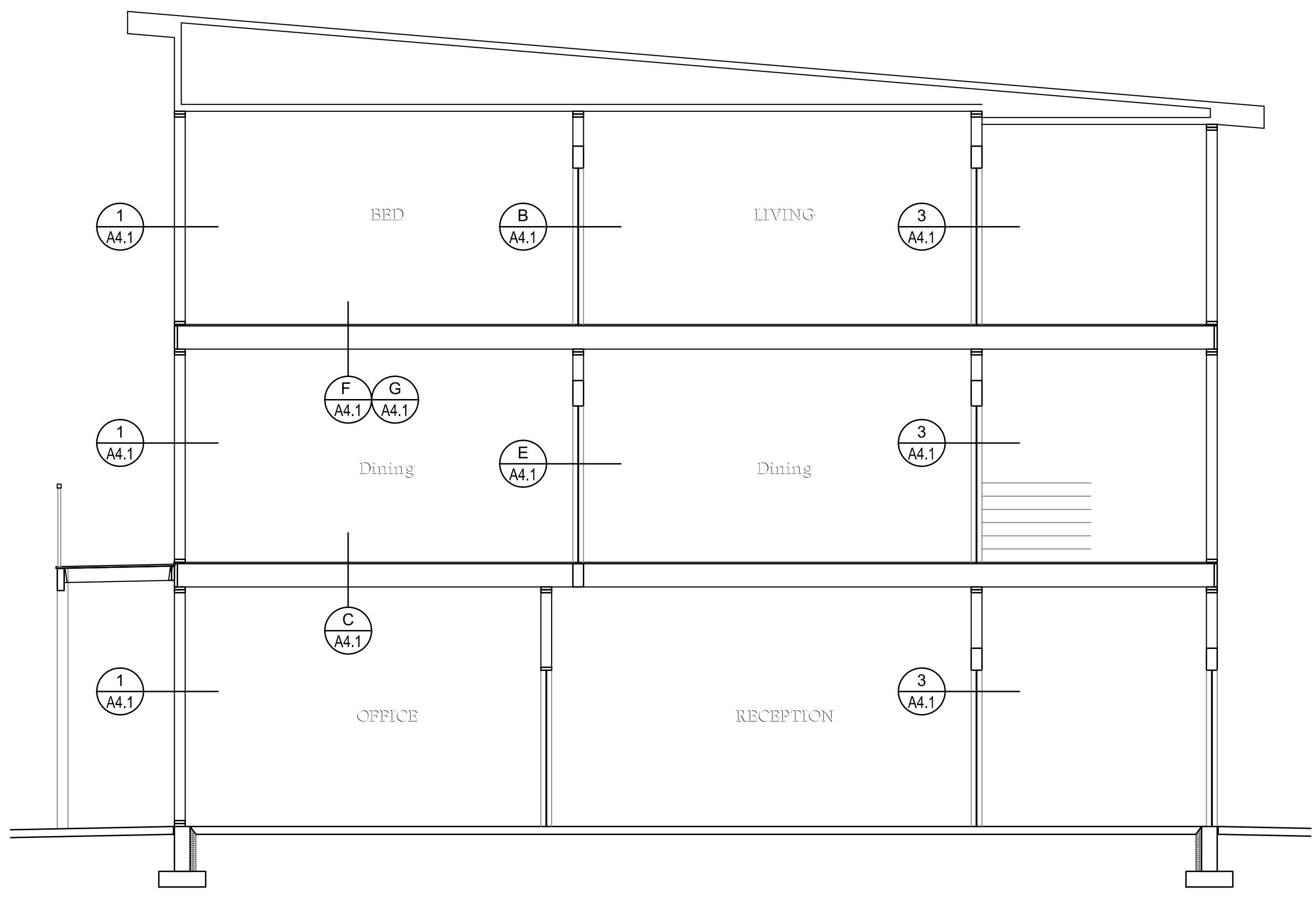
STABILITY ENGINEERING  
 777 NE SECOND STREET, SUITE 200  
 P.O. BOX 2846, CORVALLIS, OR 97339  
 TEL: (541)223-5380 FAX: (541)223-5278

JOB NO. -  
 DATE: 1/24/2024  
 DRAWN: CCS  
 SCALE: AS SHOWN

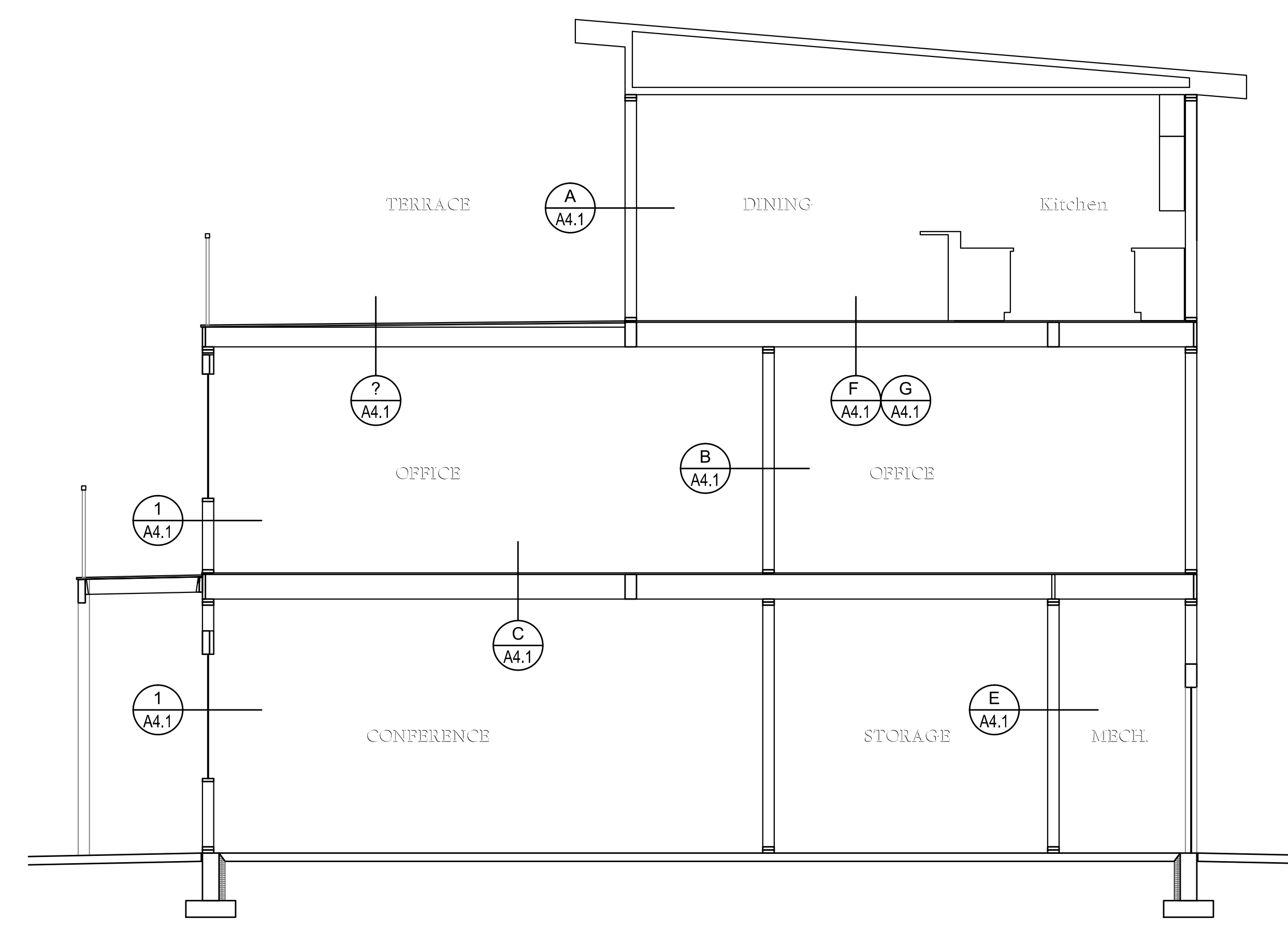
SHEET **A2.3**



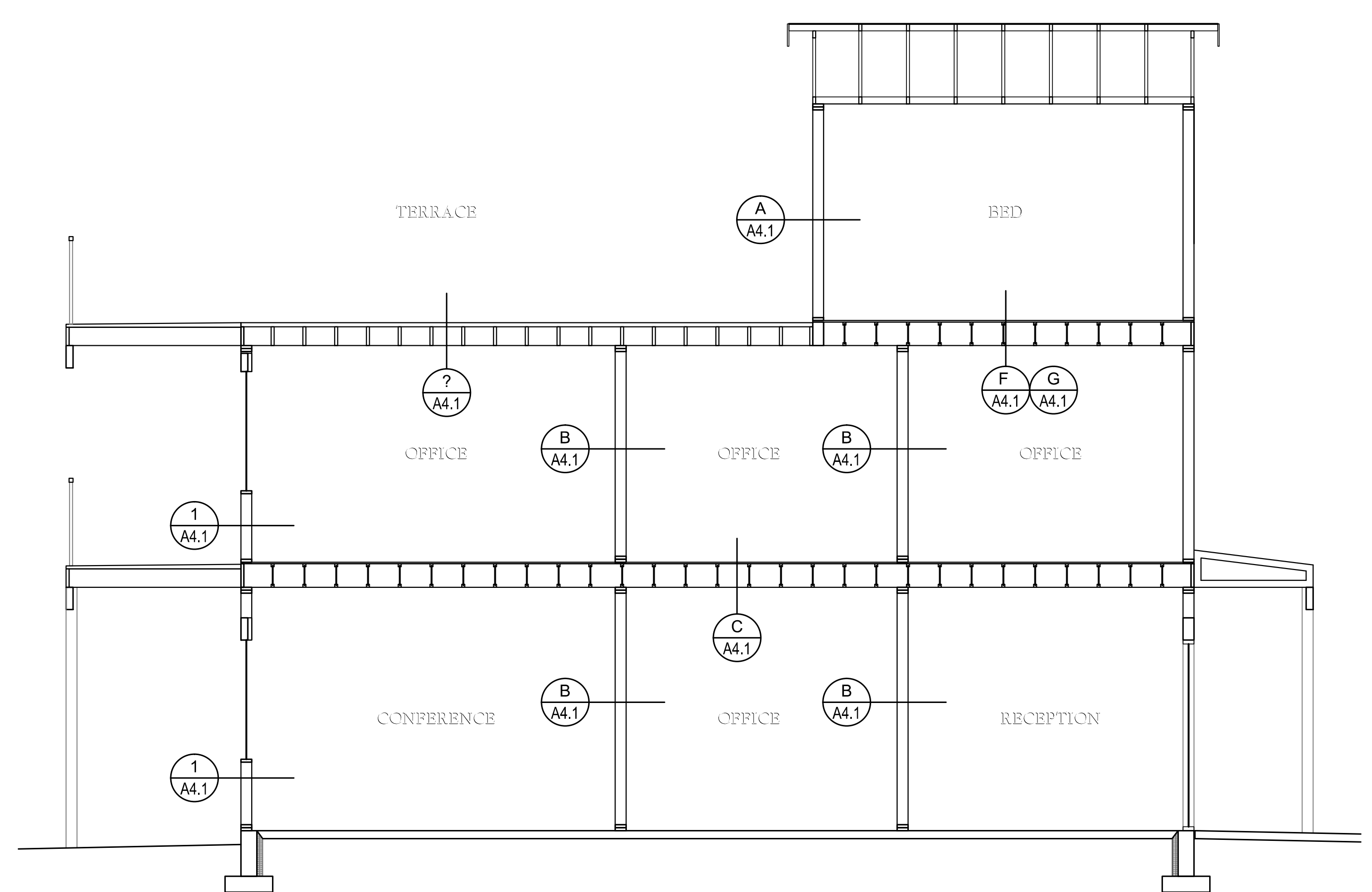




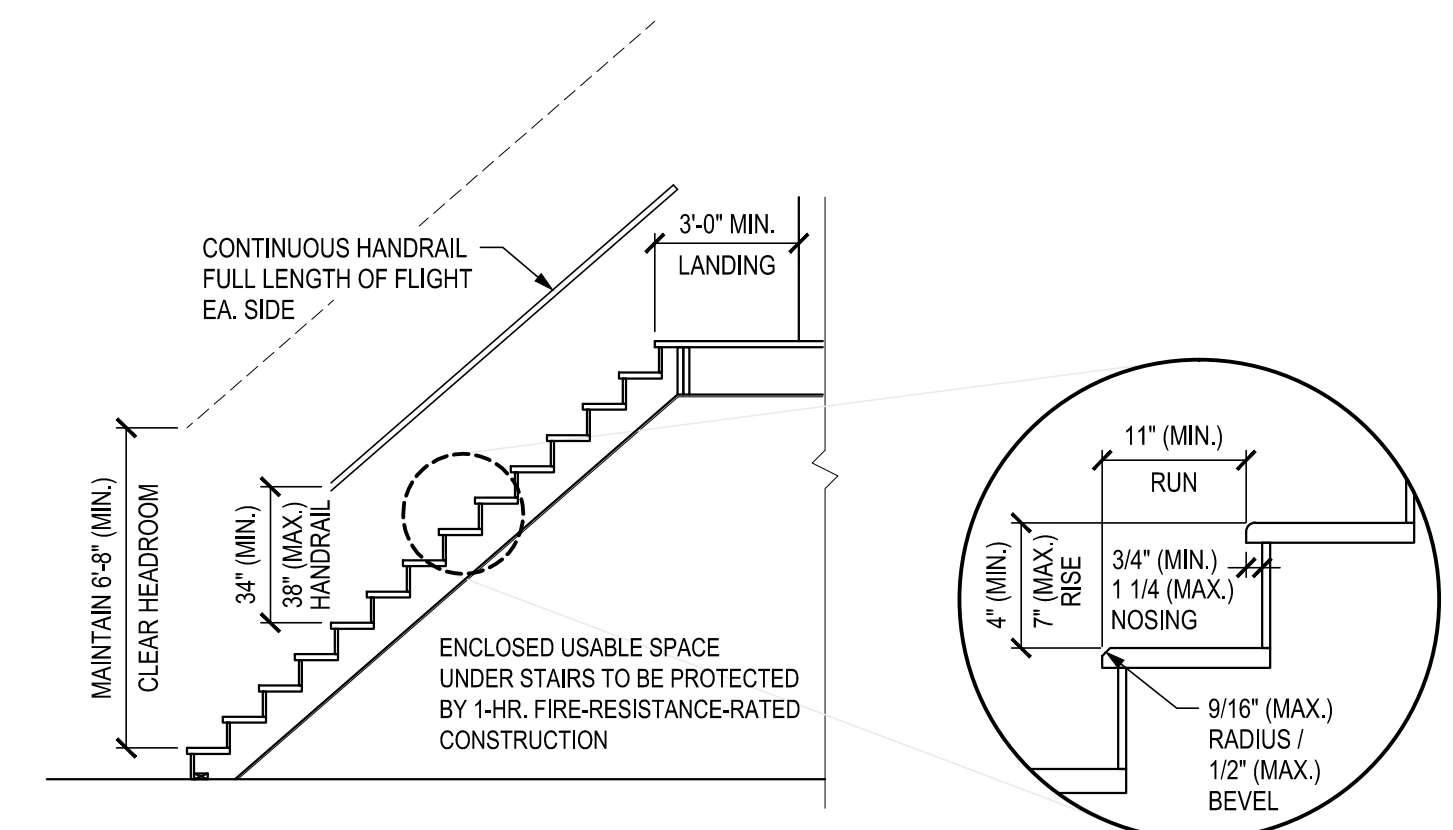
**A** BUILDING SECTION  
 A3.1 SCALE: 1/4" = 1'-0"



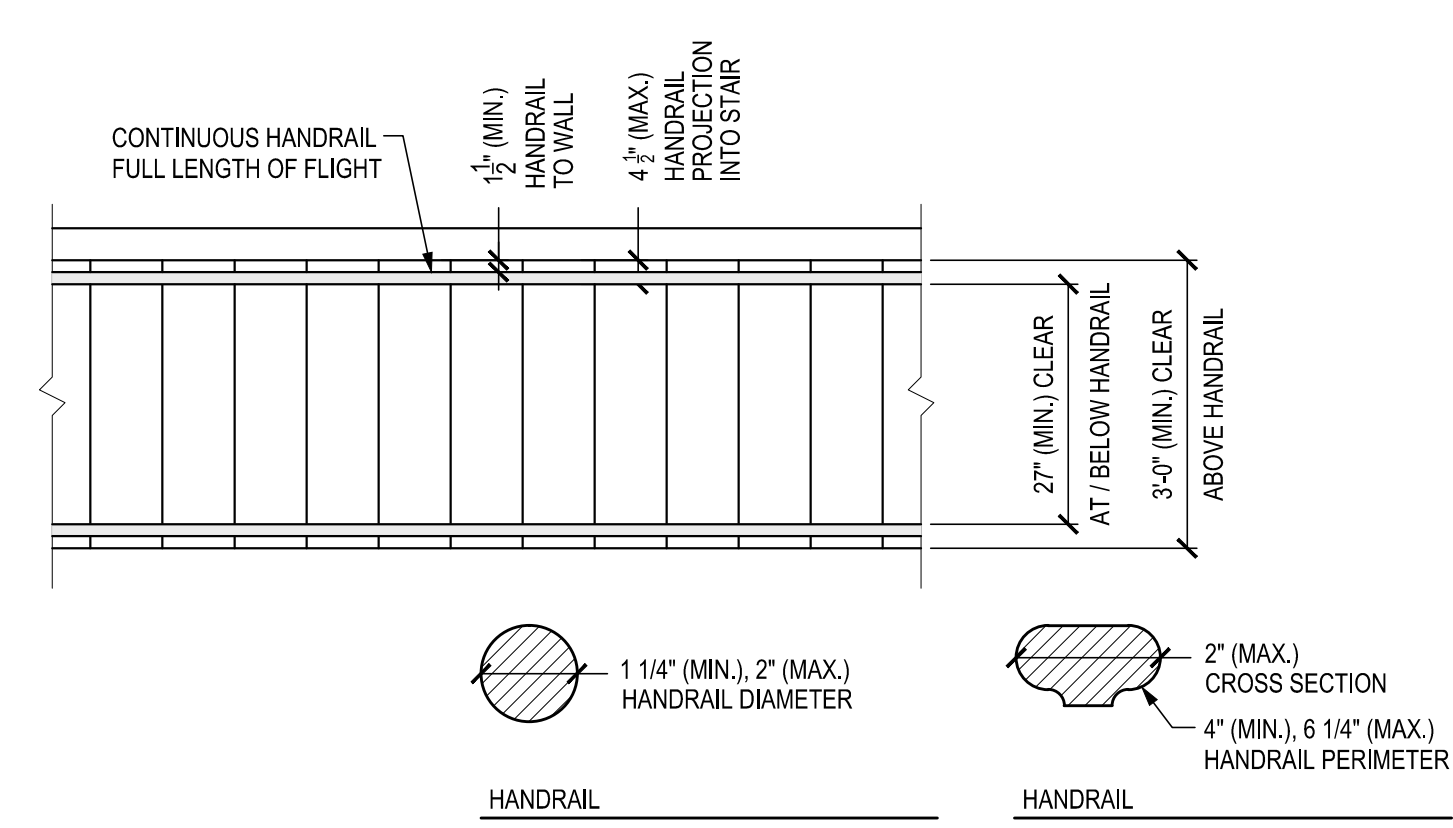
**B** BUILDING SECTION  
 A3.1 SCALE: 1/4" = 1'-0"



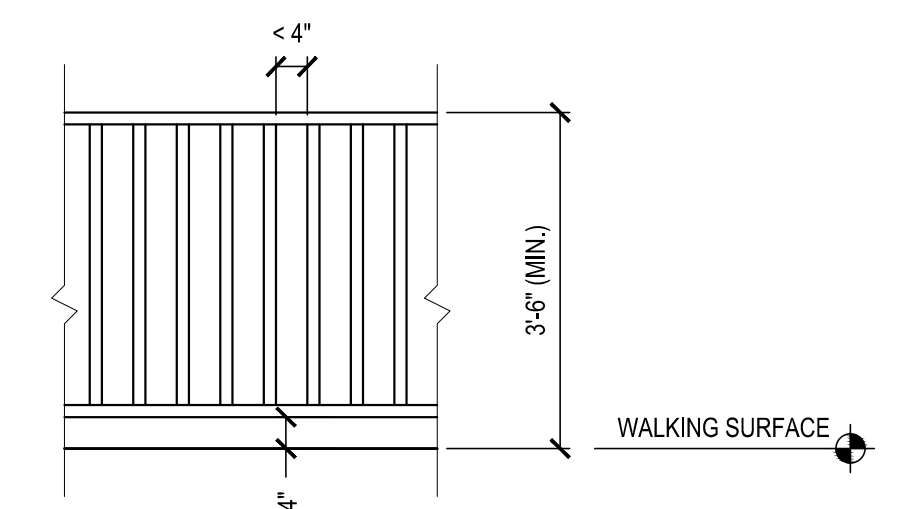
**C** BUILDING SECTION  
 A3.1 SCALE: 1/4" = 1'-0"



**1** TYPICAL STAIR SECTION  
 A3.1 SCALE: 1/4" = 1'-0"



**2** TYPICAL HANDRAIL PLAN  
 A3.1 SCALE: 1/2" = 1'-0"



**3** TYPICAL GUARDRAIL ELEVATION  
 A3.1 SCALE: 1/2" = 1'-0"

REVISIONS	NO.	DATE	DESCRIPTION

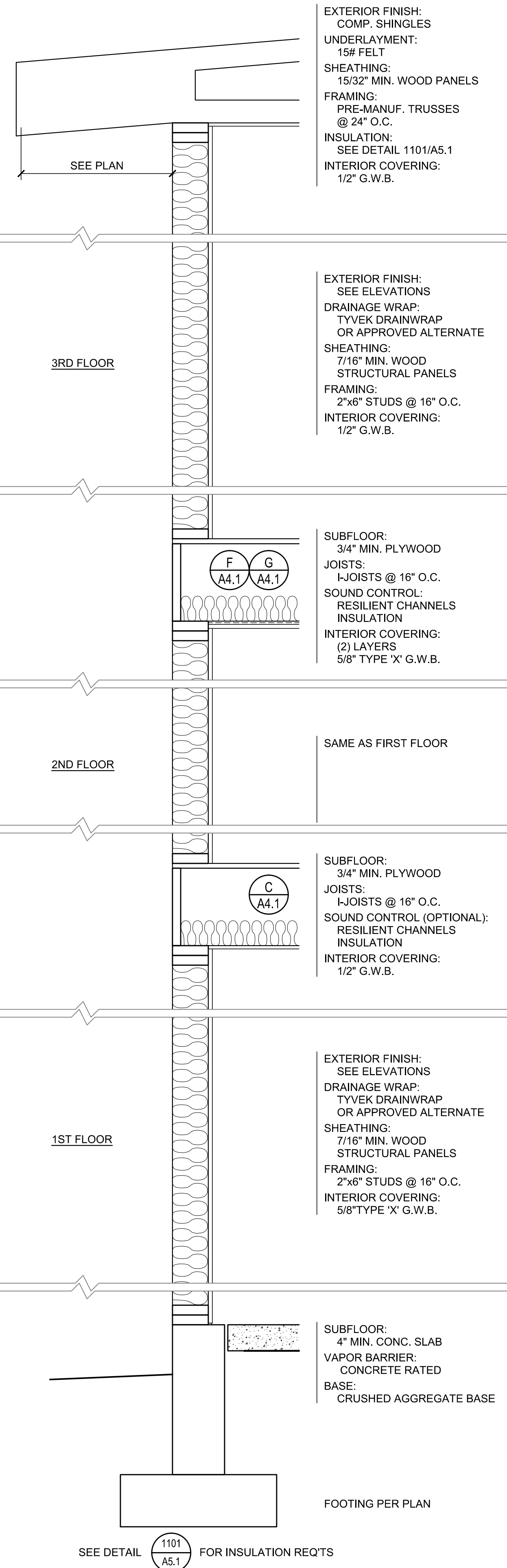
PROJECT: **12th AVENUE OFFICE**  
 LOCATION: **600 12th AVENUE SEASIDE, OR 97138**

SHEET TITLE: **BUILDING SECTIONS TYPICAL STAIR DETAILS**

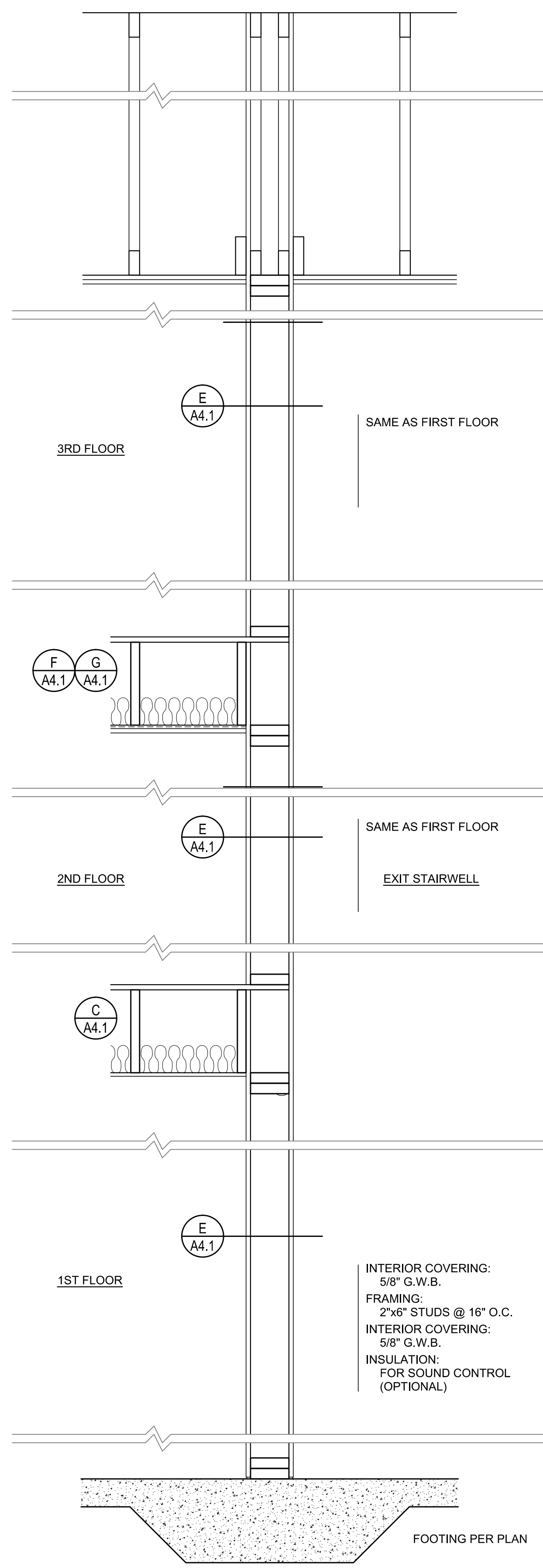
STABILITY ENGINEERING  
 777 NE SECOND STREET, SUITE 200  
 P.O. BOX 2846, CORVALLIS, OR 97339  
 TEL: (541)223-5380 FAX: (541)223-5278

JOB NO. -  
 DATE: 1/24/2024  
 DRAWN: CCS  
 SCALE: AS SHOWN

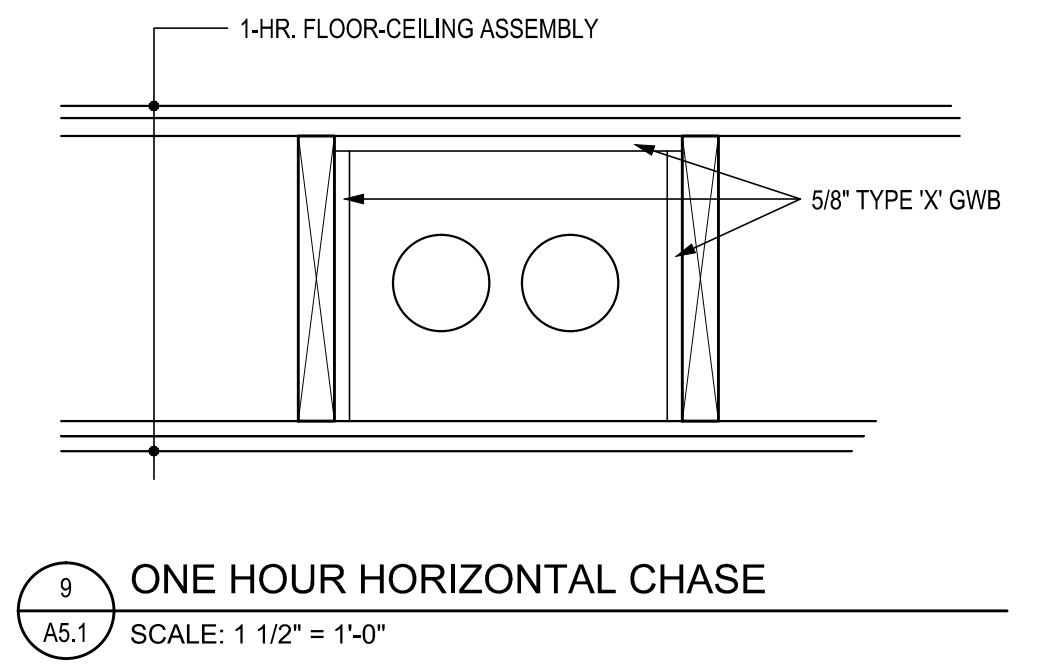
SHEET **A3.1**



1 TYPICAL EXTERIOR WALL  
A4.1 SCALE: 1" = 1'-0"



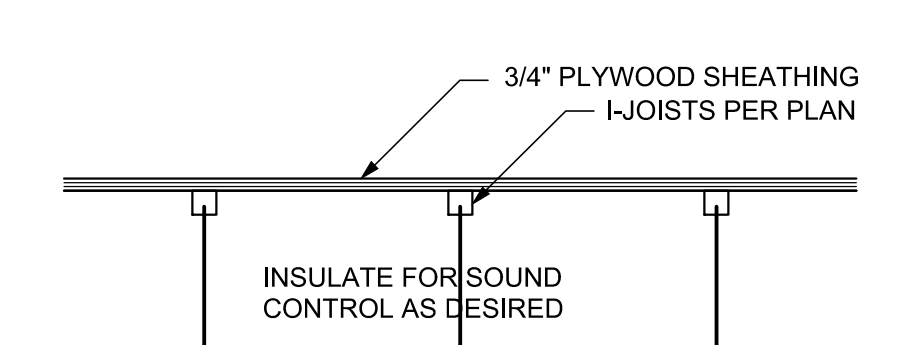
3 INTERIOR EXIT STAIRWAY WALL (1 HR FIRE BARRIER)  
A4.1 SCALE: 1" = 1'-0"



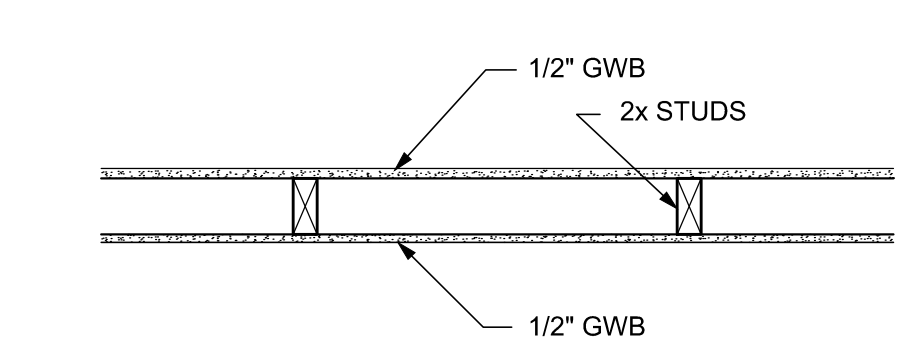
9 ONE HOUR HORIZONTAL CHASE  
A5.1 SCALE: 1 1/2" = 1'-0"



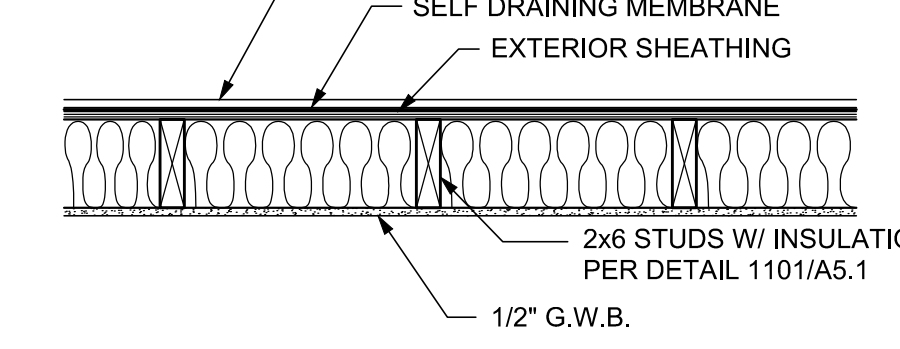
C A4.1 UNRATED FLOOR/CEILING ASSEMBLY  
SCALE: 1" = 1'-0"



G A4.1 ONE HOUR FLOOR/CEILING ASSEMBLY  
SCALE: 1" = 1'-0"

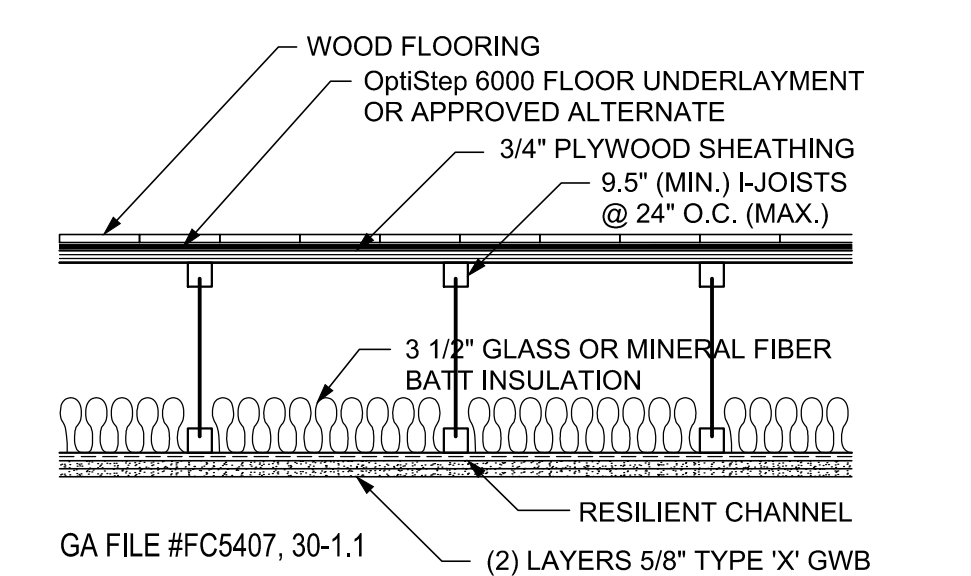


F A4.1 ONE HOUR FLOOR/CEILING ASSEMBLY  
SCALE: 1" = 1'-0"

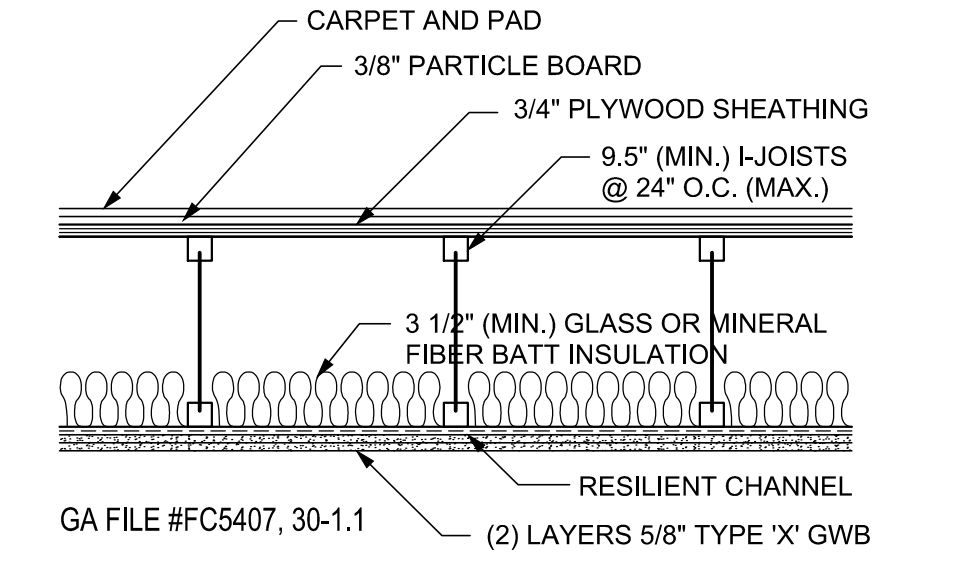


B A4.1 UNRATED INTERIOR WALL ASSEMBLY  
SCALE: 1" = 1'-0"

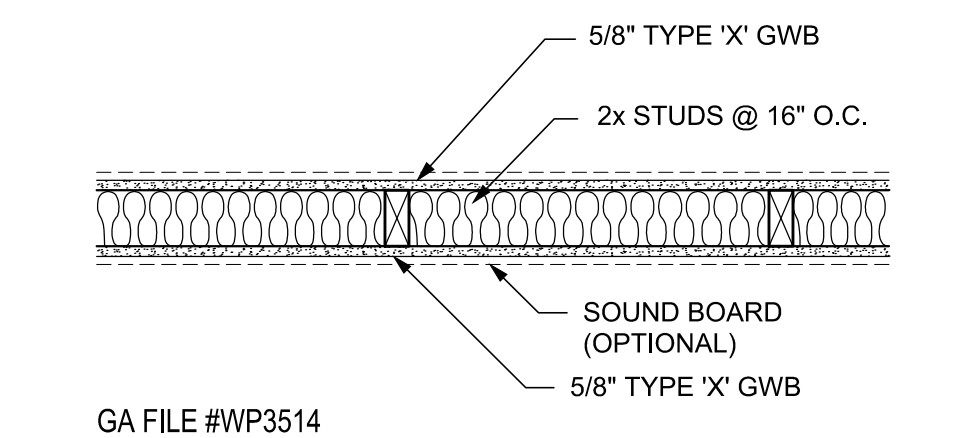
NOTE: FOR ALL RATED ASSEMBLIES, REFER TO GYPSUM ASSOCIATION (GA) FIRE RESISTANCE DESIGN MANUAL, UNDERWRITERS LABORATORY (UL) DIRECTORY, AND/OR MANUFACTURER'S DOCUMENTATION FOR DETAILED CONSTRUCTION REQUIREMENTS.



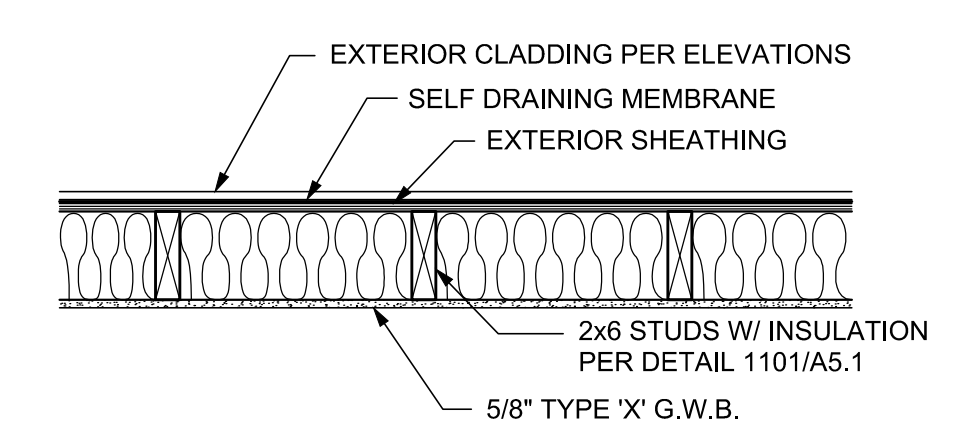
G A4.1 ONE HOUR FLOOR/CEILING ASSEMBLY  
SCALE: 1" = 1'-0"



F A4.1 ONE HOUR FLOOR/CEILING ASSEMBLY  
SCALE: 1" = 1'-0"



E A4.1 ONE HOUR INTERIOR WALL ASSEMBLY  
SCALE: 1" = 1'-0"



A A4.1 TYP. EXTERIOR WALL ASSEMBLY (3rd Floor)  
SCALE: 1" = 1'-0"



D A4.1 TYP. EXTERIOR WALL ASSEMBLY (1st/2nd Floor)  
SCALE: 1" = 1'-0"



REVISIONS	NO.	DATE	DESCRIPTION

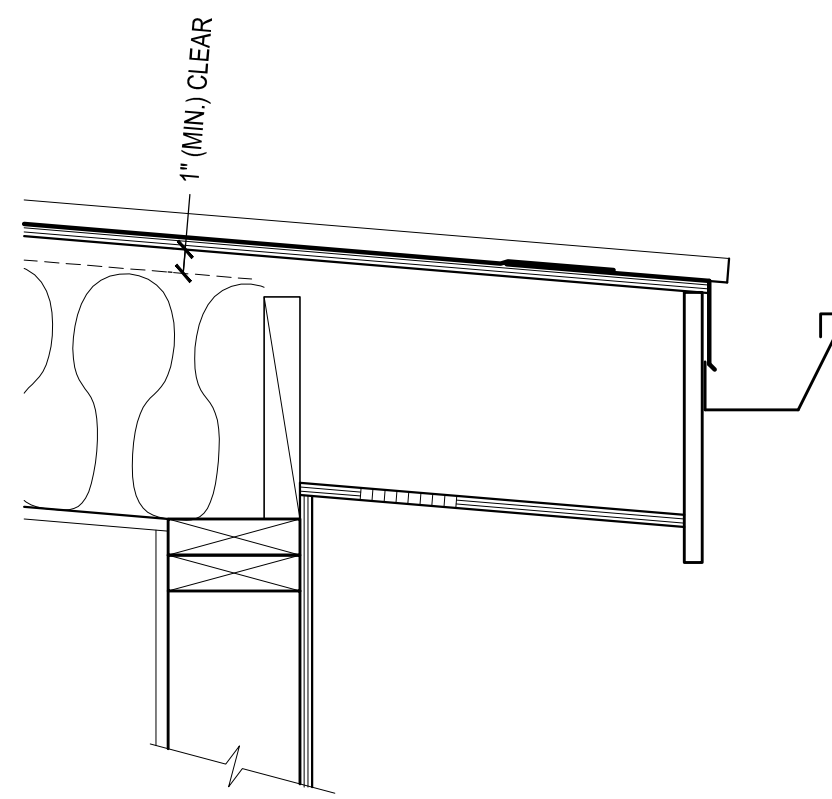
PROJECT: **12th AVENUE OFFICE**  
LOCATION: **600 12th AVENUE SEASIDE, OR 97138**

SHEET TITLE: **WALL SECTIONS, DETAILS**  
CLIENT: . . .

STABILITY ENGINEERING  
777 NE SECOND STREET, SUITE 200  
P.O. BOX 2646, CORVALLIS, OR 97339  
TEL: (541)223-5380 FAX: (541)223-5278

JOB NO. -  
DATE: 1/24/2024  
DRAWN: CCS  
SCALE: AS SHOWN  
SHEET

A4.1



**EAVE & VENTING NOTES:**

**VENTING AT EAVES:**  
 PROVIDE CONTINUOUS SCREENED SOFFIT VENT WITH CORROSION RESISTANT WIRE MESH WITH 1/8" (MIN.) TO 1/4" (MAX.) OPENINGS. MAINTAIN 1" (MIN.) CLEAR ABOVE INSULATION FOR AIR FLOW BY PROVIDING A BAFFLE OR OTHER APPROPRIATE MEANS.

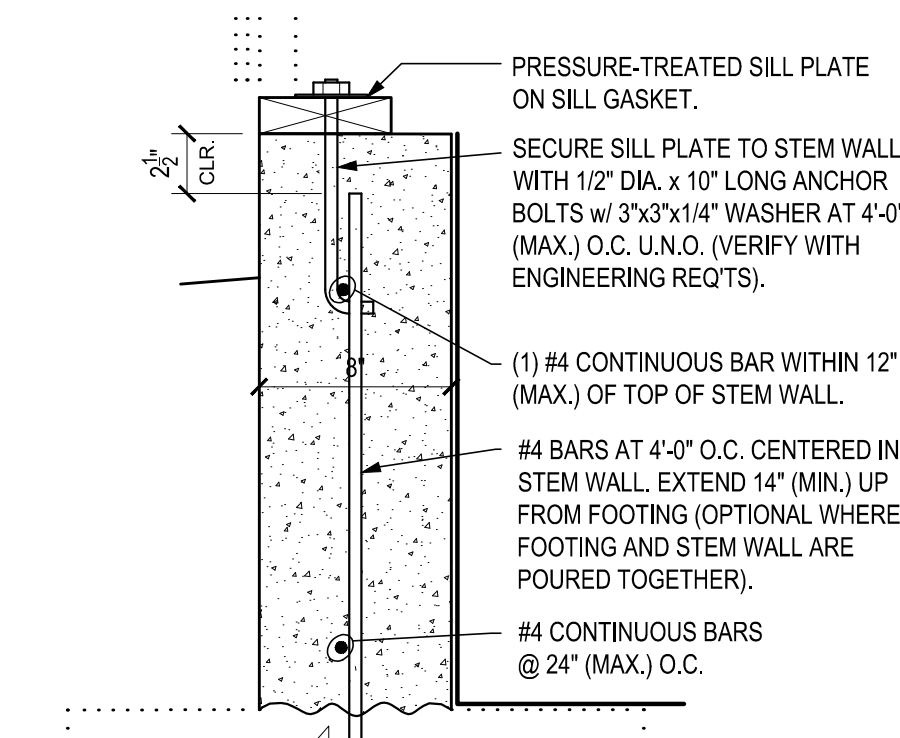
**VENTING AT RIDGE:**  
 PROVIDE 40% (MIN.) TO 50% (MAX.) OF TOTAL REQUIRED ATTIC VENTILATION IN UPPER PORTION OF ROOF. LOCATE AT LEAST THREE FEET ABOVE SOFFIT OR EAVE VENTING.

**TRUSS TIES:**  
 TRUSS TIES PER TRUSS MANUFACTURER UNLESS NOTED OTHERWISE (MIN. H2.5A).

**FLASHING:**  
 LAP UNDERLAMENT OVER END OF METAL EAVE FLASHING. LAP METAL EAVE FLASHING OVER GUTTER AND FASCIA.

**BLOCKING:**  
 PROVIDE 2x BLOCKING BETWEEN TRUSSES OVER ALL SUPPORTS.

4 EAVE DETAIL  
 A5.1 SCALE: 1 1/2" = 1'-0"



**FOUNDATION NOTES:**

**FINISHED GRADE AT EXTERIOR:**  
 6" (MIN.) BELOW TOP OF STEM WALL AND UNTREATED WOOD. SLOPE AWAY FROM FOUNDATION WALLS TO FALL 6" (MIN.) IN THE FIRST 10'-0" UNLESS OTHERWISE APPROVED.

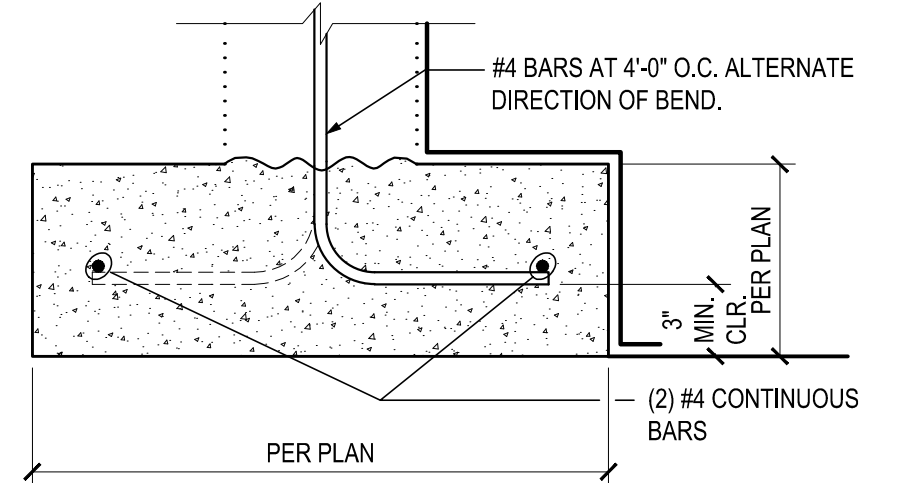
**HEIGHT:**  
 SEE ENGR. FOR CONCRETE WALLS SUPPORTING MORE THAN 4'-0" OF UNBALANCED BACKFILL.

**GROUNDING ELECTRODE:**  
 PROVIDE (1) UNCOATED #4 BAR EXTENDING 12" MIN. ABOVE PLATE LINE FOR GROUNDING ELECTRODE. LAP BAR IN FOOTING 12" (MIN.).

**SLEEVES:**  
 PROVIDE SLEEVES AS REQ'D FOR CRAWL SPACE DRAINAGE AND UTILITY PENETRATIONS. VERIFY LOCATIONS AND SIZES WITH CONTRACTOR / SUBCONTRACTORS PRIOR TO POURING FOUNDATION.

**STRUCTURAL / GEOTECHNICAL ENGINEERING:**  
 VERIFY DETAIL REQUIREMENTS WITH ANY STRUCTURAL AND/OR GEOTECHNICAL ENGINEERING. IN THE EVENT OF OMISSIONS OR DISCREPANCIES, ENGINEERING TAKES PRECEDENCE.

3 CONTINUOUS EXTERIOR STEM WALL  
 A5.1 SCALE: 1 1/2" = 1'-0"



**FOUNDATION NOTES:**

**ASSUMED SOIL BEARING CAPACITY:**  
 1500 psf (VERIFY)

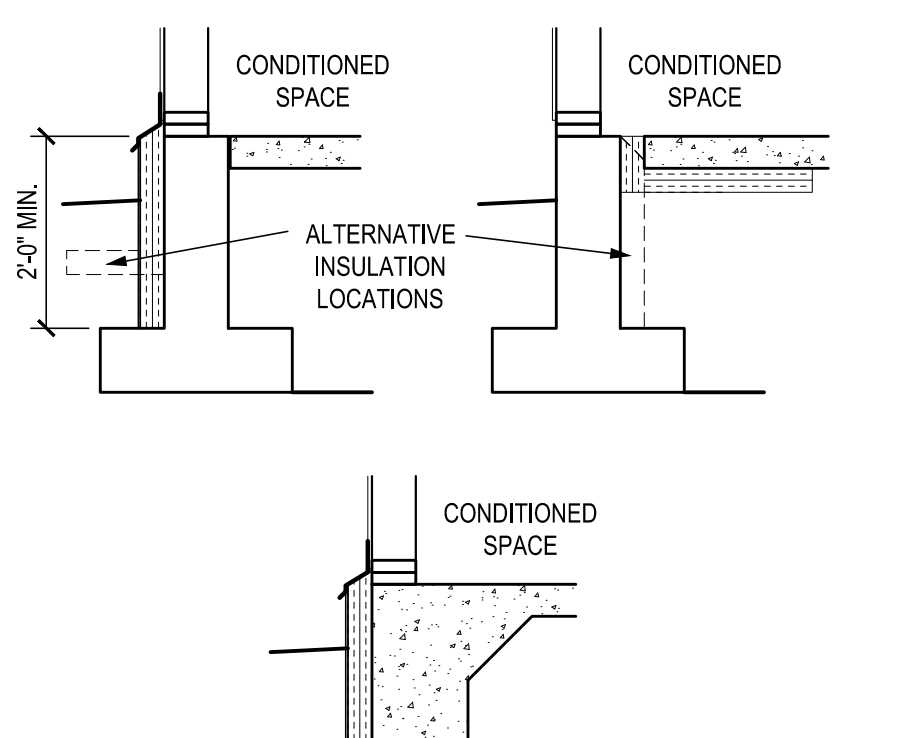
**SITE:**  
 CLEAR GROUND OF ALL VEGETATION AND ORGANIC MATERIAL. ALL FOOTINGS TO BEAR ON UNDISTURBED NATURAL SOIL.

**DEPTH:**  
 FOOTING TO BE 12" (MIN.) BELOW FINISHED GRADE

**GROUNDING ELECTRODE:**  
 PROVIDE (1) UNCOATED #4 BAR 20'-0" (MIN.) IN LENGTH FOR GROUNDING ELECTRODE. PLACE 3" (MIN.) FROM BOTTOM OF FOOTING AND MAINTAIN 2" (MIN.) ENCASEMENT IN CONCRETE. LAP BAR IN STEM WALL 12" (MIN.).

**STRUCTURAL / GEOTECHNICAL ENGINEERING:**  
 VERIFY DETAIL REQUIREMENTS WITH ANY STRUCTURAL AND/OR GEOTECHNICAL ENGINEERING. IN THE EVENT OF OMISSIONS OR DISCREPANCIES, ENGINEERING TAKES PRECEDENCE.

2 CONTINUOUS FOOTING AT BUILDING EXTERIOR  
 A5.1 SCALE: 1 1/2" = 1'-0"



**SLAB EDGE INSULATION NOTES:**

**SCOPE:**  
 APPLIES WHERE SLAB IS WITHIN 24 INCHES OF THE FINAL ELEVATION OF THE NEAREST EXTERIOR GRADE. SLAB EDGE INSULATION NOT REQUIRED WHERE SLAB EDGE IS GREATER THAN 24 INCHES BELOW GRADE. SEE INSULATION REQUIREMENTS FOR BELOW GRADE WALLS.

**STEM WALL SLAB (INSULATED ON EXTERIOR):**  
 INSULATION TO EXTEND DOWNWARD FROM TOP OF SLAB 24 INCHES (MIN.) OR DOWNWARD TO 12 INCHES (MIN.) BELOW EXISTING GRADE. THEN HORIZONTALLY FOR 24 INCHES (MIN.) COMBINED TOTAL LENGTH. BEVEL AND AND FLASH FOR DRAINAGE @ TOP. PROVIDE INSULATION PROTECTION PER CODE.

**STEM WALL SLAB (INSULATED ON INTERIOR):**  
 INSULATION TO EXTEND DOWNWARD FROM TOP OF SLAB 24 INCHES (MIN.) OR DOWNWARD TO BOTTOM OF SLAB THEN HORIZONTALLY UNDER SLAB FOR 24 INCHES (MIN.) COMBINED TOTAL LENGTH. OPTIONAL 45 DEG. BEVEL @ TOP.

**MONOLITHIC SLAB:**  
 INSULATION TO EXTEND TO BOTTOM OF THICKENED EDGE.

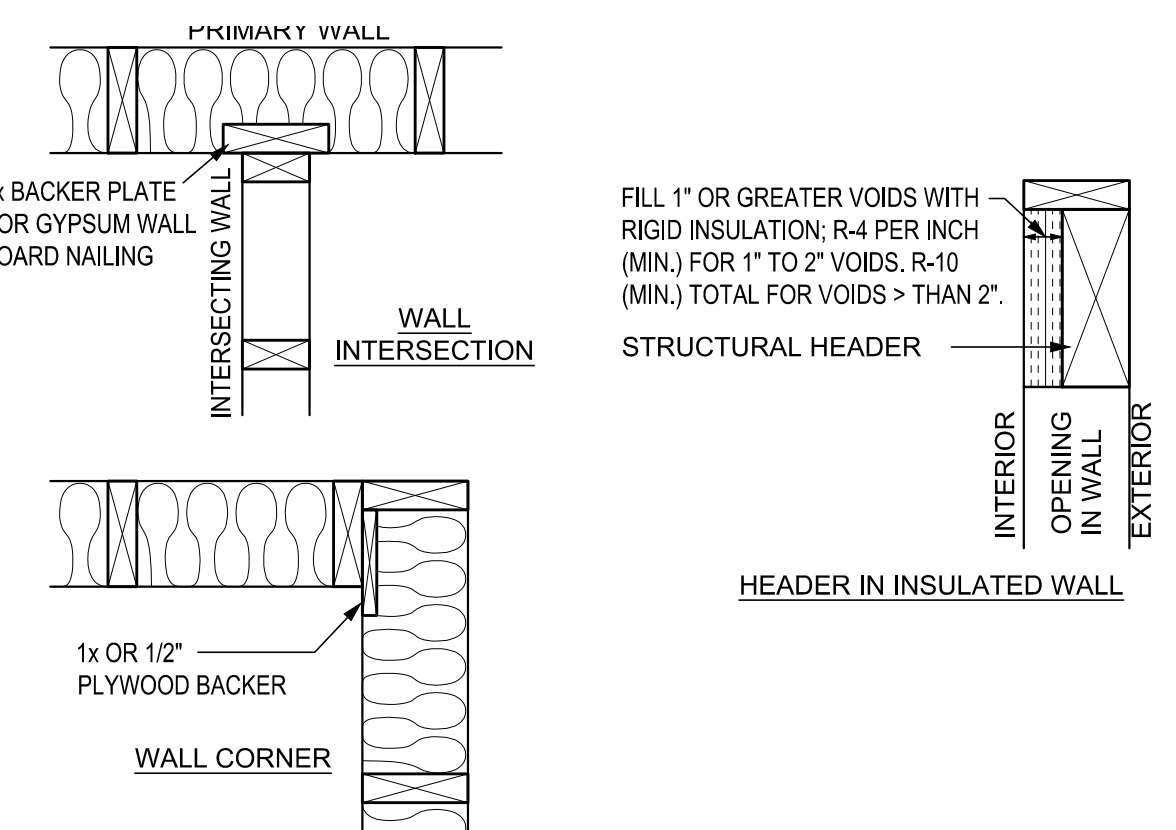
1 FOUNDATION DRAINAGE  
 A5.1 SCALE: 1 1/2" = 1'-0"

Prescriptive Envelope Requirements per OEESC Table 5.5-4 (Zone 4C)

Roofs			
Insulation above deck	U-0.032	R-30	
Insulation in attic	U-0.021	R-49	
Rafter vault, 2x12	U-0.028	R-38	
Walls			
Above Grade, wood	U-0.064	R-20	
Floors			
Wood framed	U-0.033	R-30	
Slab, unheated	F-0.520	R-15 for 24 in.	
Opaque Doors			
Swinging	U-0.37	SHGC	
Nonswinging	U-0.31		
Fenestration, 0%-40% of wall			SHGC
Fixed	U-0.36	0.36	
Operable	U-0.45	0.33	
Entrance door	U-0.63	0.33	
Skylights, 0%-3% of roof			SHGC
All types	U-0.50	0.40	

**BUILDING ENVELOPE:**  
 5.4.3.1.2.a SEAL ALL PENETRATIONS THROUGH THE BUILDING ENVELOPE AGAINST AIR INFILTRATION, INCLUDING JOINTS AT EXTERIOR DOORS AND WINDOWS, JUNCTIONS BETWEEN WALLS AND FLOORS, WALLS AND ROOFS, AND BETWEEN WALLS AT BUILDING CORNERS.

1101 ENERGY EFFICIENCY COMPLIANCE  
 A5.1 SCALE: NONE

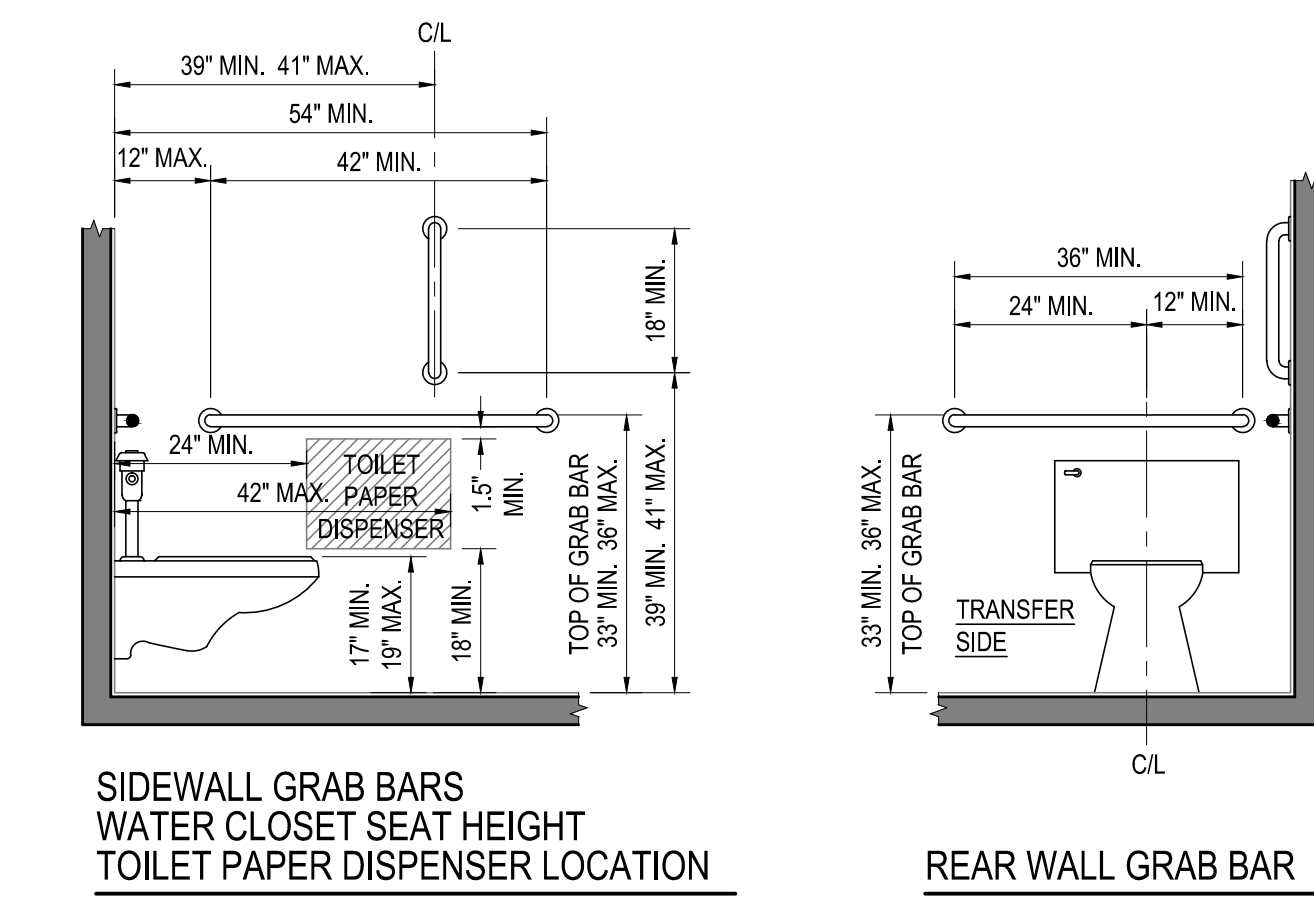
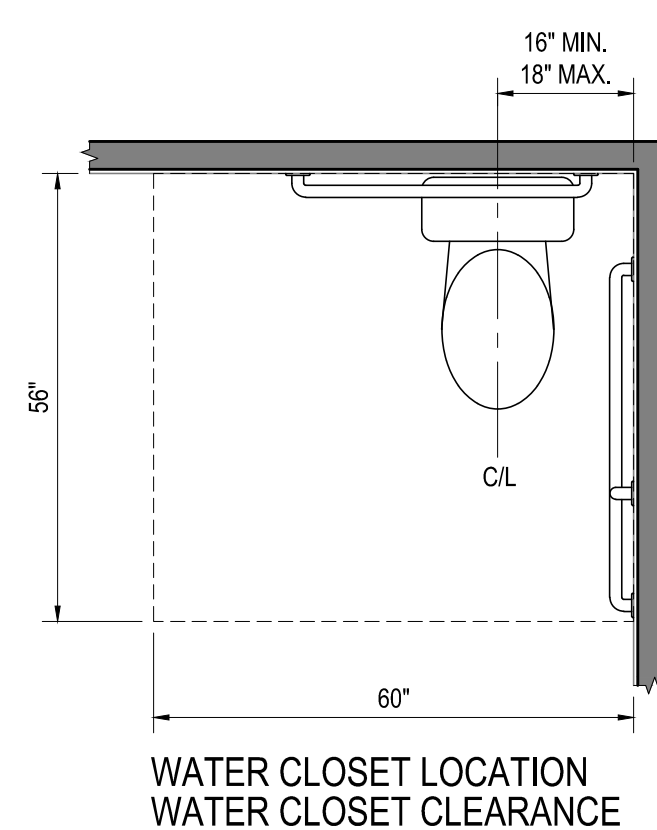


5 INTERMEDIATE FRAMING DETAILS  
 A4.1 SCALE: 1 1/2" = 1'-0"

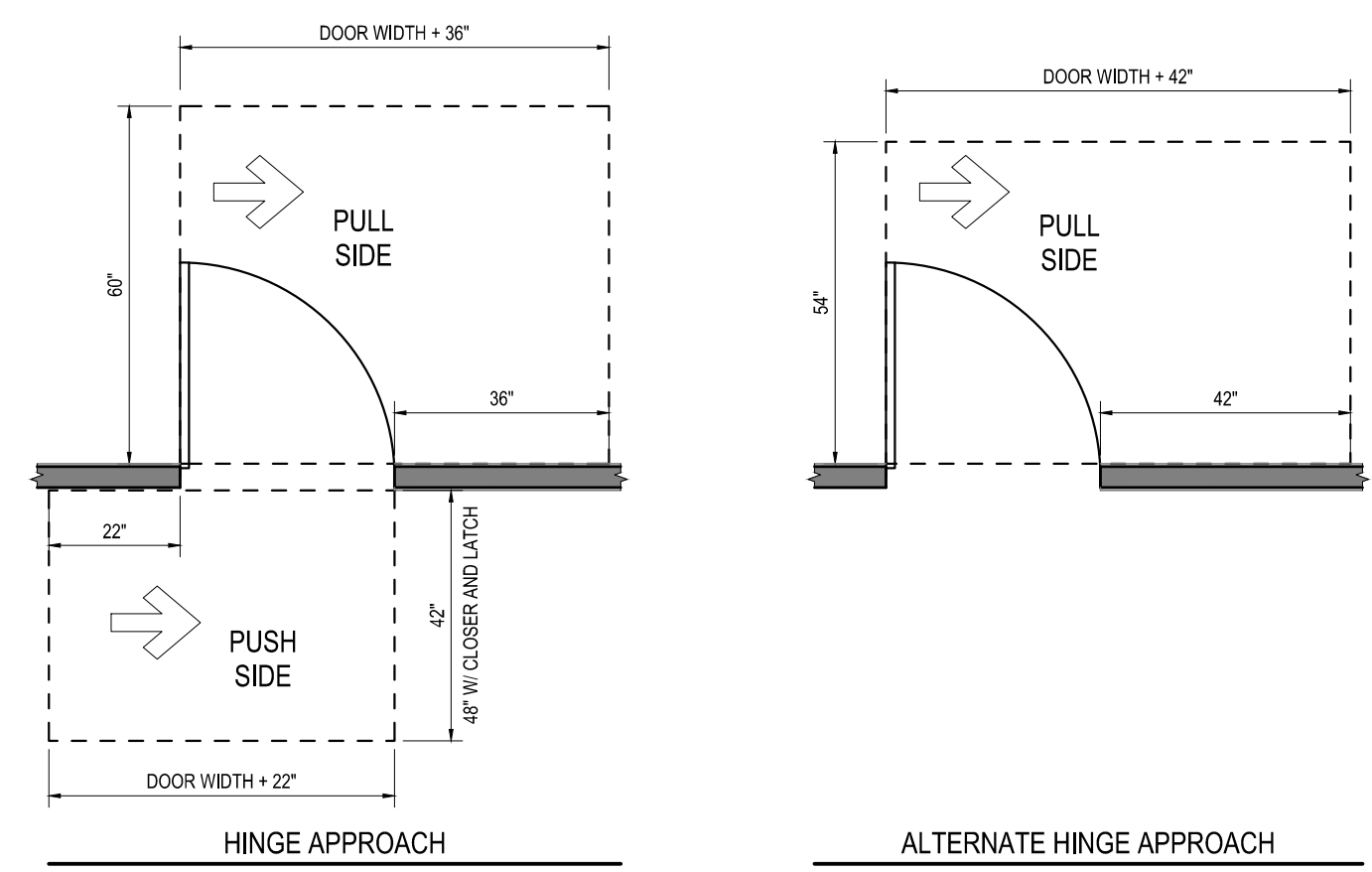
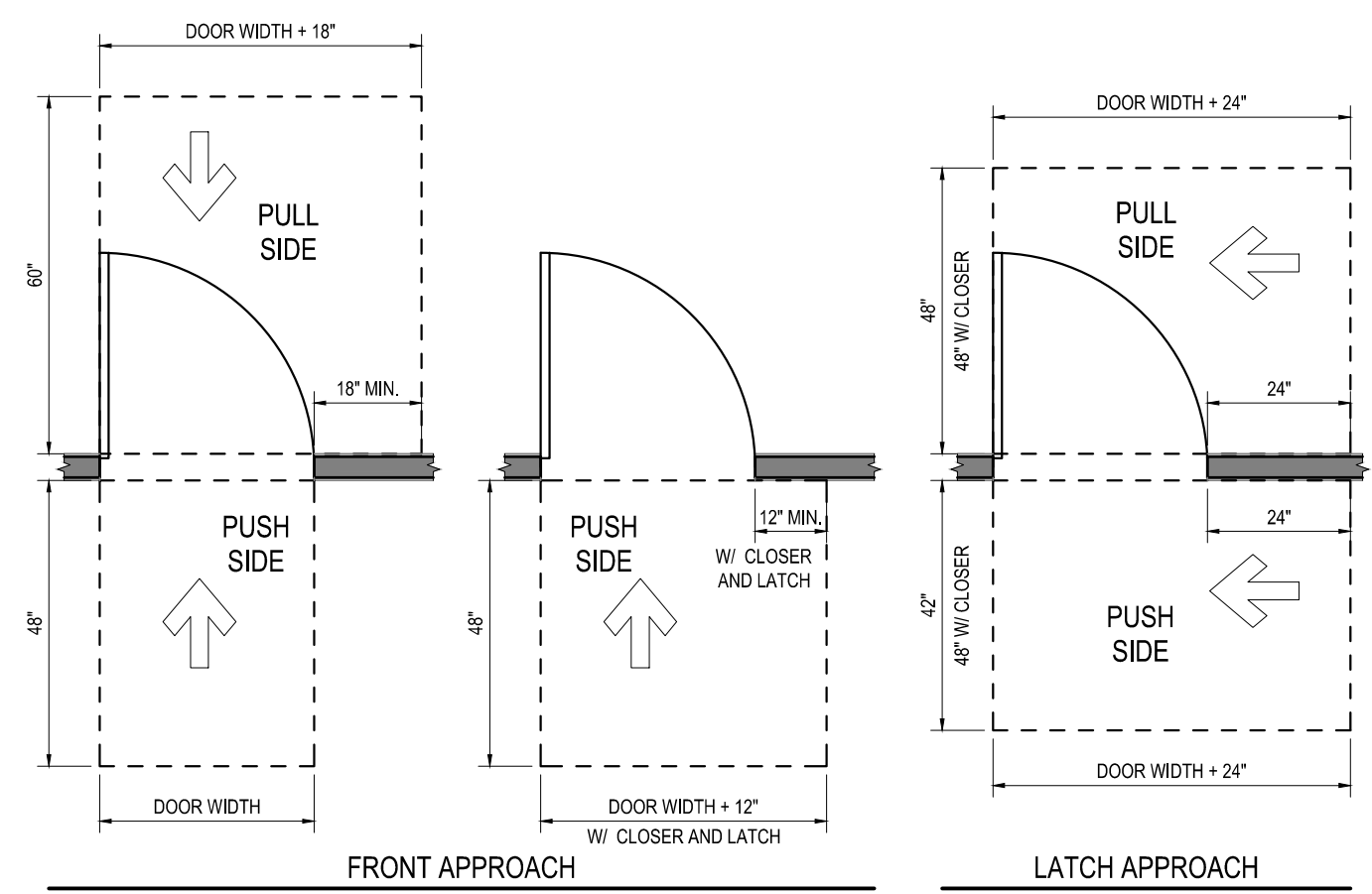
**WATER CLOSET CLEARANCE NOTES:**

**CLEARANCE:**  
 CLEARANCE AROUND A WATER CLOSET SHALL BE 60 INCHES (1525 mm) MINIMUM IN WIDTH MEASURED PERPENDICULAR FROM THE SIDEWALL AND 56 INCHES (1420 mm) IN DEPTH MEASURED PERPENDICULAR FROM THE REAR WALL.

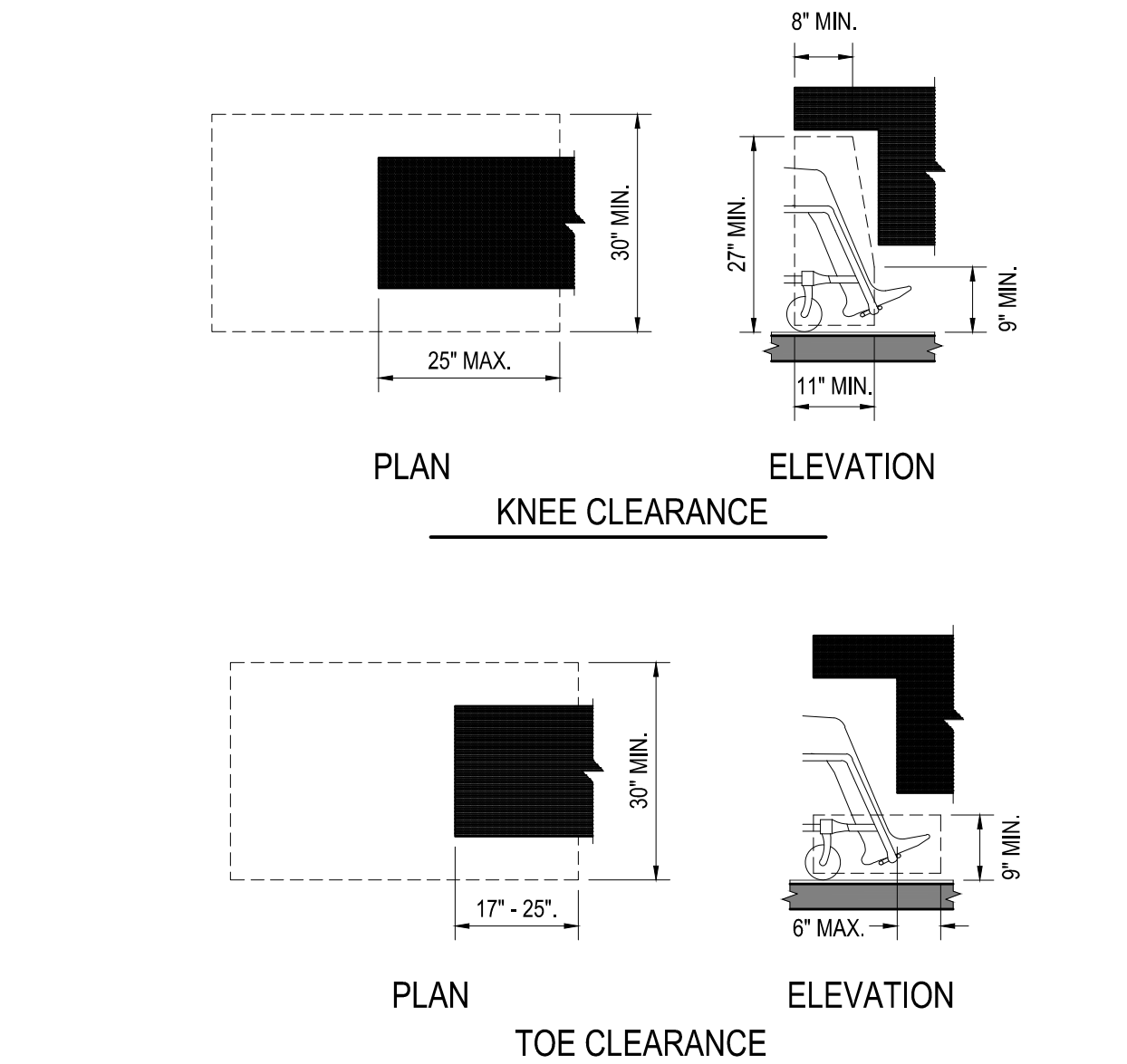
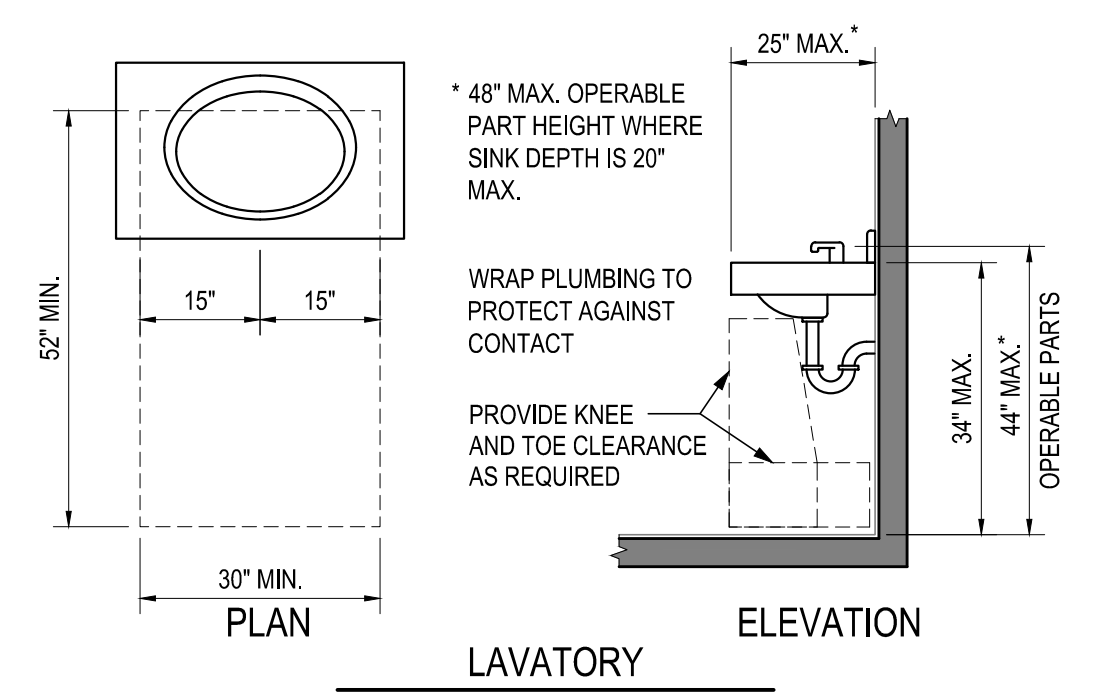
**CLEARANCE OVERLAP:**  
 THE REQUIRED CLEARANCE AROUND THE WATER CLOSET SHALL BE PERMITTED TO OVERLAP THE WATER CLOSET, ASSOCIATED GRAB BARS, PAPER DISPENSERS, SANITARY NAPKIN RECEPTACLES, COAT HOOKS, SHELVES, ACCESSIBLE ROUTES, CLEAR FLOOR SPACE AT OTHER FIXTURES AND THE TURNING SPACE. NO OTHER FIXTURES OR OBSTRUCTIONS SHALL BE WITHIN THE REQUIRED WATER CLOSET CLEARANCE.



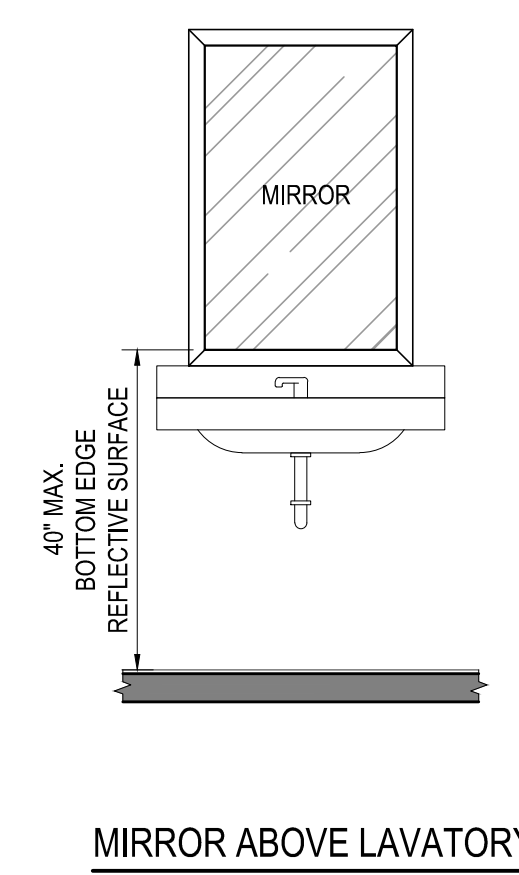
604 WATER CLOSET ACCESSIBILITY DETAILS  
 A5.1 SCALE: N.T.S.



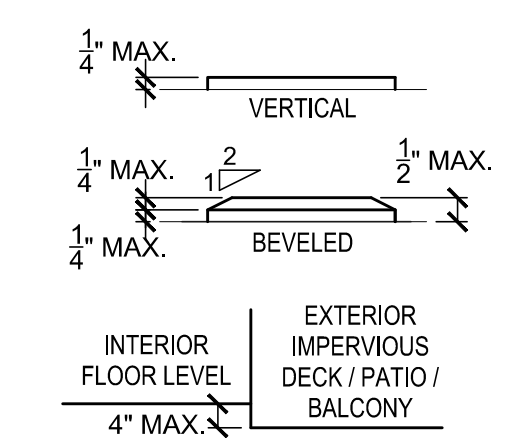
604.2.3.1 ACCESSIBLE DOOR CLEARANCES  
 A5.1 SCALE: N.T.S.



606 LAVATORY ACCESSIBILITY DETAILS  
 A5.1 SCALE: N.T.S.



603 MIRROR ACCESSIBILITY DETAIL  
 A5.1 SCALE: N.T.S.



8 ACCESSIBLE THRESHOLDS  
 A5.1 SCALE: N.T.S.



REVISIONS	DATE	DESCRIPTION

**PROJECT:**  
 12th AVENUE OFFICE

**LOCATION:**  
 600 12th AVENUE  
 SEASIDE, OR 97138

**SHEET TITLE:**  
 CONSTRUCTION DETAILS,  
 ADA DETAILS

**CLIENT:**

**STABILITY ENGINEERING**  
 777 NE SECOND STREET, SUITE 200  
 P.O. BOX 2646, CORVALLIS, OR 97339  
 TEL: (541)223-5360 FAX: (541)223-5278

JOB NO. -  
 DATE: 1/24/2024  
 DRAWN: CCS  
 SCALE: AS SHOWN  
 SHEET

A5.1

# 12TH AVE OFFICE

**GENERAL NOTES:**

- A. STRUCTURE DESIGNED IN ACCORDANCE WITH THE 2022 OSSC.
- B. STRUCTURE DESIGNED FOR THE FOLLOWING LOADS:  
 ROOF DEAD LOADS:  
 ROOF (TOTAL) = 15 PSF  
 ROOF LIVE LOADS:  
 SNOW LOAD = 25 PSF  
 WIND LOADS:  
 BASIC WIND SPEED (V) = 135 MPH  
 EXPOSURE = D  
 IMPORTANCE FACTOR = I  
 SEISMIC DESIGN DATA:  
 SEISMIC DESIGN CATEGORY = D  
 SITE SOIL CLASS = C  
 S<sub>s</sub> = 1.299  
 S<sub>1</sub> = 0.682  
 ρ<sub>s</sub> = 0.866  
 BASIC STRUCTURAL & SEISMIC RESISTING SYSTEM:  
 BEARING WALL SYSTEM, R = 6.5  
 LIGHT-FRAMED WALLS SHEATHED WITH WOOD STRUCTURAL PANELS RATED FOR SHEAR RESISTANCE ANALYZED USING THE EQUIVALENT LATERAL FORCE PROCEDURE  
 C. IF ANY FIELD CONDITIONS PRECLUDE COMPLIANCE WITH THESE DRAWINGS AND/OR CONDITIONS SPECIFIED, THE CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY AND SHALL NOT PROCEED WITH THE AFFECTED WORK. THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS, DETAILS, AND CONDITIONS PRIOR TO START OF CONSTRUCTION THAT MAY BE IMPACTED BY VARIATIONS FROM THE CONDITIONS SHOWN HEREIN.

**SOIL NOTES:**

- A. SOIL BEARING CAPACITY USED IN DESIGN OF NEW FOUNDATION: 1500 PSF. ALL FOOTINGS TO BEAR A MINIMUM OF 12" BELOW FINISHED GRADE ON UNDISTURBED SOIL OR APPROVED STRUCTURAL FILL. PROVIDE AND INSTALL STRUCTURAL FILL AS NECESSARY. IF UNSUITABLE SOILS ARE ENCOUNTERED, OR IF ROCK IS ENCOUNTERED IN THE AREA OF THE PROPOSED BOTTOM OF FOOTING, NOTIFY THE ENGINEER IMMEDIATELY.

**WOOD GENERAL NOTES:**

- A. WOOD FRAMING TO BE #2 DOUGLAS FIR OR BETTER UNLESS NOTED OTHERWISE ON THE PLANS.
- B. GLULAM BEAMS/RAFTERS TO BE ATTACHED TO STRUCTURE PER THE FRAMING PLANS AND STRUCTURAL DETAILS.
- C. PROVIDE SOLID BLOCKING BETWEEN RAFTERS AT ALL BEARING LOCATIONS.

**STRUCTURAL OBSERVATIONS:**

- STRUCTURAL OBSERVATIONS:  
 ENGINEER OF RECORD SHALL BE NOTIFIED 4 BUSINESS DAYS IN ADVANCE OF REQUIRED STRUCTURAL OBSERVATIONS. THE STRUCTURAL OBSERVATIONS REQUIRED ARE AS FOLLOWS:  
 1.) AS SOON AS FOUNDATION REINFORCEMENT IS IN PLACE, BUT PRIOR TO POURING CONCRETE.  
 2.) AS SOON AS FIRST LIFT OF MASONRY WALL IS IN PLACE, BUT PRIOR TO POURING GROUT.  
 3.) AS SOON AS ROOF FRAMING AND DECKING IS IN PLACE, BUT PRIOR TO INSULATION INSTALLATION.

SHEET INDEX	
PAGE #	NAME
S0.0	STRUCTURAL NOTES
S1.0	FOUNDATION PLAN & SECOND FLOOR FRAMING PLAN
S2.0	THIRD FLOOR FRAMING PLAN & ROOF FRAMING PLAN
S3.0	FIRST FLOOR SHEARWALL PLAN & SECOND FLOOR SHEARWALL PLAN
S4.0	THIRD FLOOR SHEARWALL PLAN & SHEARWALL DETAILS

**CONCRETE NOTES:**

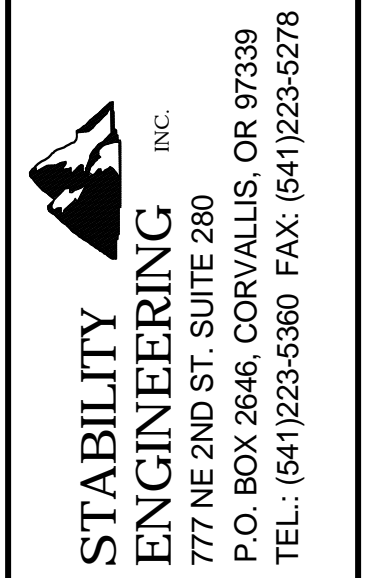
- A. ALL CONCRETE WORK SHALL CONFORM WITH A.C.I. "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE", ACI 318 - LATEST EDITION, AND "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES", ACI 315 - LATEST EDITION.
- B. ALL CONCRETE FORM WORK SHALL CONFORM WITH A.C.I. "RECOMMENDED PRACTICES FOR CONCRETE FORM WORK" - ACI 347.
- C. ALL CONCRETE SHALL HAVE MINIMUM COMPRESSIVE STRENGTH AT 28 DAYS OF 3000 PSI. ALL STRUCTURAL CONCRETE SHALL CONFORM WITH A.C.I. SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS - ACI 301.
- D. CONTRACTOR SHALL SUBMIT MIX DESIGNS FOR APPROVAL. MIX DESIGN SHALL INDICATE 7 AND 28 DAYS STRENGTHS, CEMENT CONTENT, AIR CONTENT, WATER-CEMENT RATIO, AMOUNT OF FINE AND COARSE AGGREGATES AND ADMIXTURES. ALL EXTERIOR CONCRETE AND CONCRETE EXPOSED TO WEATHER SHALL BE AIR-ENTRAINED (4% TO 6%) UNLESS LOCAL STANDARDS ARE OTHERWISE:  
 MAXIMUM WATER-CEMENT RATIO = 0.49  
 MAXIMUM SLUMP LIMIT = 4"  
 MAXIMUM AGGREGATE SIZE:  
 FOOTINGS & FOUNDATIONS = 3/4" TO 1 1/2"  
 SLAB-ON-GRADE = 3/4" TO 1"  
 CONCRETE FILL = 1/2"  
 CEMENT SHALL BE PORTLAND CEMENT, TYPE I OR II, CONFORMING TO ASTM C-150.  
 CONCRETE AGGREGATES SHALL CONFORM TO ASTM C-33.  
 AIR-ENTRAINING ADMIXTURES SHALL CONFORM TO ASTM C-260.  
 NON-SHRINK GROUT SHALL CONFORM TO ASTM C-109.  
 EXPANSION JOINTS SHALL BE 1/2" THICK ASPHALT IMPREGNATED FIBERBOARD  
 JOINT MATERIAL, CONFORMING TO ASTM D-1751.  
 CURING COMPOUND SHALL BE CLEAR, CONFORMING TO ASTM C-309.
- E. COLD WEATHER CONCRETE WORK, WHEN APPLICABLE, SHALL CONFORM TO ACI 306.
- F. HOT WEATHER CONCRETE WORK, WHEN APPLICABLE, SHALL CONFORM TO ACI 305.
- G. SCREED SLABS AT GRADE LEVEL, MAINTAINING SURFACE FLATNESS OF MAXIMUM 1/4" IN 10'-0".
- H. ALL BAR REINFORCING FOR CONCRETE TO CONFORM TO ASTM A615, GRADE 60. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A185.
- I. CONCRETE ACCESSORIES TO BE ADEQUATE TO MAINTAIN REINFORCING ACCURATELY IN PLACE AND BE NON-CORROSIVE, NON-STAINING TYPE.
- J. LAP ALL BAR REINFORCING PER ACI 318. STAGGER SPLICES IN HORIZONTAL WALLS AND SLABS.
- K. REINFORCEMENT COVER, UNLESS NOTED OTHERWISE:  
 1.) FOOTINGS AND GRADE BEAMS - BOTT. 3"-TOP 1-1/2"  
 2.) WALLS - OUTSIDE 2", INSIDE 1"  
 3.) SLABS - 1 1/2" FROM TOP  
 L. WELDED WIRE FABRIC SHALL HAVE MINIMUM END AND SIDE LAPS OF 1'-0".  
 M. HILTI HY 200 OR SIMPSON SET XP EPOXY ADHESIVE IS REQUIRED FOR ALL REBAR DOWELS OR ALL THREAD DRILLED AND EPOXIED INTO CONCRETE.  
 N. CONCRETE STEEL REINFORCEMENT SHOP DRAWINGS SHALL BE SUBMITTED TO ENGINEER OF RECORD FOR REVIEW.



REVISIONS	No.	DATE	DESCRIPTION

PROJECT: **12TH AVE OFFICE**  
 LOCATION: **600 12TH AVE SEASIDE, OREGON**

SHEET TITLE: **STRUCTURAL NOTES**  
 CLIENT: **ASHLEY FLUKINGER**



JOB NO. 22-0424  
 DATE: 1/24/2024  
 DRAWN: MB  
 SCALE: AS SHOWN  
 SHEET **S0.0**



REVISIONS	No.	DATE	DESCRIPTION

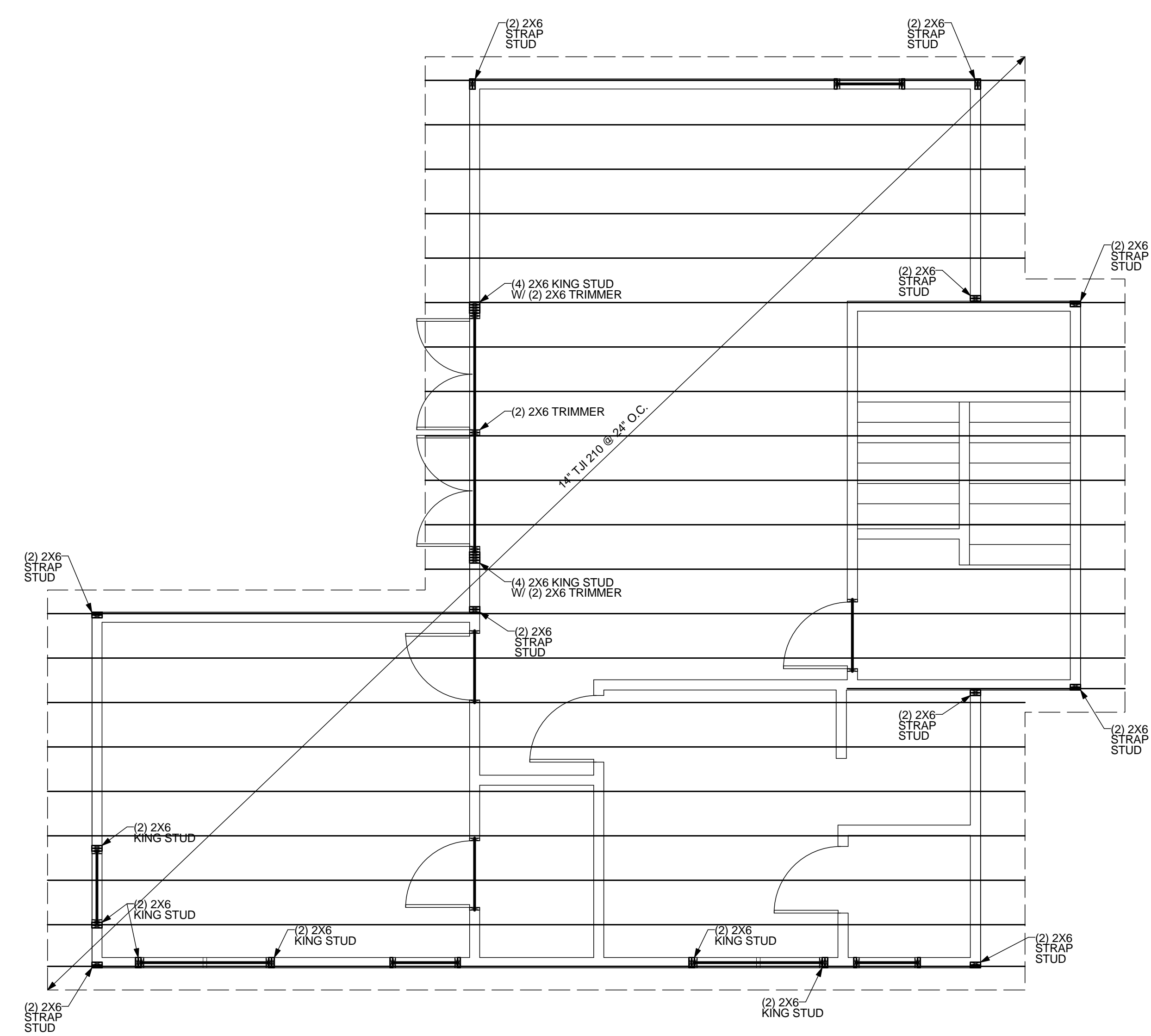
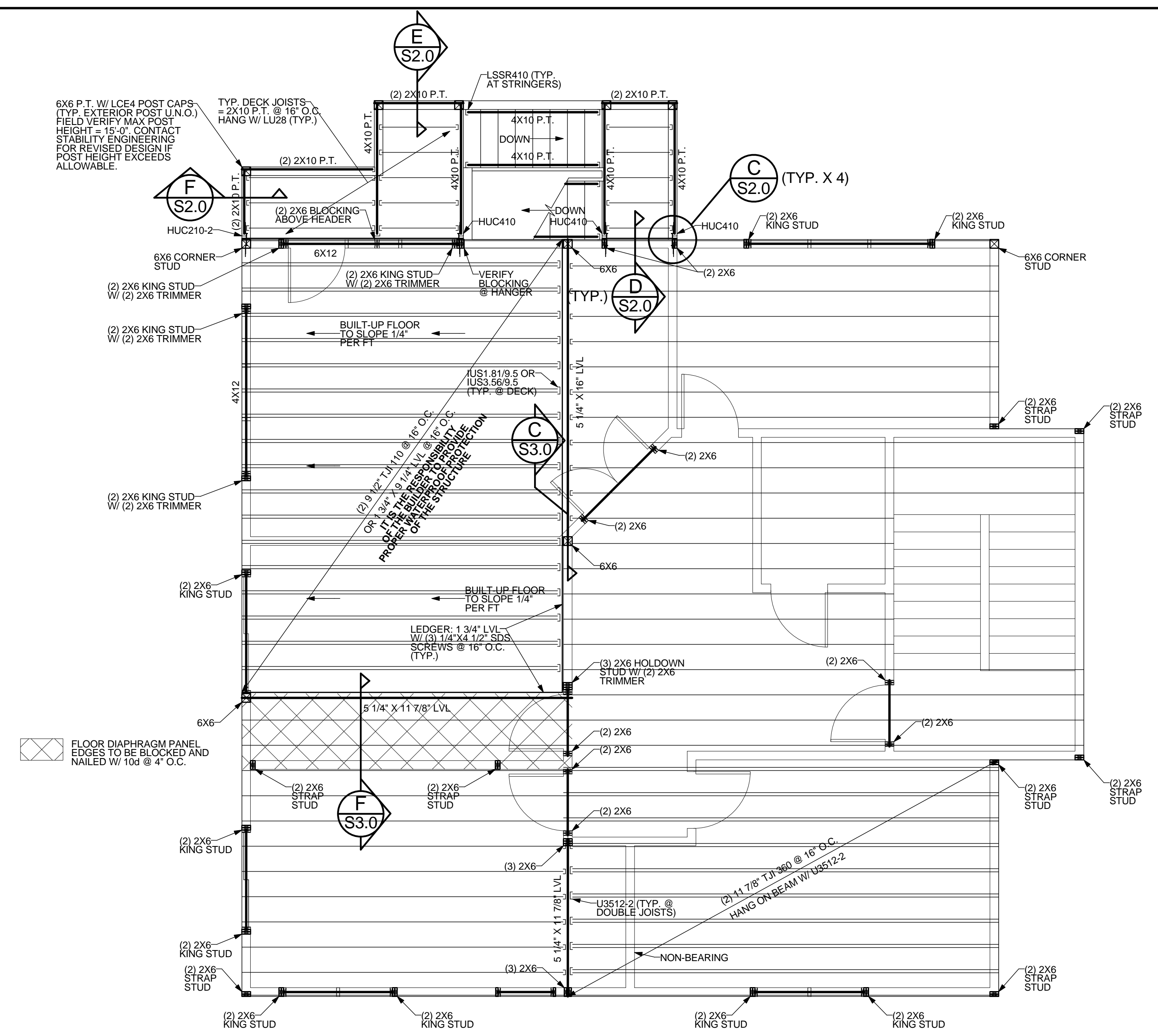
PROJECT: **12TH AVE OFFICE**  
 LOCATION: **600 12TH AVE SEASIDE, OREGON**

SHEET TITLE: **THIRD FLOOR FRAMING PLAN**  
**ROOF FRAMING PLAN**  
 CLIENT: **ASHLEY FLUKINGER**

STABILITY ENGINEERING INC.  
 777 NE 2ND ST, SUITE 280  
 P.O. BOX 2646, CORVALLIS, OR 97339  
 TEL: (541) 223-5360 FAX: (541) 223-5278

JOB NO. 22-0424  
 DATE: 1/24/2024  
 DRAWN: MB  
 SCALE: AS SHOWN  
 SHEET

**S2.0**

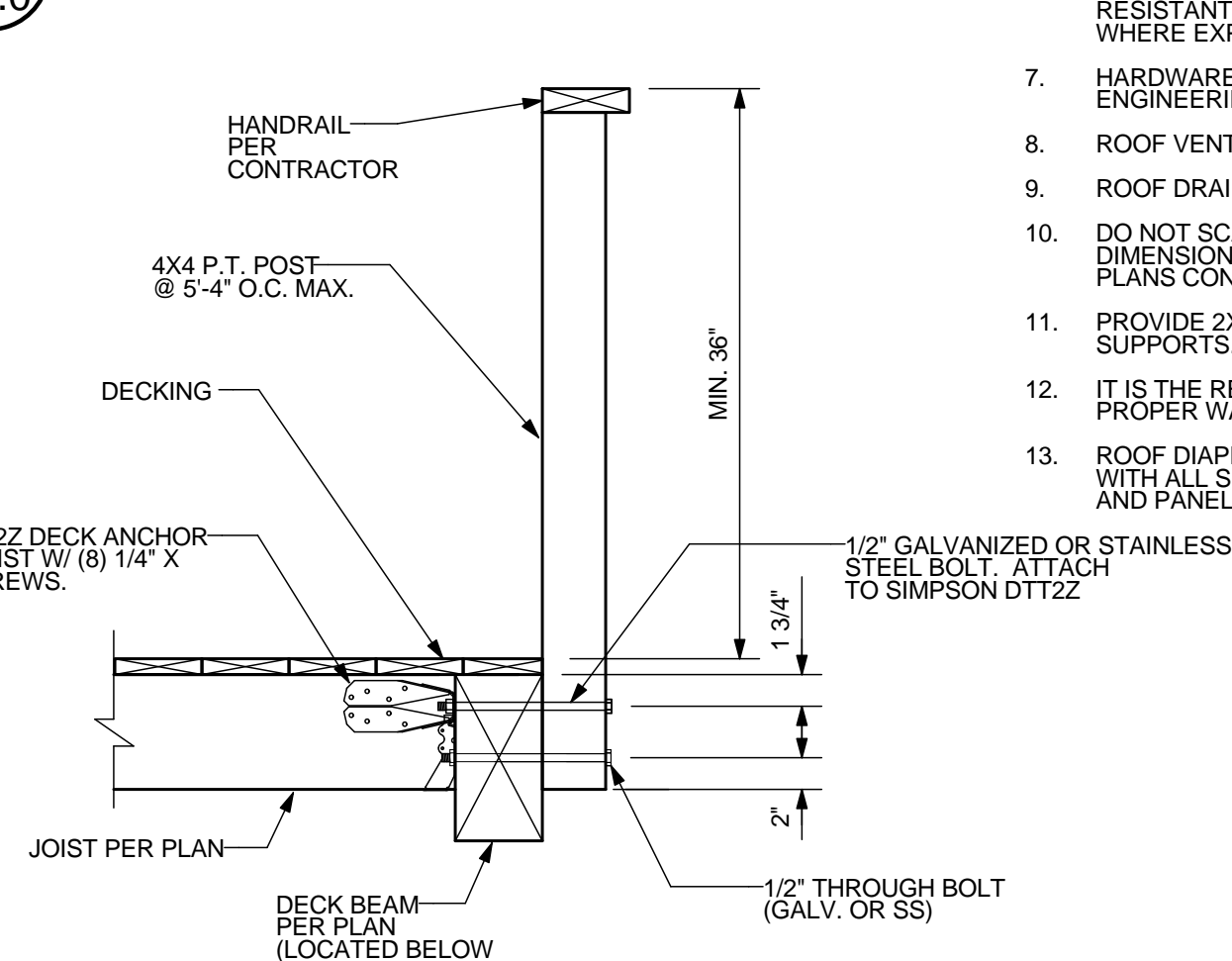
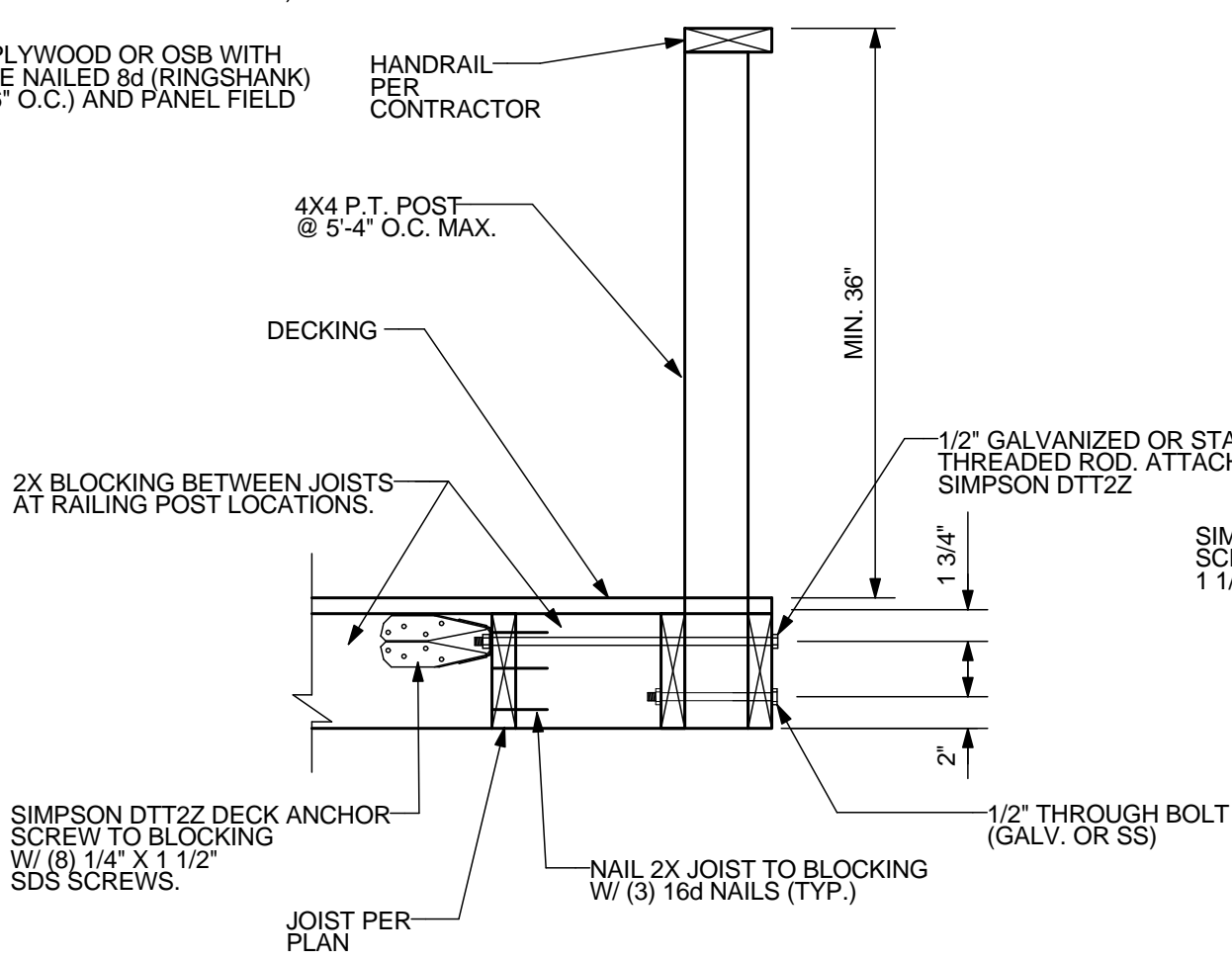
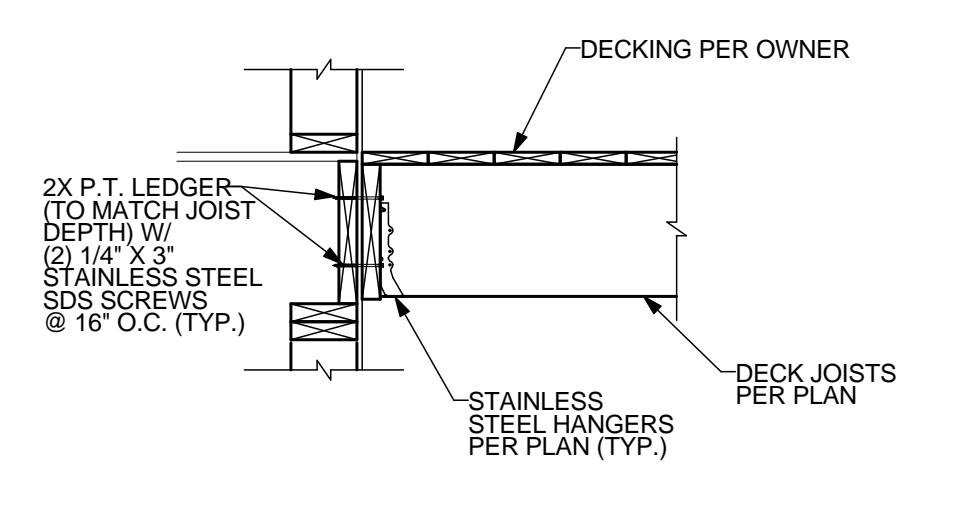
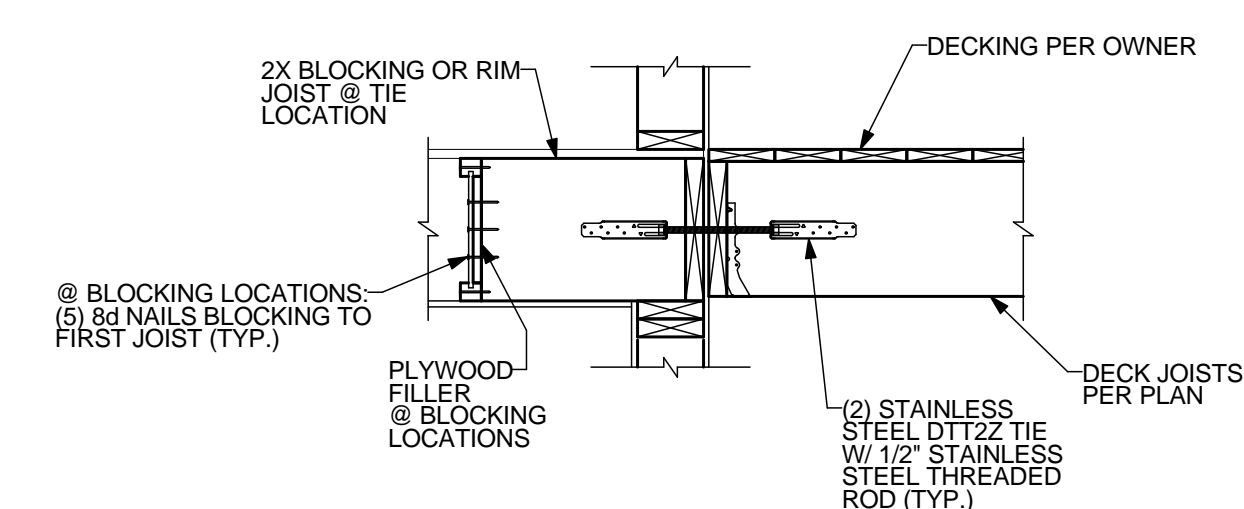


**FLOOR NOTES:**

- SEE PLAN FOR ALL NON-TYPICAL BEAM AND POST SIZES.
- ALL HEADERS = 4X10 U.N.O. ON PLANS
- ALL TRIMMERS = (1) 2X6 U.N.O. ON PLANS
- ALL KING STUDS = (1) 2X6 U.N.O. ON PLANS. SEE SHEARWALL PLANS FOR HOLD-DOWN LOCATIONS AND HOLD-DOWN STUD REQUIREMENTS. USE THE CONTROLLING SIZE.
- ALL FLOOR JOISTS = 11 7/8" TJI 110 @ 16" O.C. (U.N.O.)
- ALL JOIST HANGERS = IUS1.81/11.88 U.N.O. ON PLANS
- ALL HARDWARE SPECIFIED ON THE PLANS TO BE CORROSION RESISTANT (HOT-DIPPED GALVANIZED OR STAINLESS STEEL) WHERE EXPOSED TO MOISTURE.
- FLOOR DIAPHRAGM TO BE 3/4" CDX PLYWOOD OR OSB WITH ALL SUPPORTED PANEL EDGES TO BE NAILED 8d (RINGSHANK) @ 6" O.C. (OR #8 (2 1/2") SCREWS @ 6" O.C.) AND PANEL FIELD TO BE NAILED 12" O.C. U.N.O.

**ROOF NOTES:**

- SEE PLAN FOR ALL NON-TYPICAL BEAM AND POST SIZES.
- ALL HEADERS = 4X8 U.N.O. ON PLANS.
- ALL TRIMMERS = (1) 2X6 U.N.O. ON PLANS.
- ALL KING STUDS = (1) 2X6 U.N.O. ON PLANS. SEE SHEARWALL PLANS FOR HOLD-DOWN LOCATIONS AND HOLD-DOWN STUD REQUIREMENTS. USE THE CONTROLLING SIZE.
- CONNECT ALL RAFTERS/TRUSSES TO TOP PLATES W/ H2.5A TIES OR SIMPSON SDWC15600 SCREWS. (1) SCREW PER RAFTER/TRUSS (TYP. U.N.O.). INSTALL PER SIMPSON SPECIFICATIONS.
- ALL HARDWARE SPECIFIED ON THE PLANS TO BE CORROSION RESISTANT (HOT-DIPPED GALVANIZED OR STAINLESS STEEL) WHERE EXPOSED TO MOISTURE.
- HARDWARE CHANGES TO BE APPROVED BY STABILITY ENGINEERING INC. PRIOR TO INSTALLATION.
- ROOF VENTILATION TO BE DESIGNED BY OTHERS.
- ROOF DRAINAGE TO BE DESIGNED BY OTHERS.
- DO NOT SCALE DIMENSIONS OFF OF DRAWINGS. IF A DIMENSION IS REQUIRED THAT IS NOT SHOWN ON THE PLANS CONTACT STABILITY ENGINEERING.
- PROVIDE 2X BLOCKING BETWEEN TRUSSES OVER ALL SUPPORTS.
- IT IS THE RESPONSIBILITY OF THE BUILDER TO PROVIDE PROPER WATERPROOF PROTECTION OF THE STRUCTURE.
- ROOF DIAPHRAGM TO BE 1/2" CDX PLYWOOD OR OSB WITH ALL SUPPORTED PANEL EDGES TO BE NAILED 8d @ 6" O.C. AND PANEL FIELD TO BE NAILED 12" O.C. U.N.O.



REVISIONS	DESCRIPTION
No.   DATE	

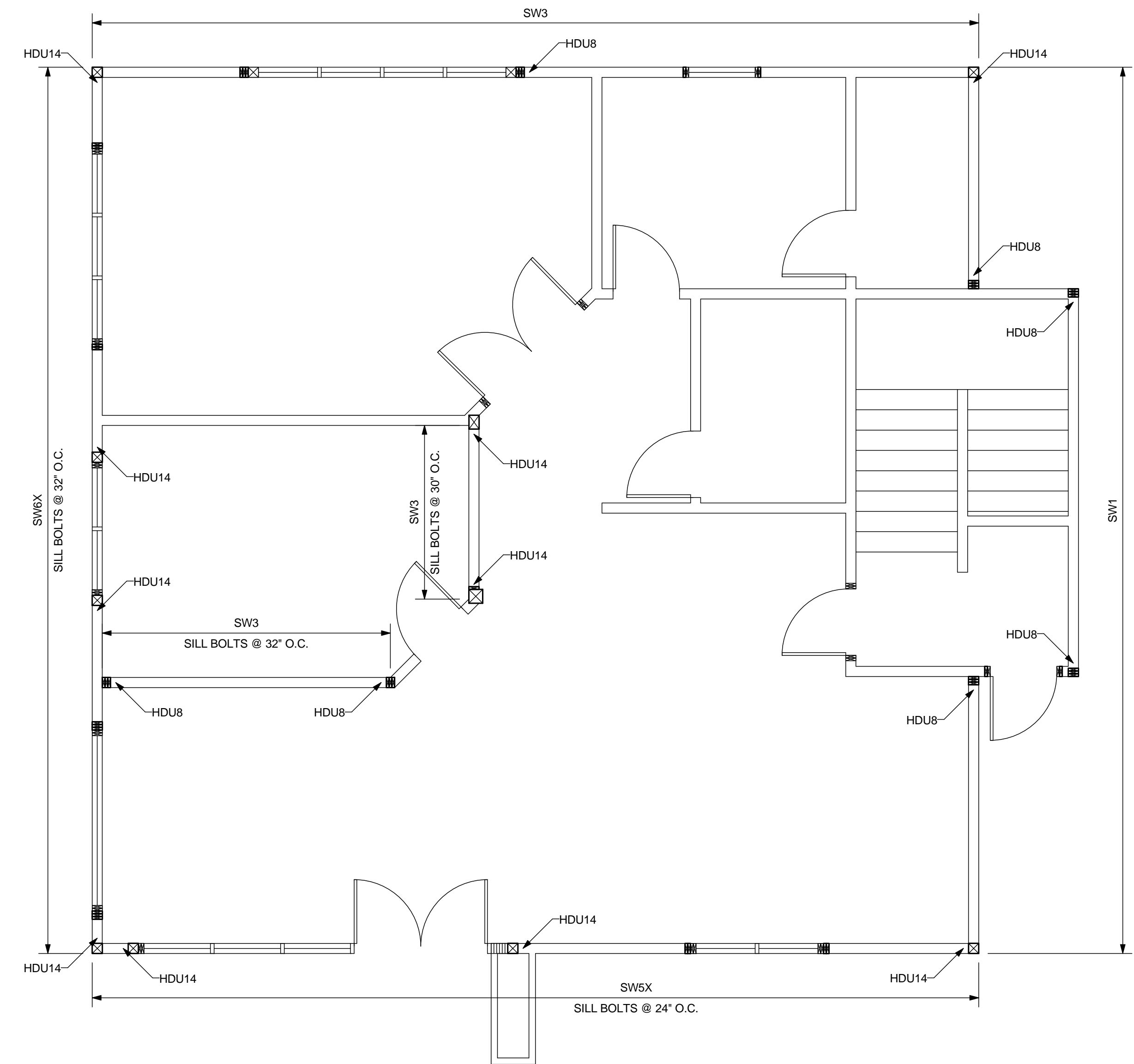
PROJECT: **12TH AVE OFFICE**  
 LOCATION: **600 12TH AVE SEASIDE, OREGON**

SHEET TITLE: **FIRST FLOOR SHEARWALL PLAN**  
**SECOND FLOOR SHEARWALL PLAN**  
 CLIENT: **ASHLEY FLUKINGER**

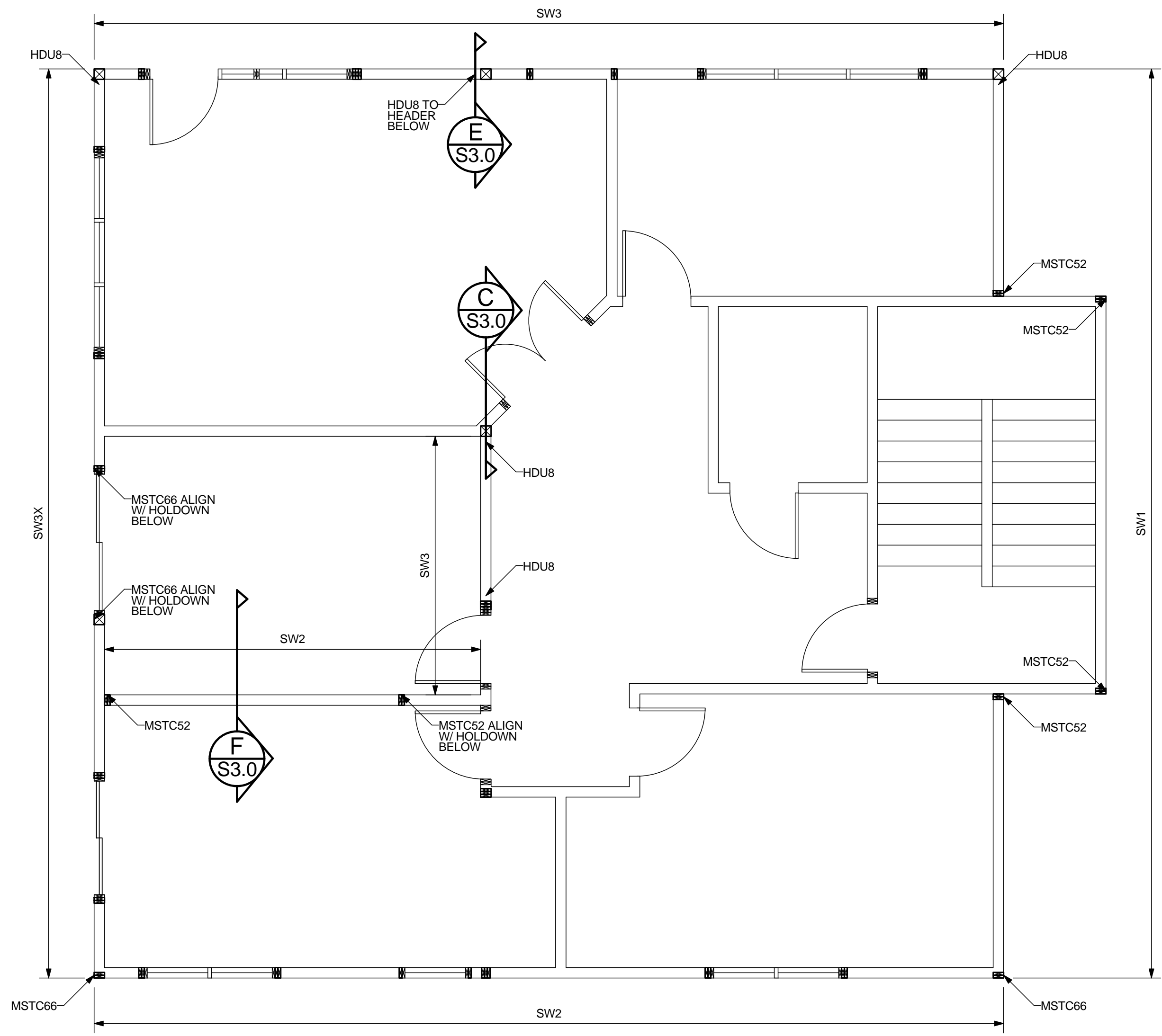
STABILITY ENGINEERING INC.  
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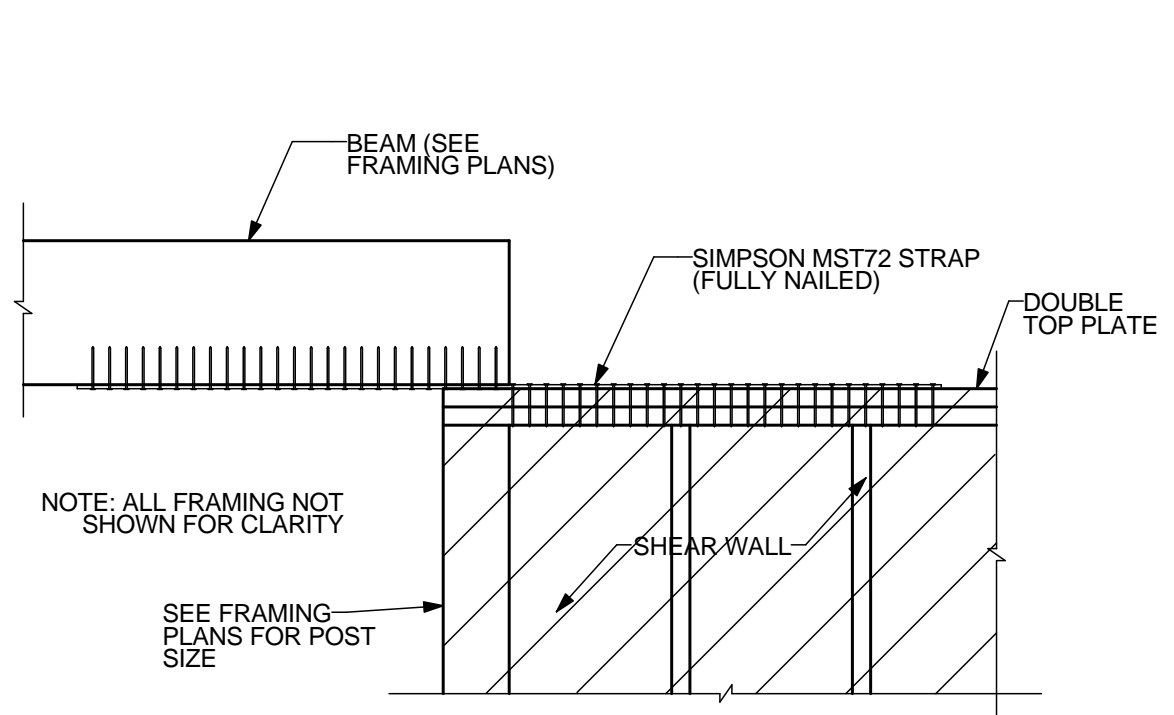
**S3.0**



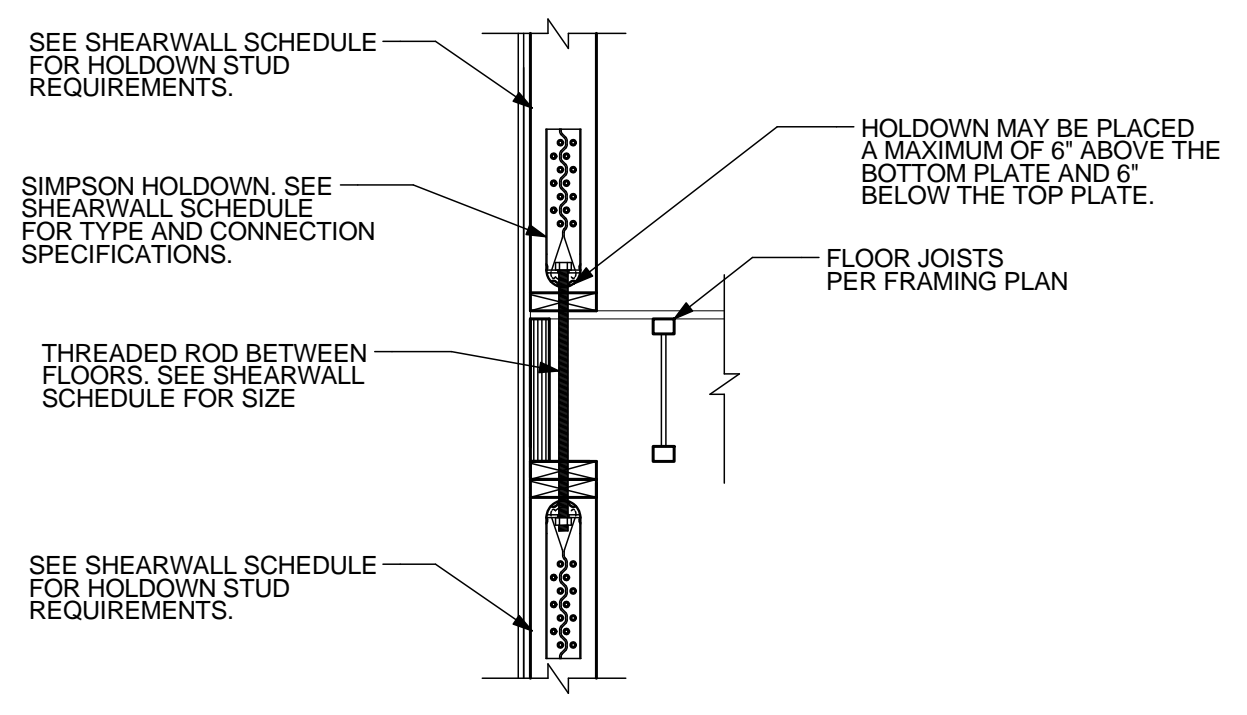
**A** FIRST FLOOR SHEARWALL PLAN  
 S3.0 SCALE: 1/4" = 1'-0"



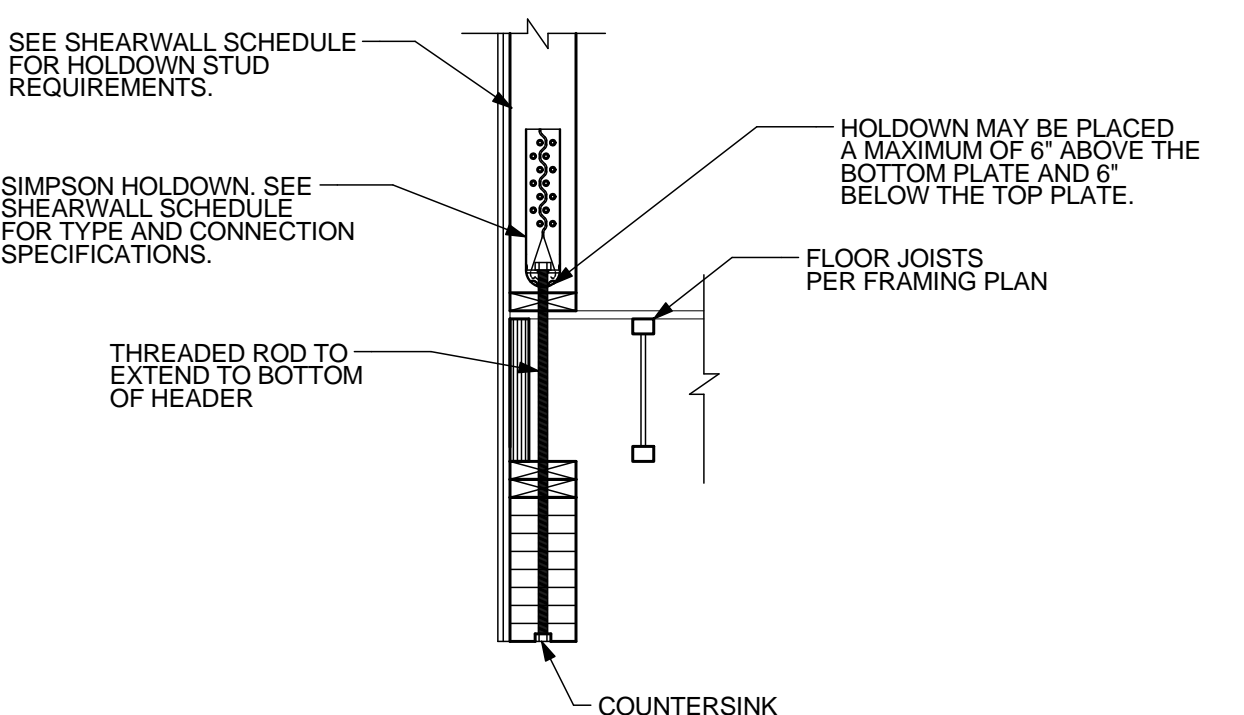
**B** SECOND FLOOR SHEARWALL PLAN  
 S3.0 SCALE: 1/4" = 1'-0"



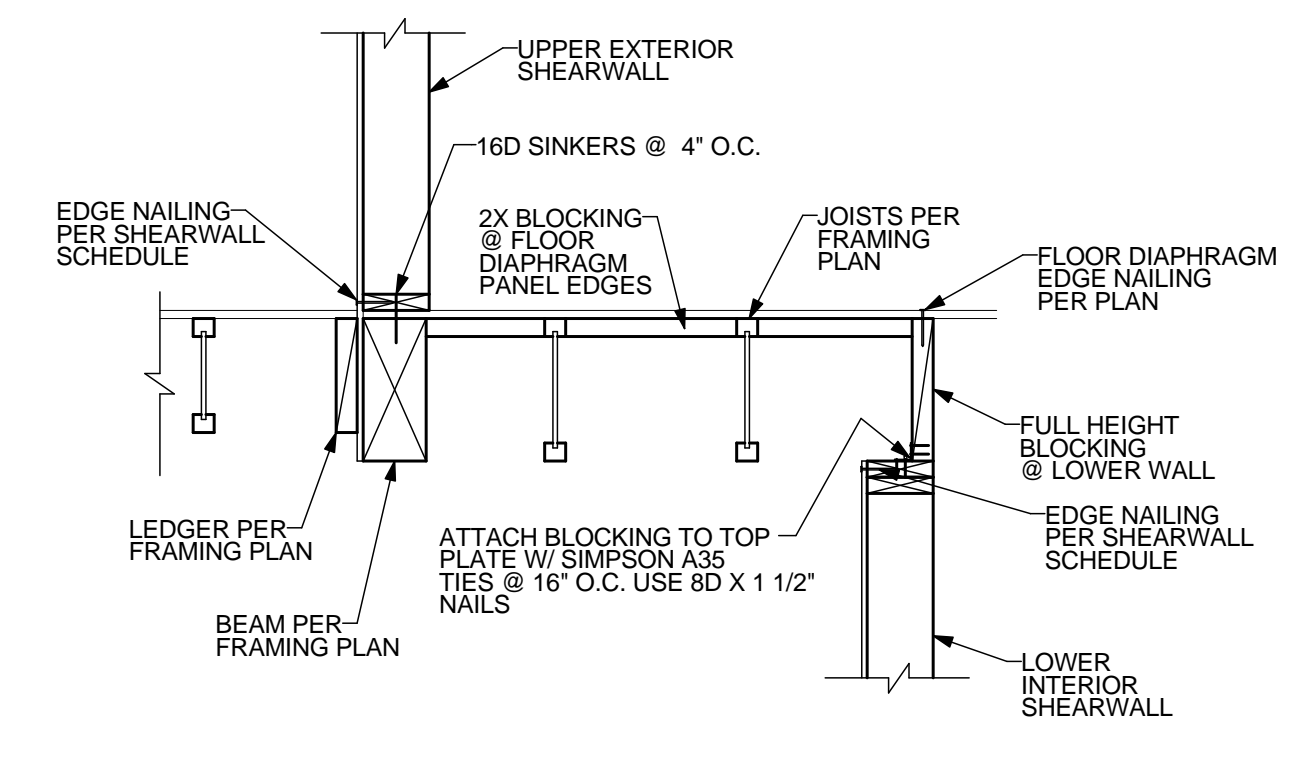
**C** DRAG STRUT DETAIL  
 S3.0 SCALE: 3/4" = 1'-0"



**D** WALL TO WALL HOLDOWN  
 S3.0 SCALE: 3/4" = 1'-0"



**E** WALL TO HEADER HOLDOWN  
 S3.0 SCALE: 3/4" = 1'-0"



**F** OFFSET FLOOR DIAPHRAGM  
 S3.0 SCALE: 3/4" = 1'-0"







**APPLICATION(S):** 769-24-000010-PLNG – Zoning Ordinance

**Amendment**

**MEETING DATE:** April 2, 2024

**PUBLIC HEARING:** Yes

Report Date: March 25, 2024

Applicant: City of Seaside

Previous Meetings: None

Previous Approvals: None

Type of Action: Legislative

Land Use Authority: City Council

Future Routing: City Council

Planner: Jeff Flory, Community Development Director

**A. Summary:**

The City of Seaside is proposing changes to the Seaside Zoning Ordinance (SZO) to remove Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. A new Short-Term Rental (STR) ordinance will be introduced under the Code of Ordinances in Title 11 - Business Regulations.

**Staff Recommendation:**

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment and take public comments. To allow for additional public comment the Planning Commission should keep the record open and continue this hearing to a meeting scheduled for April 16, 2024, at 6 pm at City Hall.

**B. Exhibits:**

1. Ordinance 2024-03
2. Ordinance 2024-04

**C. Background:**

In 1992, the City of Seaside passed an ordinance regulating VRDs within the SZO in some residential zones. The ordinance was amended in 2000 but remained under our land use codes. Due to recent court cases regarding short-term rentals, the City’s attorneys have recommended regulations for VRDs and B&Bs be moved out of land use and into business licensing.

**D. Specific Request:**

This application will remove VRDs and B&Bs from the SZO. Should the Planning Commission choose to recommend this request to the City Council, a new ordinance (2024-04) that will regulate STRs will be introduced at a future City Council meeting. The ordinance is provided in this report for reference of the proposed new VRD ordinance.

**E. Process:**

This request is being reviewed under Article 9 and Article 10 of the Seaside Zoning Ordinance. Article 9 establishes the criteria for amendments to the ordinance and Article 10 establishes the process and procedures that are applicable to this request.

**F. Community Review:**

Notice of this public hearing was published in the Daily Astorian on March 14, 2024. A mailed notice was sent to all addresses in Seaside on March 7, 2024. On March 21, 2024, another mailed notice stating that the April 2, 2024, public hearing will be continued to a meeting on April 16, 2024, was sent to all Seaside property owners who reside outside of the city.

**G. Written Comments:**

No comments have been received at the time of this report.

**H. Comprehensive Plan:**

Section 3.1.2 – Residential states:

Medium Density: These areas are characterized by moderately dense housing on generally small lots. Uses include mostly single-family housing dwellings with a mixture of duplex or two-family units and other uses consistent with residential neighborhoods, such as churches, schools, community facilities, and parks or recreational areas. This area may also contain manufactured homes, manufactured home parks, and vacation rental dwellings.”

High Density: These areas are characterized by urban high-density qualities such as apartment houses, as well as some mix of single-family, duplexes, and other uses consistent with high-density residential areas. These areas may also contain limited amounts of commercial uses that are a convenience to residents of high-density area. These convenience establishments have the purpose of providing convenient shopping for daily necessities within easy walking distance, which will help to cut down on traffic in areas presently congested because of very narrow streets. This will also help to conserve energy by saving on fuel consumption.

Dwelling units in this area should be for full-time residential use.”

Section 4.1 – Housing Policies states:

“2. Since the city of Seaside is a recreational community and major tourist attraction on the Oregon Coast, it is recognized that there is a need for recreational types of housing, including beach homes, vacation rentals, motels, recreational vehicle parks, and campgrounds...”

Section 4.0 – Housing states:

“Twenty-two percent of the housing units in Seaside are used only part-time as beach cabins. The city has attempted to separate the housing used by permanent residents and that used by visitors through the creation of a resort residential zone and by regulating vacation rentals in medium and high-density residential zones.”

## **I. Zoning Ordinance Criteria for Amendments:**

### **Section 9.010 AUTHORIZATION TO INITIATE AMENDMENTS**

**An amendment to the text of this Ordinance or to a Zoning Map may be initiated by the City Council, the Planning Commission, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Planner using forms prescribed pursuant to Section 10.040. Finding: The Planning Commission directed staff to initiate this amendment at the March 5, 2024, Planning Commission meeting.**

### **Section 9.020 PUBLIC HEARINGS ON AMENDMENTS**

**The Planning Commission shall conduct a public hearing on the proposed amendment its earliest practicable meeting after the amendment is proposed and shall within forty (40) days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council may hold a public hearing on the proposed amendment. Finding: The April 2, 2024, Planning Commission meeting is the first opportunity for the Planning Commission to hold a public hearing on the proposed amendment.**

## **J. Additional Findings, Conclusions, and Justification Statements:**

1. Based on criteria in the Comprehensive Plan, staff has prepared an ordinance to replace the regulations for VRDs and B&Bs within the land use code. The new STR ordinance will be codified under business licensing.
2. The STR ordinance will continue the allowance of STRs (Vacation Rental Dwellings and Homestay Lodging) within the tourist areas of Seaside. The STR ordinance will allow for the permitting of VRDs in areas west of the Necanicum River with specific densities so that the special distribution of VRDs do not concentrate in one specific neighborhood.
3. The City Council and Planning Commission have worked for several years to develop policies for the orderly regulation of STRs. These policies and the work that has previously been conducted are the basis for the new STR ordinance.
4. Although the new ordinance is outside of the purview of the Planning Commission, it is important to recognize that the Comprehensive Plan identifies a need for STRs and their orderly regulation.
5. Should the Planning Commission move to further this request to the City Council, the Council will hold additional public hearings on Ordinance 2024-03 which removes VRDs and B&Bs from the Seaside Zoning Ordinance as well as public

hearings on Ordinance 2024-04 which will allow for the regulation of STRs in business licensing.

**K. Conclusion:**

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

**L. Recommendation and Alternatives:**

**Staff Recommendation:**

Staff recommends the Planning Commission conduct a public hearing on the proposed amendment and take public comments. To allow for additional public comment the Planning Commission should keep the record open and continue this hearing to a meeting scheduled for April 16, 2024, at 6 pm at City Hall.

A commissioner may make the following motion:

“I move to leave the record open and continue this public hearing to the meeting scheduled for April 16, 2024, at 6 pm at City Hall.”

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

## ORDINANCE NO. 2024-03

### AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, REPEALING SECTION 6.135 AND SECTION 6.137 FROM THE SEASIDE ZONING ORDINANCE.

WHEREAS, the City of Seaside has issued business licenses for Vacation Rental Dwellings since 1992, and

WHEREAS, Vacation Rental Dwellings and Bed & Breakfasts have been conditionally permitted uses regulated through the Seaside Zoning Ordinance in some residential zones, and

WHEREAS, it appears to the City of Seaside that these activities are more appropriately regulated through a business regulation process rather than a land use process and that it is, therefore necessary to remove Vacation Rental Dwellings from the Seaside Zoning Ordinance.

**NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:**

**Section 1.030, Section 3.033, Section 3.043, Section 3.049, Section 3.055, and Section 6.025 of the Seaside Zoning Ordinance are hereby amended to as follows:**

#### **Section 1.030 DEFINITIONS**

~~**Vacation Rental Dwelling.** A single family dwelling, duplex or triplex which is rented or hired out for a period of less than 30 days. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling. However, each individual unit is to be considered separately for licensing and regulation purposes.~~

**Section 3.033 Conditional Uses Permitted.** In the R-2 Zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Church and other religious structures.
2. Primary, elementary, junior or senior high school; kindergarten, or day nursery; or a higher education institution.
3. Community meeting buildings.
4. Cemetery.
5. Golf course, except commercial driving ranges or miniature golf course.
6. Public park, playground, or other similar publicly owned recreational use.
7. Temporary real estate office in a subdivision.
8. Utility substation.
9. Radio or television transmitter or tower.
10. Government or municipal structure or use.
11. Manufactured Dwelling Park
12. Nursing homes and hospitals.
13. Professional offices when the lot adjoins a State Highway or major arterial and when the lot is contiguous to, or across the street from a commercial or industrial zone.
14. Private sports complex.
15. Manufactured Dwelling Subdivision.
16. ~~Bed & Breakfast establishments subject to provisions in Sections 6.135 and 6.136.~~

~~17. Vacation Rental Dwellings subject to provisions in Section 6.137.~~

~~18.~~17. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.

~~19.~~18. Home Occupation subject to Sections 4.130 through 4.134.

~~20.~~19. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.

~~21.~~20. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

**Section 3.043 Conditional Uses Permitted.** In the R-3 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Churches and other religious structures.

2. Primary, elementary, junior and senior high schools; or a higher education institution.

3. Kindergarten or day nursery.

4. Community meeting building.

5. Cemetery.

6. Golf course, except commercial driving ranges, or miniature golf courses.

7. Public park, playground, or other similar publicly owned recreational uses.

8. Temporary real estate office in a subdivision.

9. Utility substation.

10. Radio or television tower or transmitter.

11. Government or municipal structure or use.

12. Convenience establishments.

13. Boarding, lodging or rooming house.

14. Group care homes, homes for the aged, nursing homes, and hospitals.

15. Professional offices when the lot adjoins a state highway or major arterial, or is contiguous to, or across the street from a commercial industrial zone.

16. Private sports complex.

17. Manufactured Home Subdivision.

~~18. Bed & Breakfast establishments subject to provisions in Sections 6.135 and 6.136.~~

~~19. Vacation Rental Dwellings subject to provisions Section 6.137.~~

~~20.~~18. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.

~~21.~~19. Home occupations subject to Sections 4.130 through 4.134.

~~22.~~20. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.

~~23.~~21. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

**Section 3.049 Conditional Uses Permitted.** In the R-R Zone, the following Conditional Uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Church and other religious structures.

2. Condominiums and Time Share Units.

3. Community meeting building.
4. Golf course, except commercial driving ranges or miniature golf courses.
5. Public park, playground, or other similar publicly owned recreational use.
6. Utility substation.
7. Professional offices, when the lot adjoins a state highway or major arterial, or when the lot is contiguous to, or across the street from a commercial or industrial zone.
8. Gift shop, or other uses appropriate to a motel or hotel, but only when a part of a hotel or motel.
9. Aquariums.
10. Restaurant and cocktail lounge, when in conjunction with a motel.
11. Group care homes, homes for the aged, and nursing homes.
- ~~12. Vacation Rental Dwellings subject to provisions in Section 6.137.~~
- ~~13.~~12. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135.
- ~~14.~~13. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
- ~~15.~~14. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

**Section 3.055 Conditional Uses Permitted.** In the R-C Zone, the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6.

1. Church and other religious structures.
2. Wedding chapel.
3. Group care homes, homes for the aged, nursing homes and residential homes.
4. Primary, elementary, junior or senior high schools; kindergarten or day nursery; or a higher education institution.
5. Public park, playground, or other similar publicly owned recreational use.
6. Government or municipal structures or use.
7. Utility substation.
- ~~8. Bed and Breakfast establishments subject to provisions in Section 6.135 and 6.136.~~
- ~~9.~~8. Grocery stores
- ~~10.~~9. Restaurants
- ~~11. Vacation Rental Dwellings subject to provisions in Section 6.137.~~
- ~~12.~~10. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.
- ~~13.~~11. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
- ~~14.~~12. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

**Section 6.025 ADMINISTRATIVE CONDITIONAL USE PERMITS**

The Community Development Director, Planning Director, or their designee shall have the authority to approve the following conditional uses provided they comply with their respective criteria:



1. Manufactured homes on individual lots subject to Section 4.135.
- ~~2. Bed & Breakfast establishments subject to Sections 6.135 and 6.136.~~
- ~~3. Vacation Rental Dwellings subject to Section 6.137.~~
- 4.2. Home Occupations subject to Sections 4.130, 4.131, 4.132, 4.133, and 4.134.

Following the above criteria will take the place of Sections 6.020 through 6.043.

Section 6.135 Bed & Breakfast Establishments, 6.136 Variance Procedure for Bed & Breakfast Establishments, and Section 6.137 Vacation Rental Dwelling (VRD) of the Seaside Zoning Ordinance are hereby repealed in their entirety.

**ADOPTED** by the City Council of the City of Seaside on this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 2023, by the following roll call vote:

YEAS:  
NAYS:  
ABSTAIN:  
ABSENT:

**SUBMITTED** to and **APPROVED** by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

## ORDINANCE NO. 2024-04

### AN ORDINANCE OF THE CITY OF SEASIDE, OREGON ADDING CHAPTER 120 TO TITLE XI OF THE SEASIDE CODE OF ORDINANCES.

WHEREAS, the City of Seaside has issued business licenses for Vacation Rental Dwellings since 1992, and

WHEREAS, Vacation Rental Dwellings and Bed and Breakfasts have been conditionally permitted uses regulated through the Seaside Zoning Ordinance in some residential zones, and

WHEREAS, it appears to the City of Seaside that these activities are more appropriately regulated through a business regulation process rather than a land use process and that it is therefore necessary to add Vacation Rental Dwelling, Vacation Rental Condominium, and Bed & Breakfast requirements to Title XI Business Regulations.

#### NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

**SECTION 1.** Chapter 120 SHORT TERM RENTALS is hereby created within Title XI Business Regulations as follows:

##### 120.01 PURPOSE

The short-term rental business license is made available in recognition of the desire of many people to rent their single dwelling, attached multi-dwelling condominium, or rooms in their primary residence for periods of less than 30 days, and also in recognition of the need of the City to regulate such activities to reduce impacts on other City residents and for the protection of public health and welfare.

##### 120.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Accessory Dwelling Unit (ADU):* An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single dwelling. Unlike a guesthouse, an ADU will include a kitchen and function as an independent dwelling unit.

*Bedroom:* A room or other space, at least 70 sq. ft., within a dwelling unit designed, intended, or used for sleeping. Roll-out beds, fold-out couches, or other temporary sleeping accommodations including tents and recreational vehicles shall not be considered a sleeping area and may not be used to increase the allowed occupancy of a short-term rental.

*City:* Means the City of Seaside.

*Dwelling Unit:* A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation, and only one cooking area. A cooking area is a discrete area within a structure with any means of cooking, including a hot plate, stove, oven, cooktop, or any cooking apparatus other than a microwave or toaster.

*Single-Dwelling Detached:* A structure in which all habitable portions thereof are connected structurally and comprise one dwelling unit.

*Single-Dwelling Attached:* That portion of a structure comprising a single dwelling unit within a larger structure with more than three dwelling units in which all habitable portions thereof are connected structurally, each dwelling unit is connected by a common party wall, and each dwelling unit is on its own lot.

*Multi-Dwelling:* A structure in which all habitable portions thereof are connected structurally and which is comprised of more than three dwelling

units under common ownership or individually owned under condominium ownership, which does not meet the definition of Single-Dwelling Attached.

*Duplex:* A structure that contains two dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

*Triplex:* A structure that contains three dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

*Homestay Lodging:* A single-dwelling attached or single-dwelling detached that is the owner's primary residence and in which individual rooms or a guest house may be rented for a period of less than 30 days.

*Guest House:* A detached structure used for sleeping purposes that does not contain a cooking facility. A guest house is not an Accessory Dwelling Unit.

*Landscaping:* Permanent features or plantings such as fencing, curbing, walls, shrubs, trees, bushes, grass, and other similar features that discourage or prohibit the parking of a vehicle.

*Owner(s):* The people or person, partnership, corporation, association, or other legally recognized person(s) or entity holding title to the dwelling unit in accordance with law.

*Short-Term Rental:* A dwelling unit, individual rooms within a dwelling unit, or a guest house made available to rent to any person for a period of less than 30 days. Stays in a dwelling unit for no consideration are not considered short-term rentals. Homestay lodging, vacation rental dwelling, and vacation rental condominiums are each specific types of short-term rental.

*Vacation Rental Dwelling:* A single-dwelling attached or single-dwelling detached that is not the owner's primary residence and which may be rented for a period of less than 30 days.

*Vacation Rental Condominium:* A dwelling unit within a multi-dwelling under a condominium form of ownership which may be rented for a period of less than 30 days.

### **120.03 Issuance of License; Fees**

No person shall make a short-term rental available for rent without first obtaining a short-term rental license pursuant to the following requirements:

- 1. Application:** Applications must be submitted to the Community Development Department on a form specified by the department. The department will review the application for completeness and notify the applicant of any incomplete items within thirty days. The applicant will then have thirty days to submit any missing items; if the applicant fails to do so, the application will expire.

Upon determining that an application is complete, the department will review the application and the associated dwelling unit and property for compliance with the standards in this chapter, substantial compliance with the City of Seaside's adopted building and fire codes, and all applicable laws.

The applicant will have 180 days from the date the application is deemed complete to schedule and complete an inspection with Community Development staff and demonstrate that the application meets all of the requirements of this chapter. If the applicant fails to do so, the application will expire. If an application expires, the applicant is required to wait 180 days before re-applying.

The applicant must be an owner of the property at the time of submitting an application.

- 2. Application Fee:** An application and inspection fee of \$500.00 is due at the time of submittal. The application fee will not be refunded should the application be canceled, expired, or denied. The fee for an inspection separate from an application is \$100.00.

3. **Annual Business License Required:** The applicant is required to obtain a business license after their short-term rental license application is approved and prior to any short-term rental, and to maintain a business license thereafter.
4. **Non-Transferrable:** A short-term rental license is specific to a particular property and owner, and is non-transferrable and void upon the subject property transferring ownership. New property owners are required to obtain their own short-term rental license in order to operate a short-term rental. Notwithstanding the foregoing, new owners are provided a 90-day grace period from the date the title is recorded to close out or honor existing short-term rental bookings without first obtaining a short-term rental license. No new bookings shall be allowed until a short-term rental license for the new owner is approved.
5. **Accessory Use:** Renting a dwelling or part of a dwelling short-term is required to be accessory to the primary, residential use of the dwelling. Applicants must demonstrate, by written documentation, the primary, residential use.
6. **Waiting Period for New Vacation Rental Dwellings:** Short-term rental license applications for Vacation Rental Dwellings are subject to a 90-day waiting period, after approval and prior to issuance of the license, if the property was not previously licensed within the 30-day period prior to the application. Short-term rental license applications for a Vacation Rental Dwelling in a newly constructed building may not be submitted until two years after the issuance of a Certificate of Occupancy. Properties located in areas where 100% density is allowed for Vacation Rental Dwellings are not subject to the waiting periods in this section.
7. **Transient Lodgings Tax:** All short-term rentals are required to collect and remit transient lodgings taxes pursuant to Chapter 32 of the Seaside Code of Ordinances and fully comply with all other requirements of that chapter.

#### 120.05 General Standards for all Short-Term Rentals

All short-term rental licensees shall comply with the following standards:

1. **Local Contact:** A local contact whose primary residence is within Clatsop County must be identified by the owner. The local contact will serve as an initial contact person if there are issues regarding the operation of the short-term rental. The local contact must be available twenty-four hours a day to respond to reported issues within two hours. The local contact is required to maintain a complaint log of reported issues that must be made available upon request by the City's Code Compliance Official.

Short-term rental owners are required to report in writing to the city, the homeowner's association if applicable, and to property owners within 100ft of their short-term rental the name and contact information for the Local Contact. Upon changing local contacts, short-term rental owners shall immediately notify in writing the City, their homeowner's association (if applicable), and property owners within 100ft of their short-term rental of the new local contact's name and contact information.

A preferred contact, who does not reside within Clatsop County, may be listed for a short-term rental; however, a preferred contact does not replace the requirement for each short-term rental to list a local contact who resides in Clatsop County.

2. **Signage:** Short-term rentals may elect to place signage on their dwelling. Signage is limited to one 1.5 sq. ft., non-illuminated, name plate.
3. **Required Postings:** Short-term rentals are required to have their short-term rental license, business license, occupancy certificate, parking map, tsunami evacuation map, and good neighbor rules posted in a conspicuous place within the short-term rental.

4. **Code Compliance:** A short-term rental shall remain in substantial compliance with the City’s adopted building and fire codes, applicable state laws, and the City of Seaside Code of Ordinances.
5. **Re-Inspection:** All short-term rentals are required to be available for inspection by the City’s Code Compliance Official annually, subject to the applicable fee.

#### **120.06 Vacation Rental Dwelling Standards**

In addition to the standards in Section 120.05, Vacation Rental Dwellings shall comply with the following standards:

1. **Vacation Rental Dwelling Approved Locations:** Short-term rental licenses are permitted for vacation rental dwellings only in the following locations:
  - Properties that abut Sunset Blvd. from the Tillamook Head Parking area north to Ocean Vista Dr. including Whaler’s Point.
  - Properties that abut Ocean Vista Dr. north to S. Edgewood St.
  - All properties that abut S. Edgewood St. north to Avenue U from S. Edgewood St. west to the ocean shore.
  - Those properties that abut Avenue U east to the Necanicum River.
  - Properties that are west of the Necanicum River to the ocean shore north of Avenue U to 1<sup>st</sup> Ave.
  - Properties that are west of Holladay Dr. to the ocean shore from 1<sup>st</sup> Ave. north to 12<sup>th</sup> Ave.
  - Properties that are west of the Necanicum River to the ocean shore from 12<sup>th</sup> Ave. north to the Necanicum River estuary.(See Exhibit A)
2. **Spatial Distribution:** The density of Vacation Rental Dwellings within 100ft of an applicant’s property shall not exceed the percentage specified below depending on the property's location. Density is calculated by determining the total number of tax lots any portion of which are within 100ft of the applicant’s property that are licensed Vacation Rental Dwellings and dividing that number by the total number of tax lots any portion of which are within 100ft of the subject property. The subject property is not counted when calculating density percentages. For purposes of this calculation, condominium complexes will be treated as one tax lot.

##### **100% Density**

- Properties that have ocean frontage from the southern end of Sunset Blvd. north to Ocean Vista Dr.
- Properties that are on the east side of Ocean Vista Dr. across from the Cove parking lot north to the Sailor’s Grave.
- Properties that have ocean frontage north from the Sailors Grave to the end of N. Columbia St.
- Properties west of S Columbia St to the ocean shore from Avenue G north to Avenue A.
- Properties west of N. Downing St. to the ocean shore from 1<sup>st</sup> Ave. north to 9<sup>th</sup> Avenue.

##### **50% Density**

- Properties that abut Ocean Vista Dr. from the intersection of S. Edgewood St. north to Avenue U.
- Properties on the west side of Beach Drive from Avenue U north to Avenue G.

##### **30% Density**

- Properties that abut the east side of Sunset Blvd. from the Tillamook Head parking area north to the Cove Parking Lot
- Properties west of the Necanicum River to Beach Dr. from the intersection of Ocean Vista Dr. and S Edgewood St. north to Avenue A.
- Properties excluded from the 100% density areas west of N Holladay Dr. from 2<sup>nd</sup> Avenue north to 12<sup>th</sup> Avenue.
- Properties excluded from the 100% density areas west of the Necanicum River from 12<sup>th</sup> Ave. north to the Necanicum River estuary.

(See Exhibit B)

- 3. Parking:** One 9ft x 18ft off-street parking space must be provided for each bedroom in the unit, but in no event shall fewer than two off-street spaces be provided. The off-street parking spaces shall be easily accessible to renters and not require maneuvering that would deter renters from using them. Off-street parking areas using easement driveways shall provide space for maneuverability on the Vacation Rental Dwelling's property so renters are not required to back down from the easement to access the public right of way.

Parking spaces located inside garages or carports must have a minimum headroom clearance of 8ft. The garage door or carport opening must be a minimum of 8ft wide.

Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for guests of Vacation Rental Dwellings.

- 4. Residential Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be permanently landscaped so that parking will not dominate the yard.
- 5. Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Vacation Rental Dwelling as determined by the Code Compliance Official based on solid waste industry standards.
- 6. Occupancy:** The maximum number of renters shall not exceed three persons per bedroom with a maximum total occupancy of ten persons (whichever is less) unless an automatic fire suppression sprinkler system is installed in the dwelling in which case, the maximum total occupancy shall not exceed twelve persons (whichever is less). In the event a Vacation Rental Dwelling does not have sufficient parking to accommodate the number of bedrooms, the occupancy will be calculated at three persons per available off-street parking space. When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
- 7. Outdoor Fire Rings, Fireplaces, Hot Tubs, and Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. and 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity.
- 8. House Numbers:** A house number, clearly visible from the street shall be installed and maintained by the property owner.
- 9. Pets:** If the Vacation Rental Dwelling allows pets and they generate three (3) complaints within twelve (12) months related to running at large, trespassing, or causing a disturbance due to excessive barking; pets will be prohibited from that Vacation Rental Dwelling.

## 120.07 Vacation Rental Condominium Standards

In addition to the standards in Section 120.05, Vacation Rental Condominiums shall comply with the following standards:

1. **Occupancy:** The occupancy of a Vacation Rental Condominium shall not exceed three persons per bedroom and shall not exceed six people (whichever is less). When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
2. **Off-Street Parking:** Two 9ft x 18ft off-street parking spaces are required for each Vacation Rental Condominium. A parking map directing renters to which spaces are available for their use is a required posting inside the condominium. Street parking is strictly prohibited for all renters of Vacation Rental Condominiums.
3. **Trash Service:** Trash services for the multi-dwelling building shall be of sufficient size to accommodate the total number of units in the building.

#### **120.08 Homestay Lodging Standards:**

In addition to the standards in Section 120.05, Homestay Lodging establishments shall comply with the following standards:

1. **Owner Occupancy Required:** The property shall be the owner's primary residence and must be owner-occupied during the guest's stay.
2. **Maximum Rental Units:** The maximum number of separately rentable units within a Homestay Lodging shall be two. Each rentable unit shall have no more than one bedroom.
3. **Guest Occupancy:** The total occupancy shall not exceed five renters per homestay lodging.
4. **Parking:** Two 9ft x 18ft off-street parking spaces are required for the residents of the Homestay Lodging plus one 9ft x 18ft off-street parking space for each separately rentable unit. The guest parking spaces shall be independent of the two required owner parking spaces allowing independent access to the rental property.  
  
Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for renters of Homestay Lodging establishments.
5. **Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Homestay Lodging establishment as determined by the Code Compliance Official based on solid waste industry standards.

#### **120.09 Complaints**

All complaints regarding Short-Term Rentals which are submitted to the City will initially proceed through the informal resolution process provided herein. If the complaint is unresolved after completion of the informal resolution process, then a more formal process shall be utilized as set forth below.

1. The complainant shall attempt to communicate with the designated local contact. The complainant shall describe the problem in detail and the requested resolution to the local contact.
2. The local contact shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this chapter. The local contact is required to take action on a complaint within 2-hours of receiving notice.
3. If the response from the local contact is not satisfactory to the complainant, the complainant may file a complaint, in writing, to the City.
4. The City shall notify the property owner and property manager/local contact of the complaint. The owner or their property manager/local contact shall respond to the complaint in writing within five (5) days of the notification. The response shall list

the date and time they were contacted regarding the complaint, the steps they took to resolve the complaint, and the steps they will take to prevent the same type of complaint in the future.

5. The City's Code Compliance Official shall document the complaint and response and issue a written determination to the parties involved. The Code Compliance Official may mediate any issues with a short-term rental and complainants. If the Code Compliance Official finds a violation of this chapter, the Code Compliance Official may take further enforcement action.

#### **120.10 Enforcement**

A person who violates or permits the violation of any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as specified below. Each day on which a violation occurs or continues shall constitute a separate offense.

1. First offense: \$250 fine.
2. Second offense within a one-year period: \$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued.
3. Third offense within a one-year period: \$1000 fine and revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license for a period of one year, provided the license holder remains an owner of the property. If unlicensed, a one-year waiting period shall apply before a license may be issued.
4. Fourth offense within a one-year period: \$1500 fine and permanent revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license while the license holder remains an owner of the property. If unlicensed, the owners shall be ineligible to apply for a short-term rental license.
5. Subsequent offenses within a one-year period: \$2000 fine.

#### **120.11 Short-Term Rentals Prohibited**

Short-term rentals are prohibited in the following dwellings and properties:

1. Properties that contain Accessory Dwelling Units.
2. Duplexes, except duplexes with each unit on a separate lot.
3. Triplexes, except triplexes with each unit on a separate lot.
4. Multi-dwelling attached apartment buildings not under a condominium form of ownership.
5. Properties with two or more single-dwelling detached units on one lot.

#### **120.12 Estuary Properties**

Pursuant to the purchase and sale agreement for the Estuary Park, twenty-five percent (25%) of the dwelling units incorporated in the Planned Development of tax lots 61015BC03800, 61015BC04201, 61015BC03000, and 61015BC02900 (See Exhibit C) shall be eligible for short-term rental licenses, notwithstanding any spatial distribution or dwelling unit type restrictions in this chapter, provided those dwelling units meet all other requirements of this chapter. The specific dwelling units to be eligible for short-term rental licenses under this section shall be designated by the developer at the time of the development approval and shall not be subject to change thereafter. No other dwelling units within said tax lots shall be eligible for short-term rental licenses.

#### **120.13 Non-Liability of the City of Seaside**

Neither the city nor any official or employee of the City shall be liable for any damages, or claims from any owner or third party relating to the enforcement of any provision of this chapter.

#### **120.14 Delegation of Authority**



The City of Seaside Community Development Department is delegated the authority and responsibility to adopt rules, procedures, forms, and practices consistent with the overall intent of this chapter, to implement, administer, and operate the licensing program for the city.

**120.15 Severability**

Each section, sentence, clause, and phrase hereto are declared severable. If any section sentence clause, or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this chapter.

**ADOPTED** by the City Council of the City of Seaside on this \_\_\_ day of \_\_\_\_\_, 2024, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

**SUBMITTED** to and **APPROVED** by the Mayor on this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
STEVE WRIGHT, MAYOR

ATTEST:

\_\_\_\_\_  
Spencer Kyle, City Manager

Exhibit A:



Exhibit B:



Exhibit C:

