

All attendees are reminded that strict social distancing must be followed at all times and the total occupancy will be limited to no more than 19 people at any one time. Once that occupancy has been reached, the public will be asked to wait outside the building before being called in to testify.

SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

May 11, 2021

6:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** April 6, 2021
6. **PUBLIC HEARING:**
 - A. **21-016VRD:** A conditional use request by Barbara Fisher for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age. The property is located at 721 S Prom (T6-R10-21DB-TL7800) and it is zoned High Density Residential (R3).
 - B. **21-017VRD:** A conditional use request by Rhiannon Chamberlain for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age. The property is located at 1175 S Prom (T6-R10-21DB-TL15400) and it is zoned Medium Density Residential (R2).
 - C. **21-018VRD:** A conditional use request by Lisa Clifford-Burton for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten regardless of age. The property is located at 2040 Beach Dr (T6-R10-21CD-TL7700) and it is zoned Medium Density Residential (R2).
 - D. **21-019SUB:** A subdivision request by Indigo Dunes Investments, LLC represented by Steve Winters. The subject property is located 485 N Wahanna Rd. (T6-R10-S22BA-TL101) and the subject property is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from N Wahanna Rd. and they are being developed with detached single family dwelling. The approximate size of the lots will be L1-5,217 sq. ft., L-2 5,441sq. ft., L3-5,492 sq. ft., and L4-5,061 sq. ft.
 - E. **21-022HOZ-** A Highway Overlay Zone request by RDA Project Management to develop a 28 unit motel at 2001 S Roosevelt (T6-R10-S28ABD-TL10300). The subject property is zoned General Commercial (C-3) and the proposed use would provide 28 detached motel units that would have one access onto S Roosevelt (Hwy 101).
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION

April 6, 2021

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES: March 3, 2021 adopted as written.

INTRODUCTORY STATEMENTS

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

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

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

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

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman Hoth:

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

PUBLIC HEARING

- A. **21-011SUB:** A subdivision request by Oceanside Investments, LLC represented by Jason Kraushaar. The subject property is located 410 Avenue G (T6, R10, S21AC, TL# 17201) and the vacant parcel is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from Avenue G and developed with a detached single family dwelling. The approximate size of the lots will be L1-3,492 sq. ft., L2 & L3-3,007 sq. ft., and L4-3,104 sq. ft. In addition to the land division, the applicant is also requesting a variance (**21-010V**) that will allow a reduction to the interior side yard setbacks for each lot from 5' to approximately 3'-6". Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Drive, Warrenton,

described the lot and the history of the lot having a portion dedicated to the City. He stated that the lot would allow for up to 5 units, but was proposing 4 houses to provide yards for each of the houses. The variance that was requested was to allow the houses to have less than the required interior 5 yard setback between each lot.

Chair Hoth asked if anybody else would like to speak in favor. Jason Kraushaar, 89652 West Lake Acres Drive, Warrenton, stated that he was the owner of the property and was wanting to build houses that are aesthetically appealing; more so than attached row houses. He reiterated that up to 5 houses could be built on this property, but did not want to put the maximum number of houses and would rather allow for separation between the homes.

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

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

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth asked Mr. Mead what the limitations of the 3 foot deeded portion would be. He continued to ask if the deeded area could be used for the sidewalk and driveway approaches. Mr. Mead responded that the area was deeded for ingress, egress, and utilities, the same as a public right-of-way. Chair Hoth asked where the sidewalk would be located in relation to the deeded strip of land. Mr. Mead stated that the sidewalk would be at the curb. Commissioner Carpenter asked what the distance would be from the garage to the sidewalk. Mr. Mead responded that it would be over 20 feet. Chair Hoth asked where the 3 parking spaces would be located on the property. Mr. Mead stated that one parking space would be in the garage, and the driveway would be wide enough for the other 2 spaces. Vice Chair Montero asked how wide the driveways are on the provided map. Mr. Mead responded that the map currently shows them at 14 feet, but will be able to enlarge the approaches to 20 feet. Commissioner Carpenter asked if having the 20 foot wide driveway would allow for the required front yard landscaping. Mr. Cupples responded that the front yard landscaping requirement is only for VRD houses. Chair Hoth asked if three parking spaces are required for these houses. Mr. Cupples replied that only two parking spaces are required for new houses. Chair Hoth questioned if the driveway approaches would also include a curb cut that would match the approach. Mr. Kraushaar responded that the curb cut would match the width of the approach, but he will put in landscaping to prevent the area from looking like a parking lot. Chair Hoth stated that the curb cuts would eliminate parking on the street in front of the houses, which would help the new houses from backing out onto a busy street with their vision blocked. It was established the speed limit on Avenue G is 25 MPH. Vice Chair Montero asked if these houses would be considered micro housing. Mr. Kraushaar responded that the houses being proposed are 1,600 square feet. Vice Chair Montero asked if the driveways would be widened to 20 feet, or if it was still open for change. Mr. Kraushaar would discuss the best options with Mr. Cupples and Dale McDowell, Public Works Director. Chair Hoth questioned what possibilities the owners of the property have for restricting parking on the street, or if it was strictly up to the City. Mr. Cupples responded that the City is responsible for restricting on-street parking. Commissioner Neubecker motioned to approve 21-011SUB with the request that the driveway be the maximum width possible. Vice Chair Montero seconded the motion. The motion passed unanimously. Commissioner Neubecker motioned to approve 21-020V. Commissioner Wickersham seconded the motion. The motion passed unanimously.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the next meeting will have 5 items on the agenda, but Commissioner Wickersham will not be able to attend. A new commissioner might be appointed before the next meeting, depending on the City Council vote. Due to absentee Commissioners for the May 4th meeting, the next scheduled meeting would be postponed to May 11, 2021.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth asked if there were any comments from the Commission or staff. There were none.

ADJOURNMENT: Adjourned at 6:33 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 11, 2021
Applicant: Barbara Fisher
Owner: 7204 N Mississippi Portland, OR 97217
Location: 721 S Prom Seaside, OR 97138, T6-R10-S21DB TL#7800
Subject: Conditional Use 21-016VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Nine (9) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **721 S Prom**. The subject property is zoned **High Density Residential (R-3)** and the **applicant is requesting a maximum occupancy of nine (9) persons over the age of three, no more than ten regardless of age**, within the existing **three (3)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-016VRD:** A conditional use request by **Barbara Fisher** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than ten persons regardless of age. The property is located at **721 S. Prom. (T6-R10-S21DB-TL7800)** and it is zoned High Density Residential (R-3). The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **three (3)** off-street parking spaces, **stacked in the parking area accessed off of Avenue G. The garage that previously occupied this space has been removed, creating sufficient space for the required off-street parking.**
 - b. The existing **three (3)** bedroom residence will have a limited occupancy of **nine (9)** persons over the age of three, no more than ten persons regardless of age.
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**

- d. **Barbara Fisher has listed Mallory Becker, 79 Skipanon Dr. Warrenton, OR 97146, as the local contact for the VRD and she can be reached at 971-606-0331.**
 - e. The owner/applicant, **Barbara Fisher**, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings, **but the Hi Tide Inn motel is located across the street on the north side of Avenue G.** Currently **25%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **26.08%** are licensed within 200'. All of the surrounding property within 100 feet is zoned **High Density Residential (R-3) or Resort Residential (R-R).**
 3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **50%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
 4. The property has undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
 5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **has not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however,

negative impacts can be caused by other permitted uses of longer duration. VRDs do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the “normal” restrictions applied to non-VRDs.

9. The property was previously permitted as a VRD in 1992; however, the street file does not indicate how long it was operational and it is not currently permitted.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact’s response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD’s conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner’s expense.
14. Outdoor fire rings, fire places, hot tubs, & spas can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively.

They believe staff and the Commission can address additional conditions after a VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

CONCLUSION TO CRITERIA #1:

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

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-016VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

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

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

3. **Maximum number of occupants: nine (9) persons over the age of three (no more than ten regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact: Mallory Becker, 79 Skipanon Dr. Warrenton, OR 97146, has been identified as the local contact for the VRD and she can be reached at 971-606-0331.** The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

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

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.

- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.
- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants that utilize these platforms to report this revenue on their quarterly returns.
- 13. Conflicts & Potential Denial for Non-Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's web site:
- <https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>
- This form should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD will be subject to an annual compliance inspection (subject to applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an

inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.

- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “**You Are Here**”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
- 20. Outdoor Fire Rings, Fire Places, Hot Tubs, & Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.

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

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-016VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **Nine (9) persons over the age of three (no more than ten regardless of age)** at **721 S. Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Barbara Fisher	ADDRESS 7204 N. Mississippi Ave	ZIP CODE 97217
STREET ADDRESS OR LOCATION OF PROPERTY 721 S Prom Seaside OR 97138		

ZONE R-3	OVERLAY ZONES -	TOWNSHIP 6	RANGE 10	SECTION 21 DB	TAX LOT 7800
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Short Term Rental

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

OWNER:		APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):	
PRINT NAME OF PROPERTY OWNER Barbara Fisher	ADDRESS 7204 N Mississippi Ave Portland	PRINT NAME OF APPLICANT/REPRESENTATIVE Edward Wiszowaty	ADDRESS Same
PHONE / EMAIL 971-244-3843	97217	PHONE AND EMAIL 503-593-6707	
SIGNATURE OF PROPERTY OWNER		SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE Ed W. Wiszowaty	

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 3/17/21	BY JF
CASE NUMBER (S) 21-016 VRD	
HEARING DATE 5/4/21	P.C. ACTION

OFFICE USE:	
FEE 670	RECEIPT
DATE FILED 3/23/21	BY JCS

PAID 17439 240.00 3/23/21

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

CITY OF SEASIDE

MAR 09 2021

PAID

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

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

SUBMITTAL INFORMATION

1. Applicant's Name: Barbara Fisher
2. Mailing Address: 1204 N. Mississippi Portland 97217
3. Telephone #: Home 971-244-3843 Work _____, Fax _____, E-Mail Barb@Fisherbusiness.net
4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
5. VRD Street Address: 121 S. Prom Seaside OR. 97138
6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 4 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
7. How many bedrooms are in the dwelling? 3. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? No. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

ORIGINAL

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

Name: Mallory Becker Phone # 971-606-0331
Address: 19 Skipponan Drive Clatsop Warrenton OR. 97146
The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

9901

2000 - cash
500 ⁰⁰/₂₀) V 5492
430 ⁰⁰/₂₀)
9-21

BASIC CHECKLIST (2020)
VACATION RENTAL DWELLING OR TRANSIENT RENTAL CONDOMINIUM
(Additional Requirements May Apply)

Address 721 S. Prom Seaside OR 97138
Owner Barbara Fisher Phone# 971-244-3843
Local Contact _____ Phone # _____

OCCUPANT LOAD PROPOSED FOR THIS BUILDING: 9 **# OF BEDROOMS:** 3

Note: The Zoning Ordinance sets a maximum occupancy based on three persons (over the age of three) per bedroom but it may be further limited based on the number of available off-street parking spaces. Irrespective of the number of bedrooms, occupancy of no more than 10 people (regardless of age) can be authorized unless the building is protected by an approved sprinkler system.

1. GENERAL REQUIREMENTS

- A. The **address** must be visible from the street.
- B. A **NOAA Weather Radio** with public alert must be accompanied by an informational sheet that summarizes the warning capabilities of the radio. Radios can be purchased from the city.
- C. 50% of all required **yards must be landscaped** so that they are not dominated by parking.
- D. The off-street required **parking spaces must be paved** or provided with an approved surface as permitted by the Planning Director.
- E. **Exterior lighting** fixtures must be shielded in a manner to prevent glare from being visible from the surrounding properties when having bulbs exceeding 450 lumens (equivalent to a 40 watt incandescent light bulb).

2. WEATHER PROTECTION

- A. No broken windows or damaged doors and in condition to provide a weather resistive barrier.
- B. Doors must be weather-stripped, have working locks, and openable from the inside without a key or special knowledge.
- C. **Roof and exterior wall coverings** must be in good shape. There must be no excessive chipped or peeling paint.
- D. All dwelling units shall be **mold** free.

3. MECHANICAL/ELECTRICAL

- A. **Chimneys** serving wood fireplaces and stoves shall be lined and have the proper clearances to combustibles (interior chimneys 2-inches & exterior chimneys 1-inch). Chimneys must be cleaned each year. If a fireplace does not have a chimney in compliance with code, it must be **secured or signed "not for use"** in addition to installing decorative feature, such as a plant, to deter the use. The fireplace can also be converted for use of a gas appliance when it is installed under a permit and according to its listing.
- B. An openable window or an approved mechanical **venting system is required in bathrooms** and kitchens.
- C. **Electrical Panels** shall be accessible to the tenants and be provided with 36 inches clearance in front of the panel.

4. SANITATION & HEATING

- A. Provide two **garbage cans** with lids, and suitable storage. Weekly garbage service is required.
- B. An approved heating source for all habitable spaces shall be provided.

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

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

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

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

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

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

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

Applicant's Signature: Barbara Fisher, Date: 3/3/21.

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

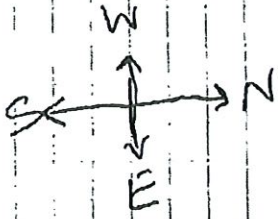
At the time of submittal, the applicant must pay the annual business license fee based on the proposed occupancy of the VRD: 1-5 occupants \$475.00, 6-10 occupants \$500.00, 11+ occupants 550.00. This fee must be accompanied by a one time filing fee of \$20.00.

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

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

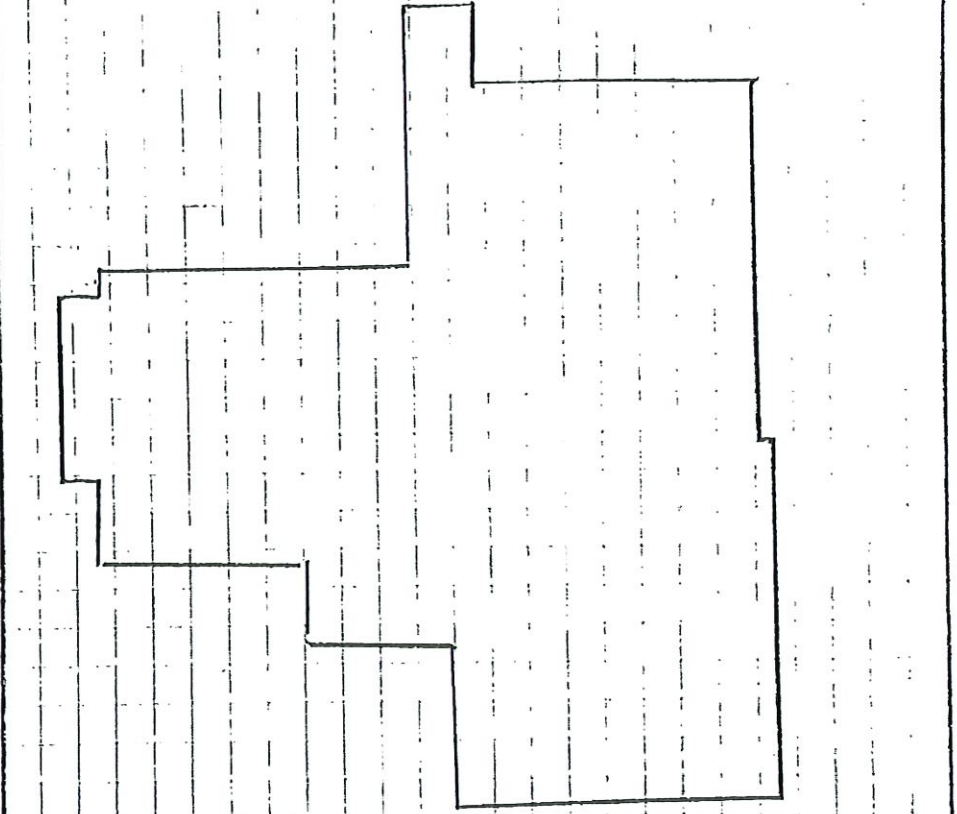
Submittal Date: 3/9 Amount Paid: \$950 to CA

Prom

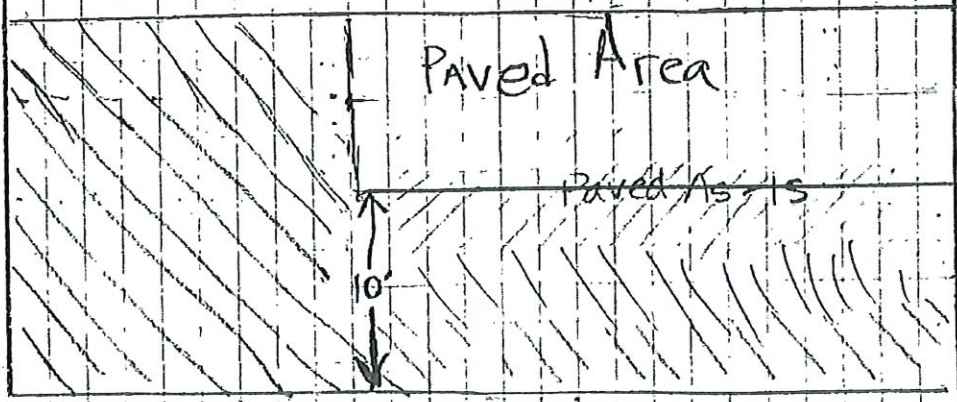


G Street

Scale = 3/32
(1 box = 2')



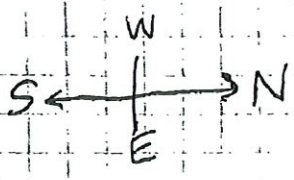
Remove Garage
Gravel Immediately
Plan to Pave



} Remove Fence

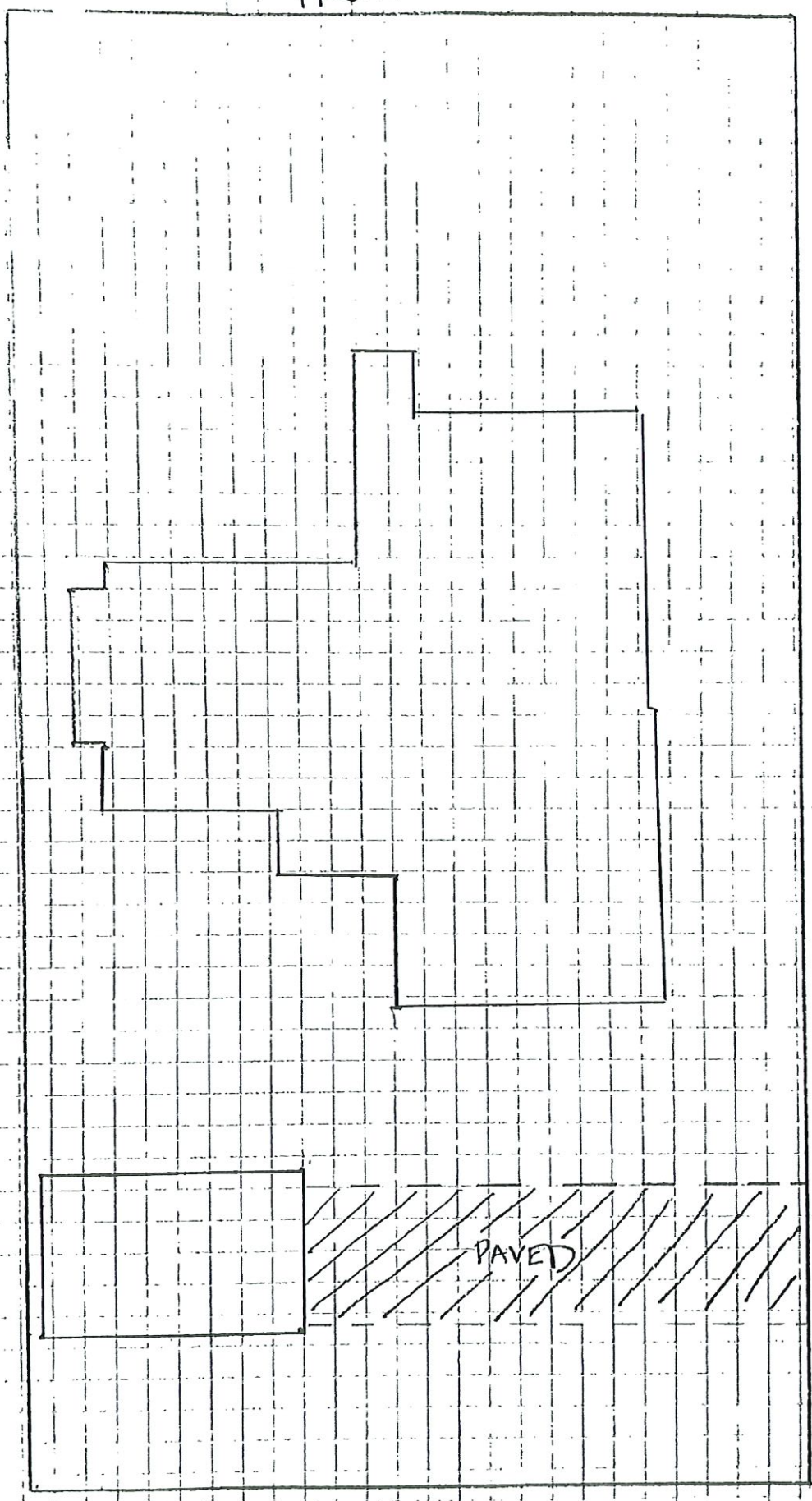
PROM

Current
Site
Plan

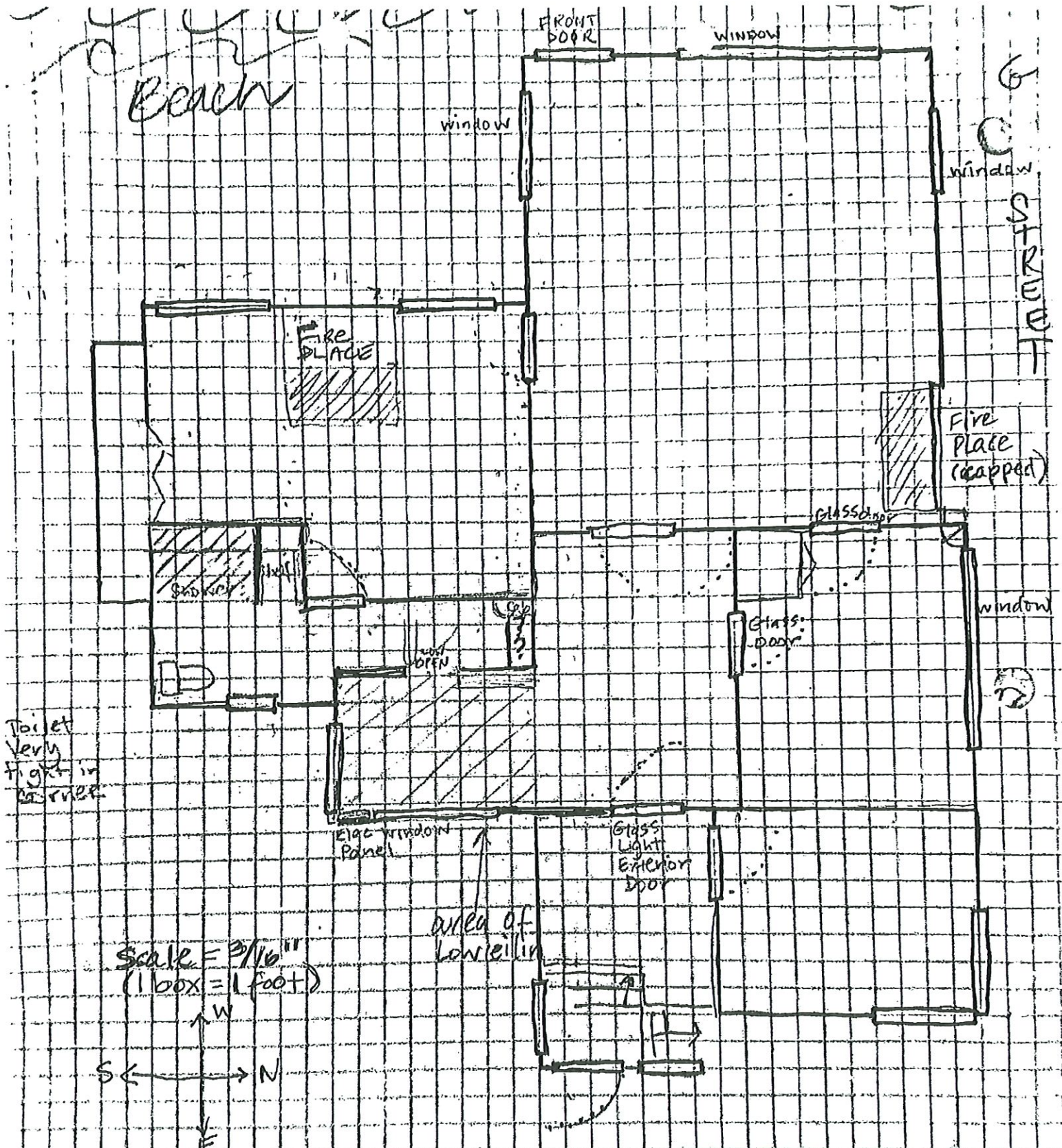


G
Street

Scale 3/32
1 box = 2 feet



Beach



Use Closet by front for kit. Back yard
 Keep 3rd upstair
 3rd Hall Bath
 Owner closet



Google Maps 29 Avenue G



Image capture: Jun 2018 © 2021 Google

Seaside, Oregon



Street View

Applicant
Existing VRD

721 S Prom 100' Density Analysis

3 / 12 = 25%



County of Clatsop, Clatsop County GIS. Sources: Esri, HERE, Garmin, FAO, NOAA, USGS. © OpenStreetMap contributors, and the GIS User Community

Density as of 03/16/21

721 S Prom Density Analysis

1	61021AC12600	50 Avenue G Seaside
2	61021AC12800	50 Avenue G Seaside
3	61021AC18100	Vacant Tax Lot 18100
4	61021BD00700	Vacant Tax Lot 0700
5	61021C000100	Vacant Tax Lot 0100
6	61021DB20200	Vacant Tax Lot 0200
7	61021DB06400	29 Avenue G Seaside
8	61021DB06500	741 S Prom Seaside
9	61021DB06600	740 Beach Dr Seaside
10	61021DB06701	760 Beach Dr Seaside
	61021DB07800	721 S Prom Seaside
11	61021DB80001	757 S Prom Seaside
12	61021DB80002	761 S Prom Seaside

Applicant
Existing VRD 100'
Existing VRD 200'

Density 100ft 3 / 12 = 25%

13	61021AC12502	30 Avenue G Seaside
14	61021AC13601	671 Beach Dr Seaside
15	61021AC13700	Vacant Tax Lot 13700
16	61021DB06000	781 Beach Dr Seaside
17	61021DB06100	761 Beach Dr Seaside
18	61021DB06200	741 Beach Dr Seaside
19	61021DB06300	111 Avenue G Seaside
20	61021DB06800	780 Beach Dr Seaside
21	61021DB06900	820 Beach Dr Seaside
22	61021DB07500	821 S Prom Seaside
23	61021DB07600	781 S Prom Seaside

Density 200ft 6 / 23 = 26.08%

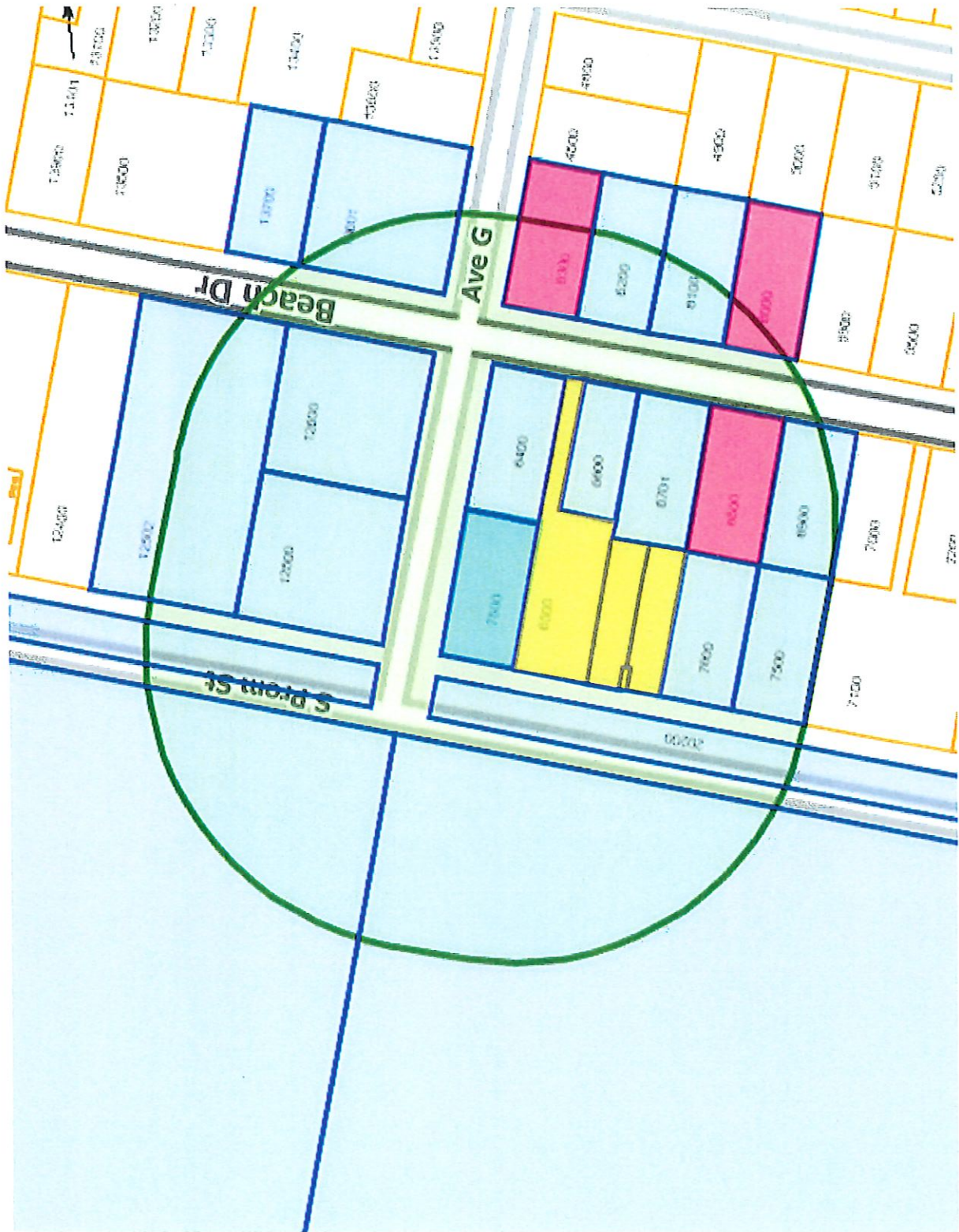
Analysis as of 03/16/21

Applicant
Existing VRD
100'

Existing VRD
200'

721 S Prom 200' Density Analysis

6 / 23 = 26.08%



CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 11, 2021
Applicant: Rhiannon Chamberlain
Owner: 3526 NE 27th Ave Portland, OR 96212

Location: 1175 S. Prom Seaside, OR 97138, T6-R10-S21DB TL#15400
Subject: Conditional Use 21-017VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Nine (9) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **1175 S. Prom**. The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **nine (9) persons over the age of three, no more than ten regardless of age**, within the existing **three (3)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-017VRD:** A conditional use request by **Rhiannon Chamberlain** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than ten persons regardless of age. The property is located at **1175 S. Prom. (T6-R10-S21DB-TL15400)** and it is zoned Medium Density Residential (R-2). The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **three (3)** off-street parking spaces, **parked side by side in the driveway in front of the garage.**
 - b. The existing **three (3)** bedroom residence will have a limited occupancy of **nine (9) persons over the age of three, no more than ten persons regardless of age.**
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**

- d. **Rhiannon Chamberlain has listed Vacasa, 1803 S. Roosevelt Dr Seaside, OR 97138, as the local contact for the VRD and they can be reached at 503-738-6680.**
 - e. The owner/applicant, **Rhiannon Chamberlain**, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **25%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **19.2%** are licensed within 200'. All of the surrounding property within 100 feet are zoned **Medium Density Residential (R-2)**.
 3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was below the **50%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
 4. The property **has** undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
 5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **has not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs

do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the “normal” restrictions applied to non-VRDs.

9. The property has not previously been permitted to operate as VRD.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact’s response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD’s conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner’s expense.
14. Outdoor fire rings, fire places, hot tubs, & spas can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be an annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a

VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

CONCLUSION TO CRITERIA #1:

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

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-017VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

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

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

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

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

3. **Maximum number of occupants: nine (9) persons over the age of three (no more than ten regardless of age).** The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's

responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.

4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact:** **Rhiannon Chamberlain has listed Vacasa, 1803 S. Roosevelt Dr. Seaside, OR 97138, as the local contact for the VRD and they can be reached at 503-738-6680.** The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

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

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

advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.

11. Permit Non-transferability: Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.

12. Business License, Room Tax Requirements, & Revocation for Non-Payment: A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.

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

13. Conflicts & Potential Denial for Non-Compliance: Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.

14. Complaints: Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's web site:

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

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

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

subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.

16. **Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “**You Are Here**”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
17. **Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
18. **Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
19. **Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
20. **Outdoor Fire Rings, Fire Places, Hot Tubs, & Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.
 If these hours prove to be insufficient to protect the neighboring property owners from unwanted noise or smoke, they will be further restricted by staff. The additional restriction can include prohibiting use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-017VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **nine (9) persons over the age of three (no more than ten regardless of age)** at **1175 S. Prom**. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT Rhiannon Chamberlain	ADDRESS 3526 NE 27th Ave Portland, OR. 97212	ZIP CODE 97212
STREET ADDRESS OR LOCATION OF PROPERTY 1175 S Promenade, Seaside, OR 97138		

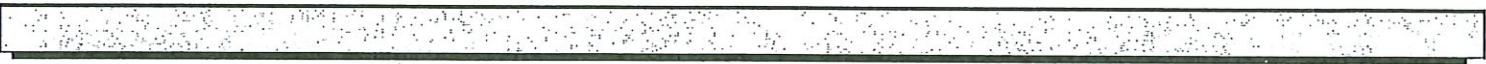
ZONE	OVERLAY ZONES	TOWNSHIP	RANGE	SECTION	TAX LOT
R1 R2		610	21	DB	15400

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

This property has been in the family for many years. When we are not using it, we plan to rent it so that we can keep it

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER Rhiannon Chamberlain	PRINT NAME OF APPLICANT/REPRESENTATIVE Ned Dobner
ADDRESS 3526 NE 27th Ave Portland, OR. 96212	ADDRESS 1803 S Roosevelt Dr. Unit D Seaside, OR 97138
PHONE /EMAIL 5039579252 rhiannon1west@gmail.com	PHONE AND EMAIL 5034408348. lisa.payne@vacasa.com
DocuSigned by: SIGNATURE OF PROPERTY OWNER	DocuSigned by: SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE



CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
5/10/21	JF
CASE NUMBER (S)	
21-017 VRD	
HEARING DATE	P.C. ACTION
5/14/21	

OFFICE USE:	
FEE	RECEIPT
670	
DATE FILED	BY
4/6/21	

PAID
17523 240.00
5/6/21

ORIGINAL

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

1419 \$930-
pd \$ 20.00
by credit card

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

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

SUBMITTAL INFORMATION

CITY OF SEASIDE

MAR 15 2021

- 1. Applicant's Name: Rhiannon Chamberlain
- 2. Mailing Address: 3526 NE 27th Avenue Portland, OR 96212
- 3. Telephone #: Home 503-957-9252, Work _____, Fax _____, E-Mail rhiannonlwest@gmail.com
- 4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.
- 5. VRD Street Address: 1175 S Promenade, Seaside, OR 97138

PAID

- 6. What is the total number of off-street parking spaces (9' X 18') that will be available for VRD occupant use? 3 The VRD ordinance states: One 9' X 18' off-street space will be provided for each bedroom in the unit, but in no event shall fewer than two spaces be provided.
- 7. How many bedrooms are in the dwelling? 3. Is the applicant requesting that all the bedrooms be used to calculate the maximum occupancy, and if not, how many are being proposed? 3 Please multiply the last number by three (3) to indicate the requested maximum occupancy for the VRD 9. The VRD ordinance states: The maximum number of occupants cannot exceed three persons (over the age of three) per bedroom; however, regardless of the number of bedrooms, no more than 10 can be allowed unless the building is protected by an approved sprinkler system. The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. The number of overnight renters or the maximum number of occupants may be reduced by the Code Enforcement Officer or Fire Marshal at the time of inspection for valid code reasons.
- 8. All off street parking spaces must be clearly indicated on the applicant's site plan. Will the existing parking spaces or any planned expansion of parking take up more than 50% of the property's yard areas? NO. The VRD ordinance states: Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area which is not occupied by buildings must be landscaped in some fashion so that parking will not dominate the yard.

- 9. Who will be acting as the local responsible party for the VRD owner?
Name: Lisa Payne Phone # 503-440-8348
Address: 1803 S Roosevelt Dr. Unit D Seaside, OR 97138. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

500-
430-
930

CC 2021

9902

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

10. What is the zone designation of subject property? R1. The VRD ordinance states: Within the medium density residential (R-2) zones and high density residential (R-3) zones, if more than 20% of the dwelling units within 100' of the subject property are currently licensed for VRD use, a public hearing and review by the Planning Commission is required.

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

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

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

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

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

Applicant's Signature [Signature], Date: 09-Feb-2021

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

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

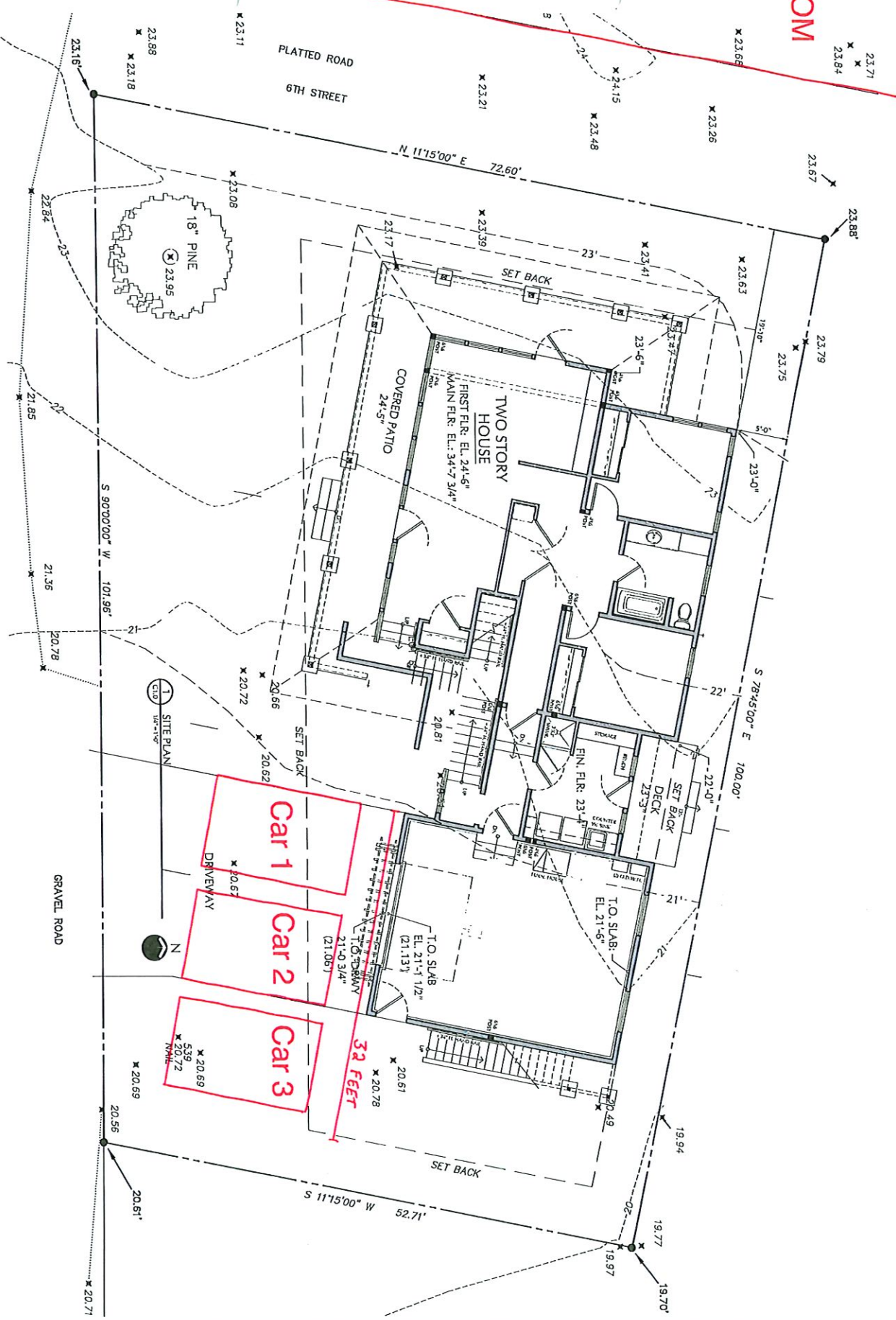
In addition to the business license fee, a \$430.00 planning review fee must be submitted with this application. If the surrounding density of VRDs (see question 10) requires a Planning Commission review, an additional fee of \$240.00 must be paid before staff will schedule the public hearing to review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

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

Submittal Date: 3/15/21 Amount Paid: \$950 - to city H&M

PROM

AVENUE L



C1.0

SITE PLAN

NO.	DATE	DESCRIPTION

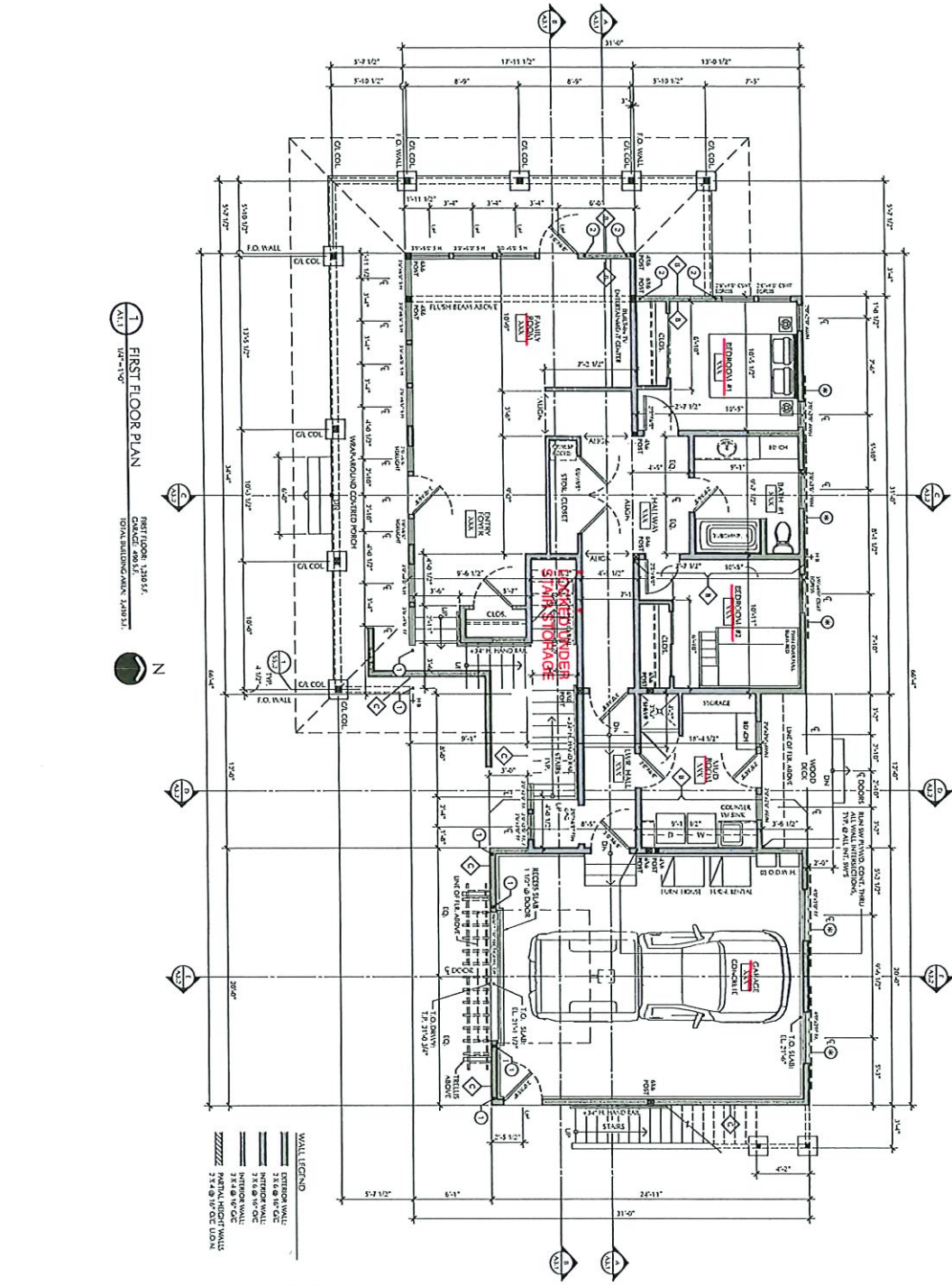
HOUSE PLANS FOR:
THE CHAMBERLAIN RESIDENCE
1175 S. PROM
SEASIDE OREGON

PERMIT SET

Tolovana Architect LLC
368 Elk Creek Road Ste. 408
Cannon Beach, Oregon 97110



FLOOR PLAN - 1st FLOOR

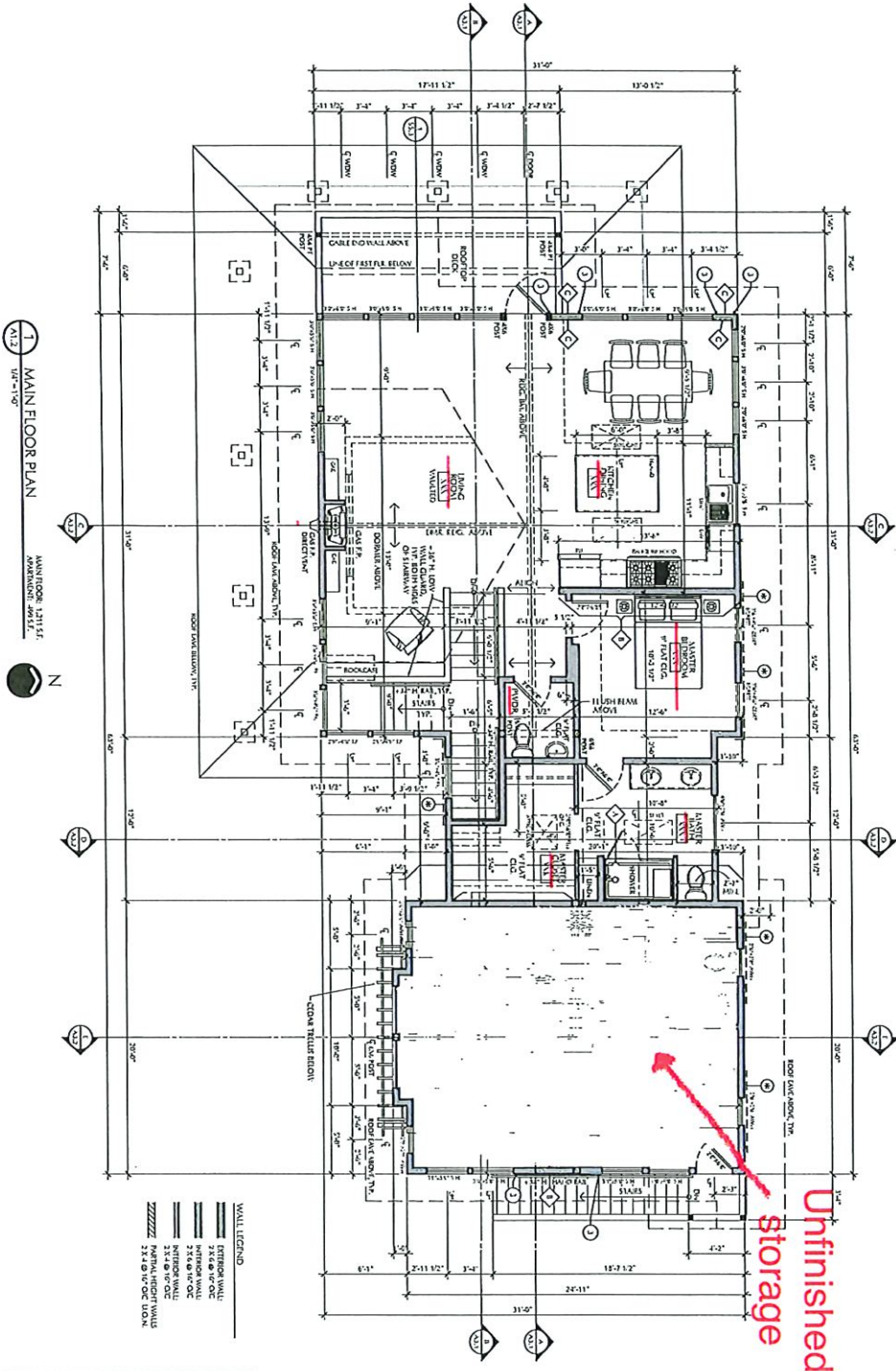


A1.1

MARK	DATE	DESCRIPTION

COMPANION KEY
11/14/2018
A1.1
A1.1

1st Floor
PLAN



FLOOR PLAN 2nd FLOOR

Unfinished
Storage

WALL LEGEND

	EXTERIOR WALL
	INTERIOR WALL
	PARTITION WALL
	MASONRY WALL

DOOR SYMBOLS

	1 - HTR W/ STAIR ANCHOR
	2 - HTR W/ STAIR ANCHOR
	3 - HTR W/ STAIR ANCHOR
	4 - HTR W/ STAIR ANCHOR
	5 - HTR W/ STAIR ANCHOR
	6 - HTR W/ STAIR ANCHOR
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	98 - HTR W/ STAIR ANCHOR
	99 - HTR W/ STAIR ANCHOR
	100 - HTR W/ STAIR ANCHOR

A1.2

MAIN FLOOR PLAN

HOUSE PLANS FOR:
 THE CHAMBERLAIN RESIDENCE
 1175 S. PROM
 SEASIDE OREGON

PERMIT SET

T Tolovana Architect LLC
 368 Elk Creek Road Ste. 408
 Cannon Beach, Oregon 97110



Density Analysis 1175 S Prom

1	61021C000100	Vacant Tax Lot 0100
2	61021C000200	Vacant Tax Lot 0200
3	61021DB15200	1145 S Prom Seaside
4	61021DB15201	Vacant Tax Lot 15201
5	61021DB15300	1164 Beach Dr Seaside
6	61021DB15301	1161 S Prom Seaside
	61021DB15400	1175 S Prom Seaside
7	61021DB15401	1176 Beach Dr Seaside
8	61021DB15700	1211 S Prom Seaside
9	61021DB15701	1210 Beach Dr Seaside
10	61021DB15800	1221 S Prom Seaside
11	61021DB16900	Vacant Tax Lot 16900
12	61021DB20200	Vacant Tax Lot 20200

Applicant

Existing VRDs 100'

Existing VRDs 200'

3 / 12 = 25%

13	61021DB14600	Vacant Tax Lot 14600
14	61021DB14700	1165 Beach Dr Seaside
15	61021DB14800	1149 Beach Dr Seaside
16	61021DB14900	1117 Beach Dr Seaside
17	61021DB15000	1116 Beach Dr Seaside
18	61021DB15100	1132 Beach Dr Seaside
19	61021DB15500	1131 S Prom Seaside
20	61021DB15600	1101 S Prom Seaside
21	61021DB15900	1231 S Prom Seaside
22	61021DB16001	1241 S Prom Seaside
23	61021DB16800	Vacant Tax Lot 16800
24	61021DB17000	1211 S Beach Dr Seaside
25	61021DB17100	1221 Beach Dr Seaside
26	61021DB17200	1231 Beach Dr Seaside

5 / 26 = 19.2 %

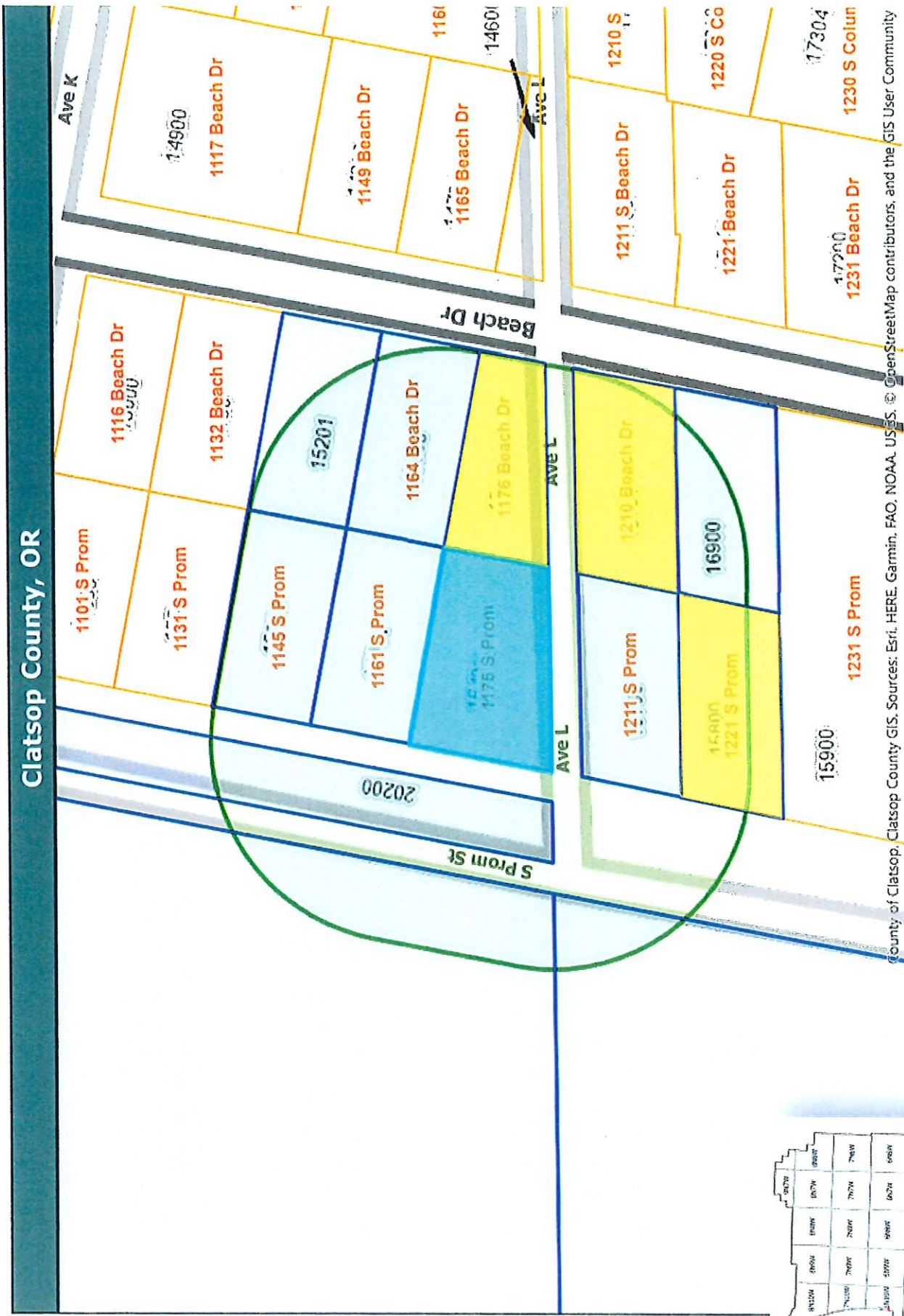
Density as of 04/06/21

Applicant

Existing VRD

1175 S Prom 100' Analysis

3 / 12 = 25%



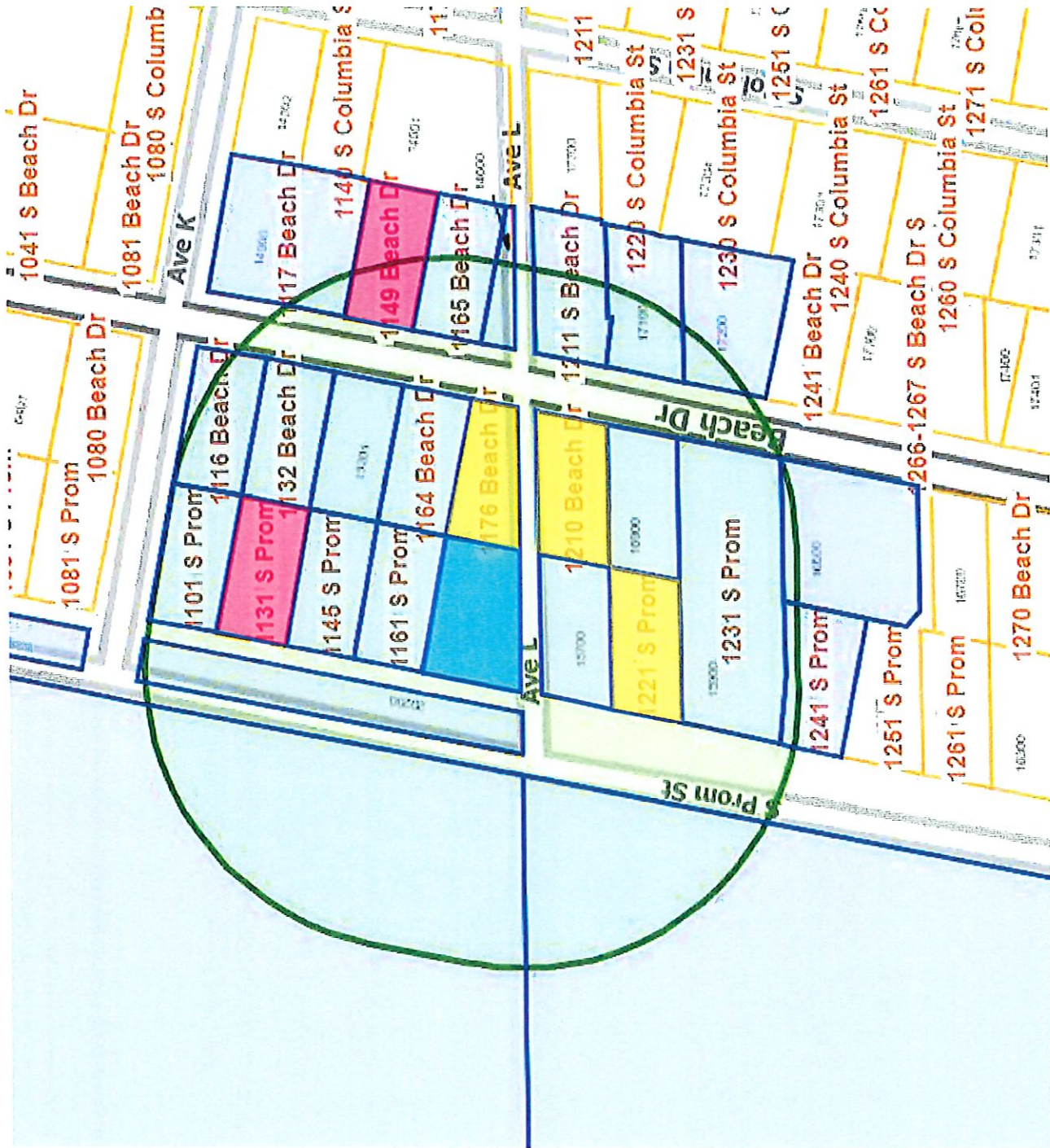
Applicant

Existing VRD
100'

Existing VRD
200'

1175 S Prom 200' Density Analysis

5 / 26 = 19.2%





City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT <i>Lisa S. Clifford-Burton</i>	ADDRESS <i>4531 SW Idaho Dr Portland OR 97221</i>	ZIP CODE <i>97221</i>
STREET ADDRESS OR LOCATION OF PROPERTY <i>2040 Beach Drive Seaside OR 97138</i>		

ZONE <i>R2</i>	OVERLAY ZONES <i>none</i>	TOWNSHIP <i>4</i>	RANGE <i>10</i>	SECTION <i>21CD</i>	TAX LOT <i>7700</i>
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Rental Short Term

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER <i>Elizabeth Clifford / Lisa S. Clifford-Burton</i>	PRINT NAME OF APPLICANT/REPRESENTATIVE <i>Lisa S Clifford-Burton</i>
ADDRESS <i>4531 SW Idaho Dr</i>	ADDRESS <i>4531 SW Idaho Dr Portland OR 97221</i>
PHONE / EMAIL <i>lburton@comcast.net</i>	PHONE AND EMAIL <i>lburton@comcast.net (503) 490-6432</i>
SIGNATURE OF PROPERTY OWNER <i>Elizabeth Clifford-Burton</i>	SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>Lisa S Clifford-Burton</i>

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE <i>3/31/21</i>	BY <i>VP</i>
CASE NUMBER (S) <i>21-018 VRD</i>	
HEARING DATE <i>05/05/21</i>	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED	BY

CITY OF SEASIDE
VACATION RENTAL DWELLING (VRD) APPLICATION

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

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

SUBMITTAL INFORMATION

1. Applicant's Name: Lisa S Clifford-Burton
2. Mailing Address: 4531 SW Edisto Dr Portland OR 97231
3. Telephone #: Home 503-490-6028, Work SAME
Fax _____, E-Mail lburton@comcast.net

4. If the applicant is not the current owner, the applicant must also submit a signed statement from the owner that authorizes the VRD application.

5. VRD Street Address: 2040 Beach Dr Seaside OR 97138

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

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

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

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

Name: Pat Christine Phone # 541-855-8343

Address: 1490 Donnerberg Rd Seaside OR 97138. The VRD ordinance states: A local responsible party that permanently resides within the county must be identified by the owner. The responsible party will serve as an initial contact person if there are questions regarding

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430
450

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

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

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

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

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

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

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

Applicant's Signature: [Signature], Date: 3/19/21.

After recording, return to:
NANCY L. COWGILL
STOEL RIVES LLP
760 SW Ninth Ave., Suite 3000
Portland, OR 97205

Mail all tax statements to:
Lisa S. Clifford-Burton
4531 SW Idaho Drive
Portland, OR 97221

Tax Acct. Nos. 12219 / 12220 / 12221
Tax Lots: 61021CD07700 / 61021CD07701 / 61021CD07702
Situs Addresses: 30 Avenue T, Seaside, OR 97138
2040 Beach Drive, Seaside, OR 97138
2060 Beach Drive, Seaside, OR 97138

STATUTORY WARRANTY DEED

LISA S. CLIFFORD-BURTON, Trustee of the TERRY W. CLIFFORD TRUST dated 10/15/2010, for the benefit of TERRY W. CLIFFORD, Grantor, conveys and warrants to LISA S. CLIFFORD-BURTON and JENNIFER L. VAN DITTI, Co-Trustees of the ELIZABETH A. CLIFFORD TRUST dated 10/15/2010, for the benefit of ELIZABETH A. CLIFFORD, Grantee, all of Grantor's interest in and to the following real property located in Clatsop County, Oregon, free of encumbrances except as specifically set forth in the attached Exhibit A:

See Exhibit "A" attached hereto and by reference incorporated herein.

Other property or value was either part or the whole consideration for this conveyance.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST

Page 1
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NO. 986550
APRIL 24, 2023

FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

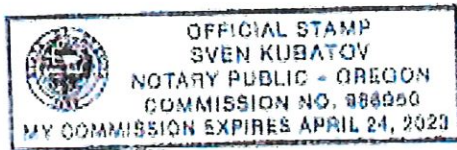
DATED this 25 day of April, 2021.

Lisa S. Clifford-Burton
LISA S. CLIFFORD-BURTON, Trustee of the
TERRY W. CLIFFORD TRUST dated 10/15/2010

STATE OF OREGON
WASHINGTON ss.
County of Multnomah

The foregoing instrument is acknowledged before me on 03/25, 2021, by Lisa S. Clifford-Burton, Trustee of the Terry W. Clifford Trust dated 10/15/2010.

Sven Kubatov
Notary Public for Oregon



2.
OFF
SVL
OTARY
COMMISS
ION EXP.

EXHIBIT A

LEGAL DESCRIPTION

PARCEL 1 (Tax Account No. 12219 / Tax Lot 7700)

The South 72 feet of Lot 12, Block 6, CARTWRIGHT PARK, excepting therefrom the East 41 feet of the South 39 feet, in the city of Seaside, County of Clatsop and State of Oregon.

PARCEL 2 (Tax Account No. 12221 / Tax Lot 7702)

The East 41 feet of the South 39 feet of Lot 12, Block 6, CARTWRIGHT PARK, in the city of Seaside, County of Clatsop and State of Oregon, together with a nonexclusive easement over the West 9 feet more or less of the South 39 feet of Lot 12, Block 6, CARTWRIGHT PARK, in the City of Seaside, County of Clatsop and State of Oregon.

PARCEL 3 (Tax Account No. 12220 / Tax Lot 7701)

The South one-half of Lot 11, Block 6, CARTWRIGHT PARK, in the City of Seaside, County of Clatsop and State of Oregon.

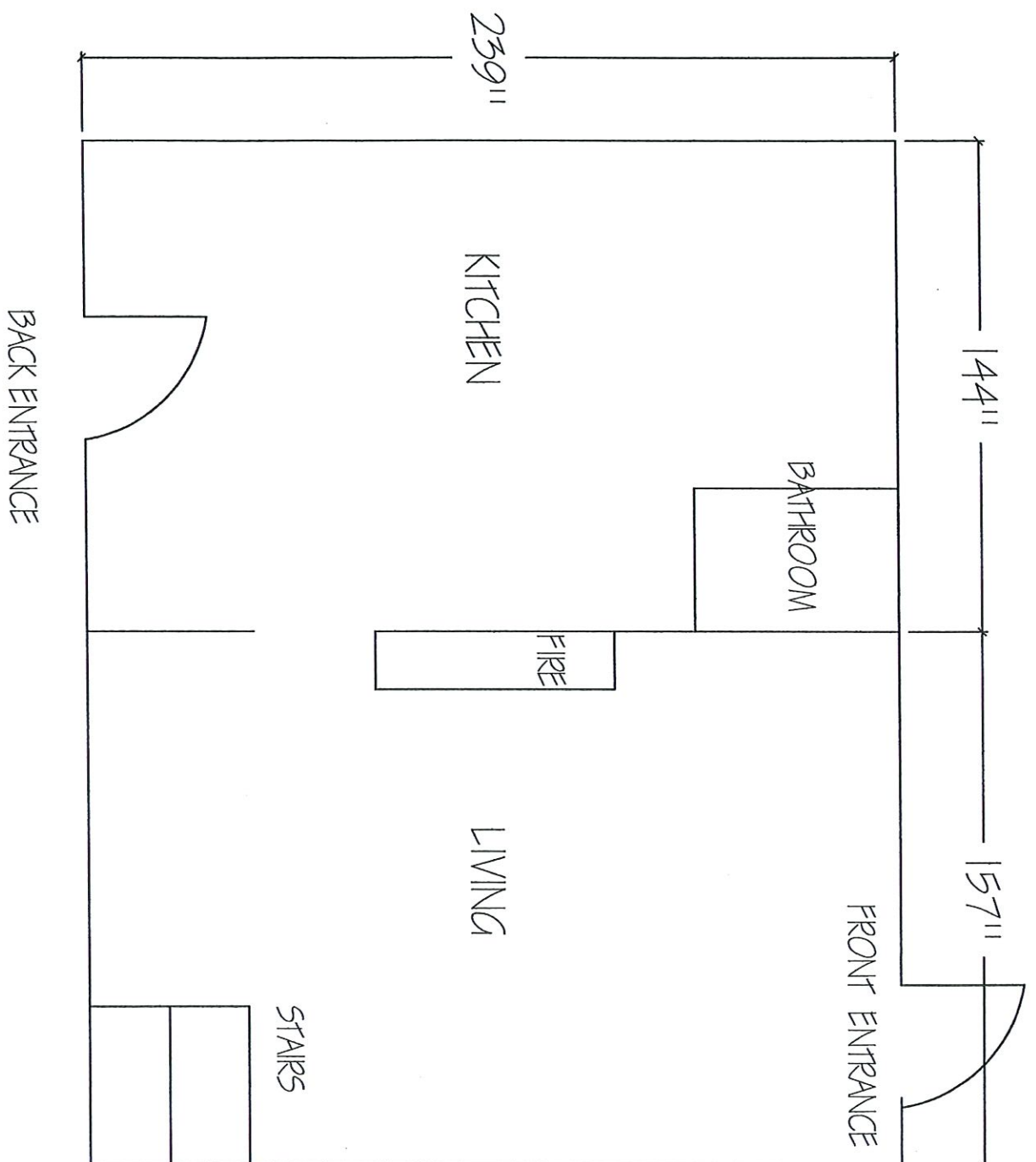
SUBJECT TO AND EXCEPTING:

Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

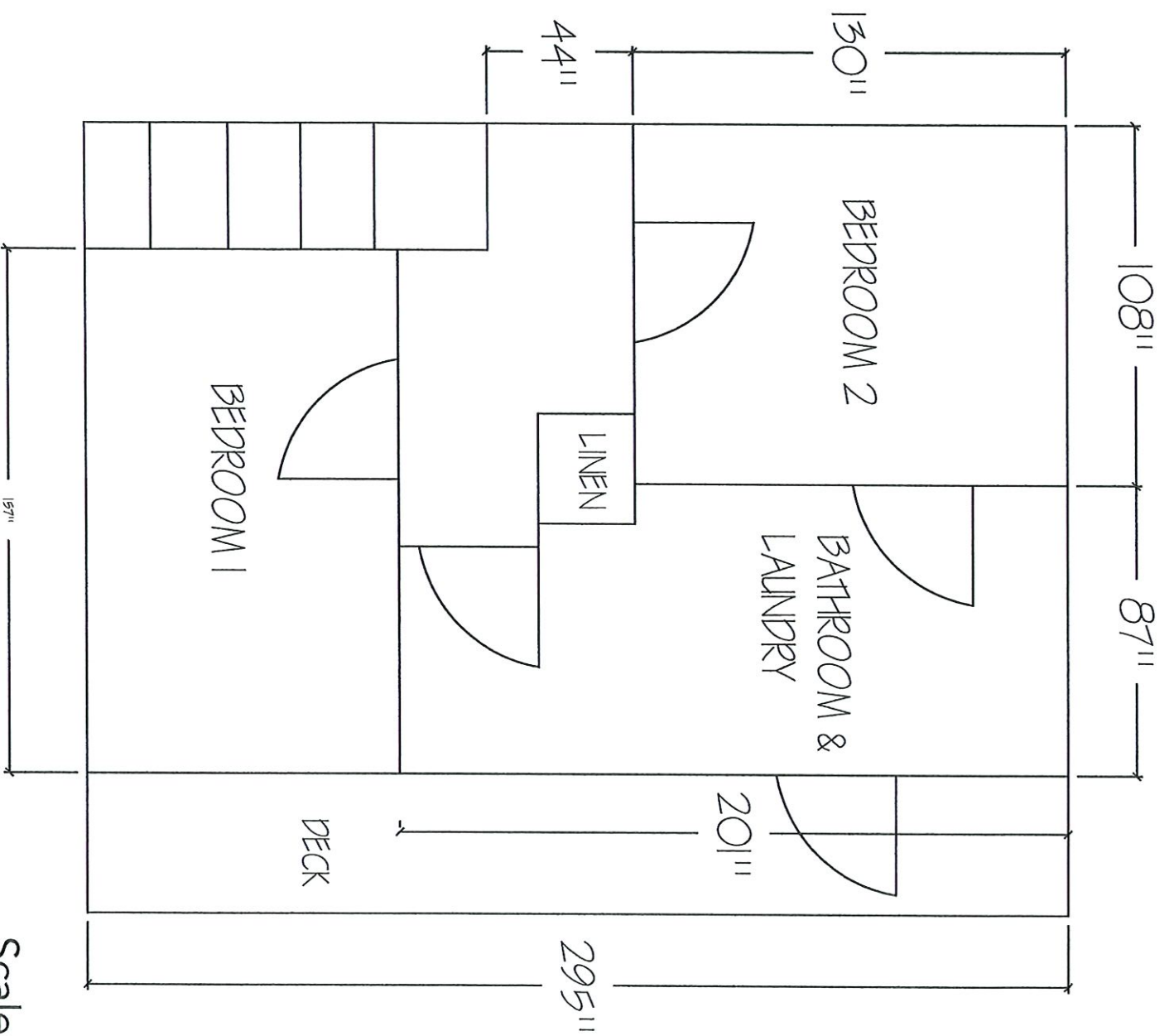
The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Regulations, including levies, liens, assessments, rights of way, and easements of Sunset Empire Parks and Recreation District.

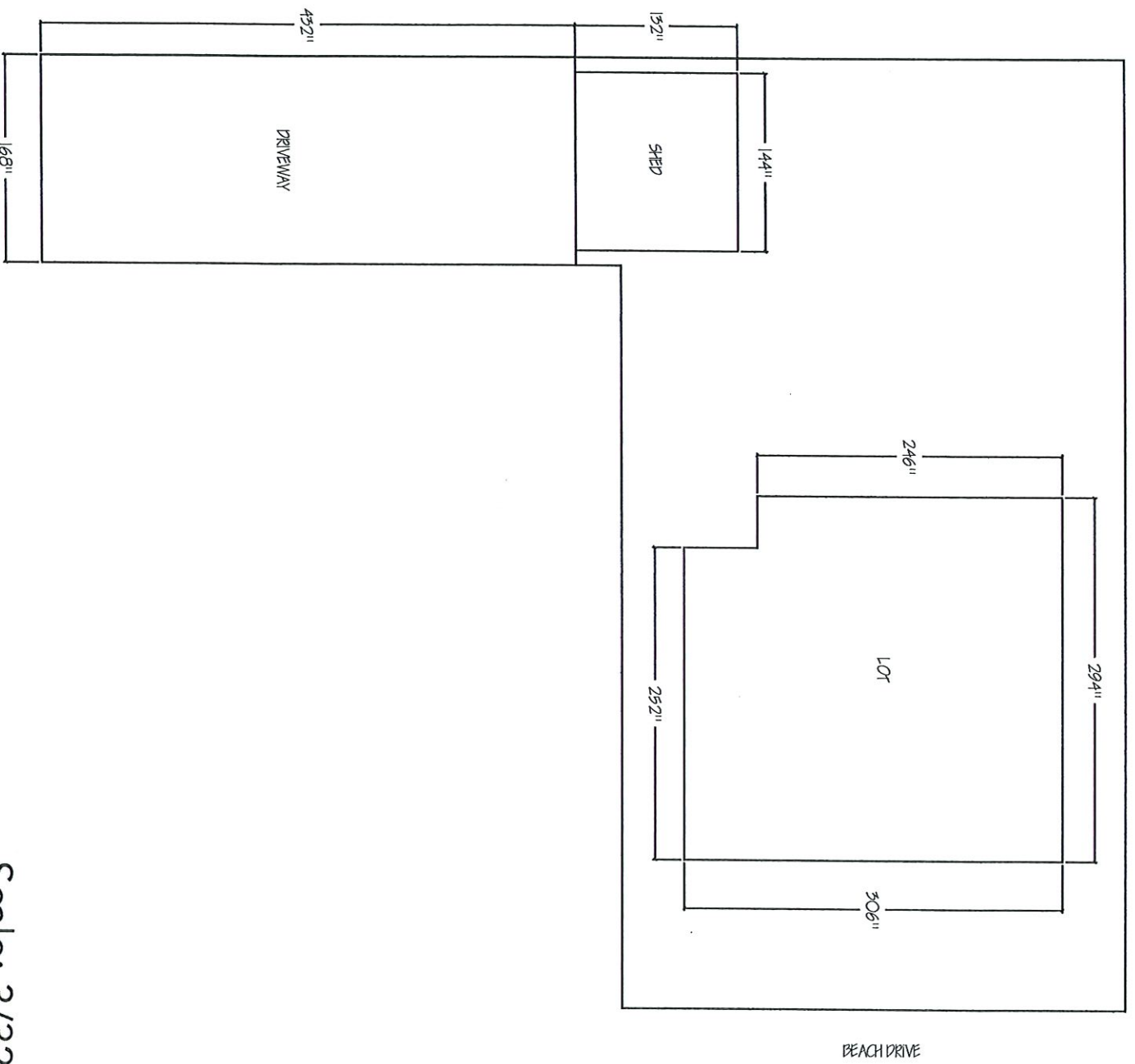




Scale: 1/4" = 1'

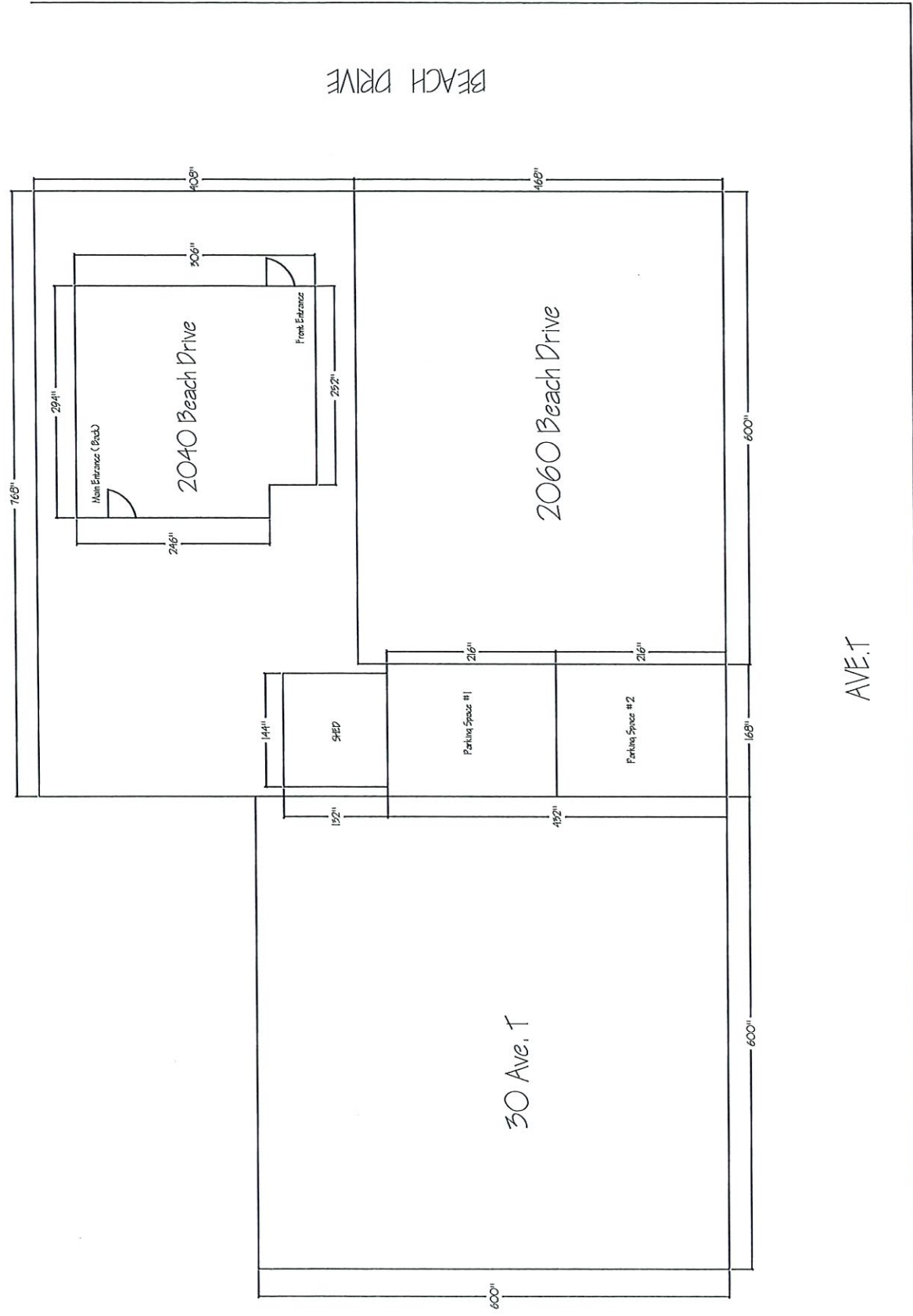


Scale: 1/4" = 1'



Scale: 3/32" = 1'

AVE. 1

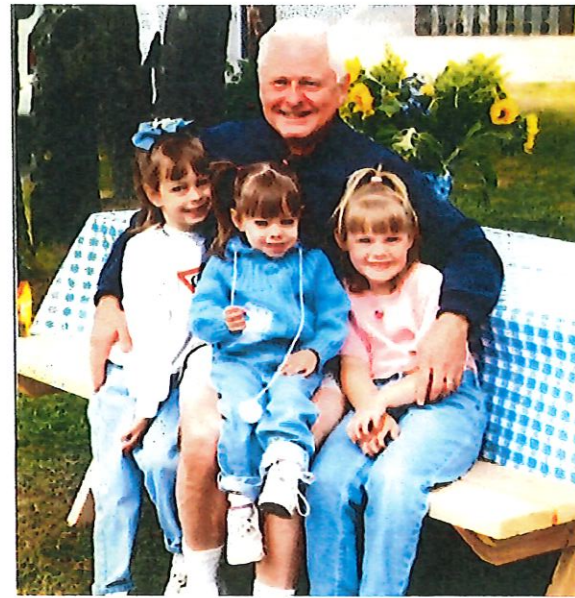


March 21, 2021

Dear Planning Committee,

We are excited for the opportunity to rent our family beach house 2040 in Seaside, OR starting this Summer 2021.

My grandparents Elizabeth and the late Terry Clifford own three cabins next door to each other on Beach Drive and Avenue T. 2060 on the corner has been in our family for 5 generations! Our grandparents purchased 30 in 1995 so that them and their daughters (Lisa Clifford-Burton and Jennifer VanDitti) and three grandchildren (Alex Burton, Amy White and Megan VanDitti) could take trips to the beach together. When 2040 went up for sale a few years later, Elizabeth and Terry decided to buy it since their grandchildren were getting older and the need for more space was increasing. They also saw an opportunity to bring a crumbling cabin back to life.



Terry Clifford with Granddaughters Amy, Megan and Alex

When they bought 2040 it was dark, dirty and falling apart. They completely gutted it down to the studs and renovated it to turn it into the beautiful cabin that it is today. Elizabeth and Terry always put so much care and love into everything they did.

We cherish the memories we've created as a family at the beach from walking to Ken's Market to get toys and snacks, to watching fireworks on the sand, to stormy nights staying in, attending the annual Seaside Parade of Lights, and so much more. Over the years we have accumulated some of our favorite Christmas decorations from the Seaside Christmas Bazaar and Tiptons!



Granddaughters Amy, Megan and Alex

Our family continues to grow, with the recent addition of a great grandchild and two upcoming weddings! It's more important to us than ever to keep all three cabins in the family for generations to come so that we can carry on our traditions of big family gatherings at the beach. However it won't be possible without the financial support we would gain from renting.

The thought of losing our beach homes is very emotional for us since we all have a special connection with each cabin and the Seaside community - Seaside is a second home to us! We appreciate everything Seaside has to offer and love supporting the local businesses. It's a place for us to relax, reset, and enjoy life! It is heartwarming to think that we will be able to keep all three cabins in our family if we are able to rent cabin 2040.

Thank you so much for your consideration! We hope to continue making unforgettable memories with our growing family at Seaside :)

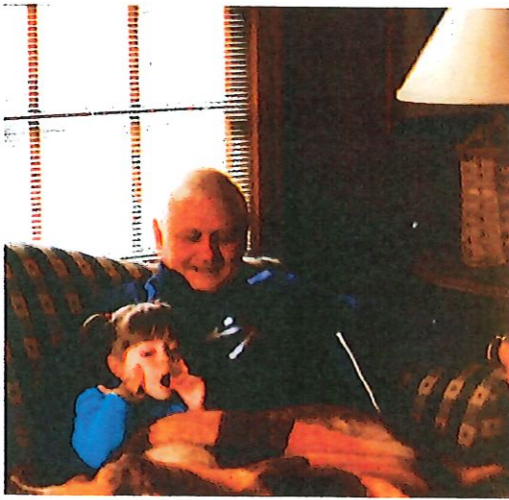
Warmly,

The Burton Family - Lisa, Glenn, Alex and Josh (Fiancé)

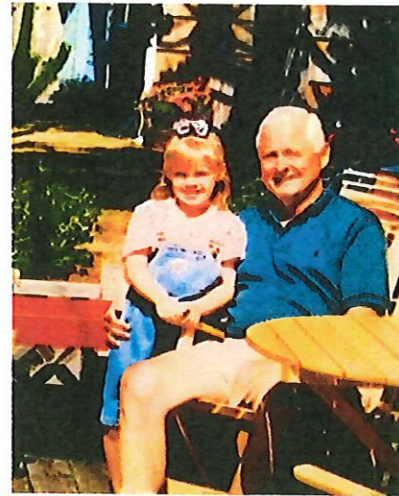
The VanDitti Family - Jennifer, Mike, Megan and Jake (Fiancé)

The White Family - Amy, Andy and Jalen

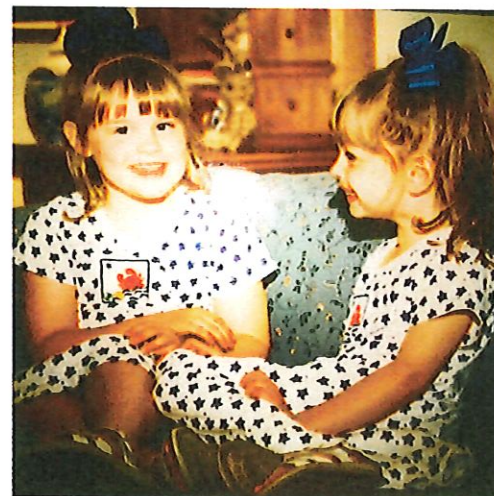
Here are some family photos of us over the years at the beach!



Terry with Granddaughter Megan



Terry with Granddaughter Alex



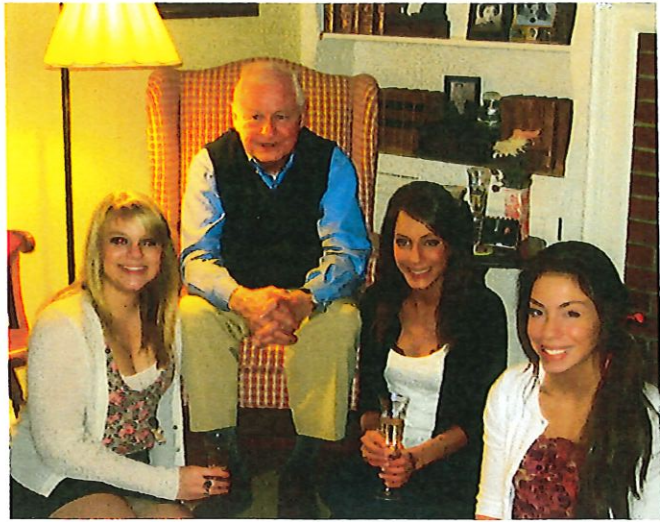
Alex and Amy



Amy with Father Mike VanDitti



Elizabeth Clifford with Granddaughters Alex and Amy



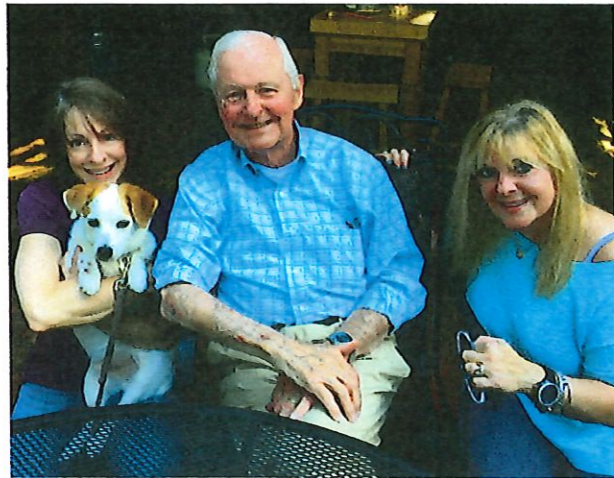
Terry with Granddaughters Alex, Amy and Megan on his birthday



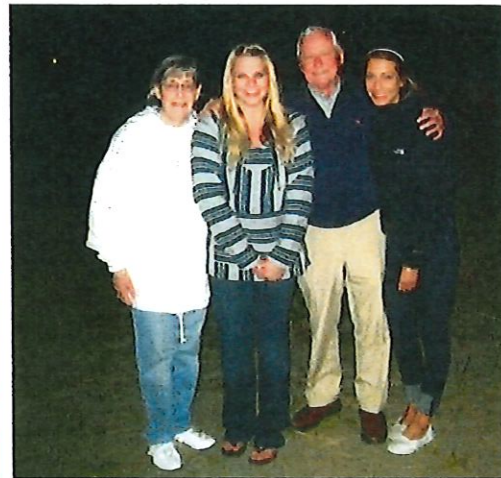
Elizabeth and Terry with all three Granddaughters in Assisted Living



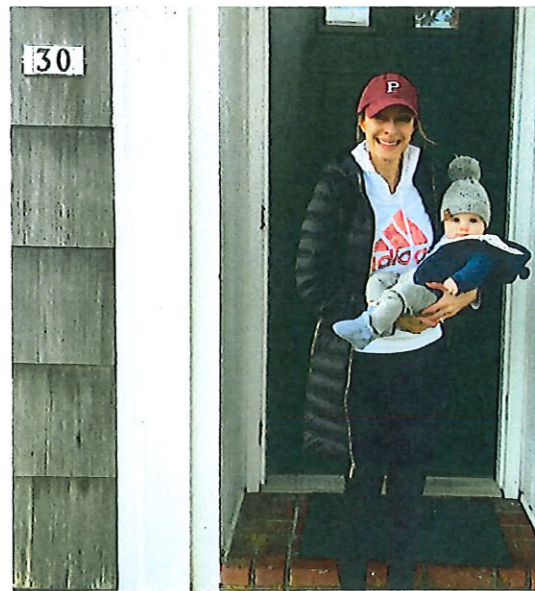
Andy and Amy pregnant with Jalen



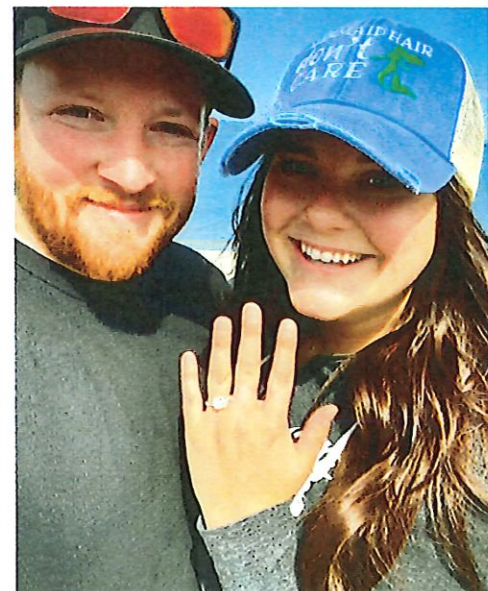
Terry with daughters Jennifer VanDitti and Lisa Clifford-Burton



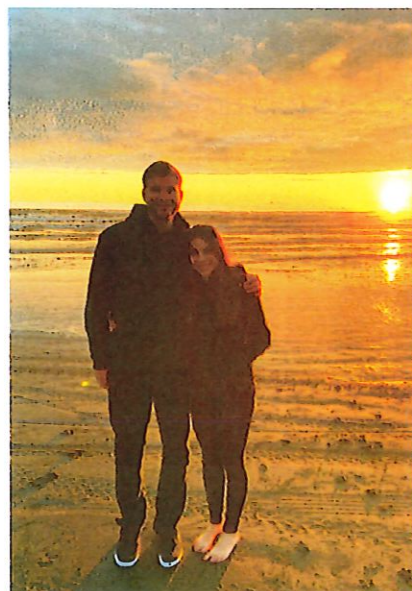
Elizabeth and Terry with Alex and Amy on 4th of July



Amy with Jalen in front of beach cabin 30



Alex with Fiancé Josh



Megan with Fiancé Jake

Density Anlysis 2040 Beach Dr

1	61021CD05500	1961 Beach Dr Seaside
2	61021CD05600	2021 Beach Dr Seaside
3	61021CD05700	2061 Beach Dr Seaside
4	61021CD05800	114-120 Avenue T Seaside
5	61021CD07300	1961 S Prom Seaside
6	61021CD07400	2020 Beach Dr Seaside
7	61021CD07401	2021 S Prom Seaside
8	61021CD07500	2041 S Prom Seaside
9	61021CD07600	2061 S Prom Seaside
	61021CD07700	2040 Beach Dr Seaside
10	61021CD07701	30 Avenue T Seaside
11	61021CD07702	2060 Beach Dr Seaside
12	61028BA00100	2115 S Prom Seaside
13	61028BA01400	2132 Beach Dr Seaside
14	61028BA01401	43 Avenue T Seaside
15	61028BA01500	25-35 Avenue T Seaside
16	61028BA01600	2117 Beach Dr Seaside

Existing VRDs 100'
 Applicant
 Existing VRDs 200'

8 / 16 = 50%

17	61021CD05400	1921 Beach Dr Seaside
18	61021CD05501	1941 Beach Dr Seaside
19	61021CD05900	140 Avenue T Seaside
20	61021CD05901	130 Avenue T Seaside
21	61021CD06000	2040 S Columbia St Seaside
22	61021CD06100	1960 S Columbia St Seaside
23	61021CD06200	1920 S Columbia St Seaside
24	61021CD07100	1921 S Prom Seaside
25	61021CD07101	1920 S Beach Dr Seaside
26	61021CD07200	1941 S Prom Seaside
27	61021CD07201	1940 Beach Dr Seaside
28	61028BA00101	2131 S Prom Seaside
29	61028BA00200	2151 S Prom Seaside
30	61028BA00300	2161 S Prom Seaside (Upper)
31	61028BA00300	2161 S Prom Seaside (Lower)
32	61028BA01200	2164 Beach Dr Seaside
33	61028BA01300	2148 Beach Dr Seaside
34	61028BA01700	2133 Beach Dr Seaside
35	61028BA01800	2149 Beach Dr Seaside
36	61028BA03200	2132 S Columbia St Seaside

13 / 36 = 36.1

Density as of 03/31/21

Applicant
Existing VRD

2040 Beach Dr 100' Analysis

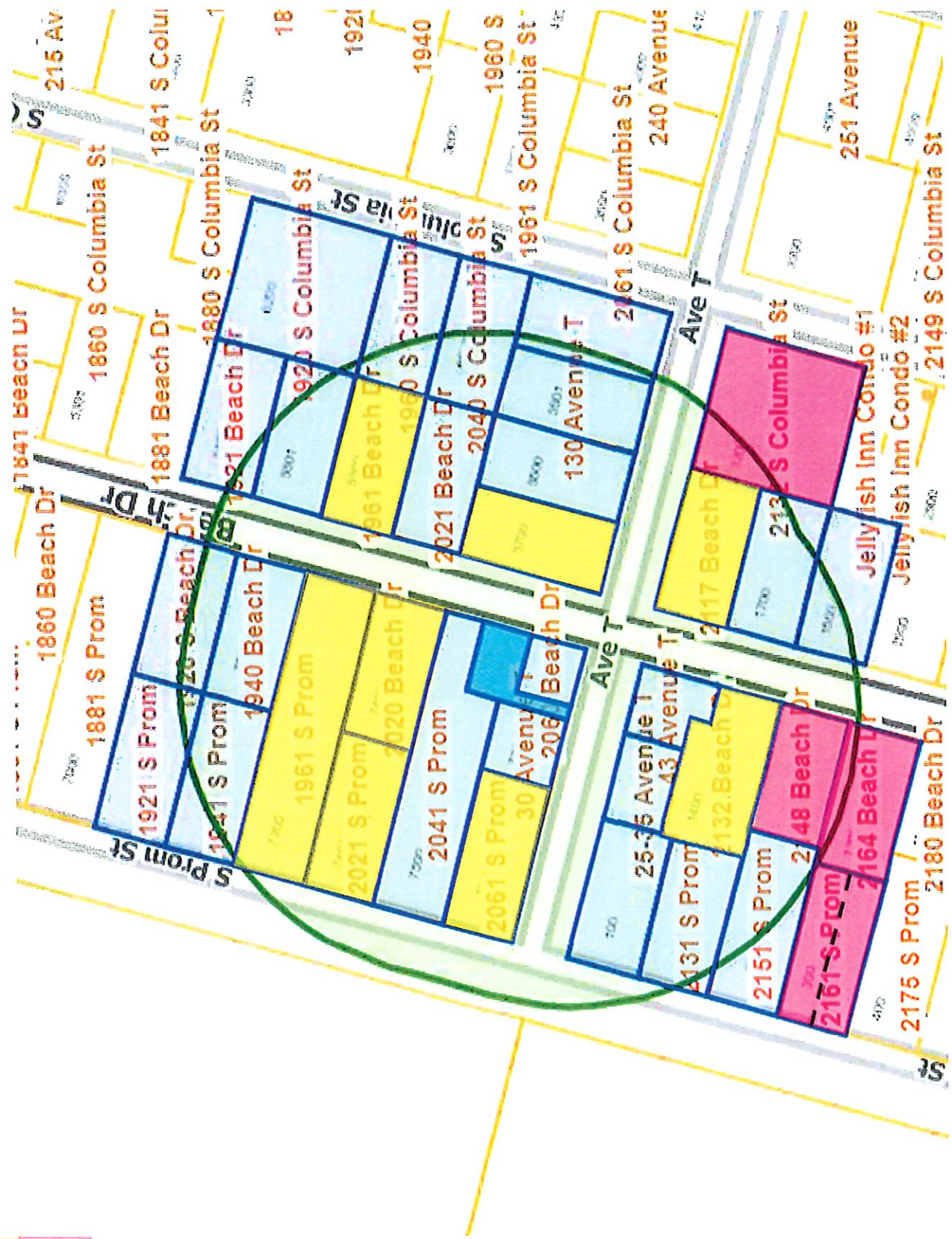
8 / 16 = 50%



2040 Beach Dr 200' Density Analysis

13 / 36 = 36.3%

Applicant
Existing VRD 100'
Existing VRD 200'



Density as of 03/31/21

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 11, 2021
Applicant: Lisa Clifford-Burton
Owner: 4531 SW Idaho Dr. Portland, OR 97221

Location: 2040 Beach Dr. Seaside, OR 97138, T6-R10-S21CD TL#7700
Subject: Conditional Use 21-018VRD, Three Bedroom Vacation Rental Dwelling with Limited Occupancy of Six (6) Persons.

REQUEST:

The applicant is requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2040 Beach Dr.** The subject property is zoned **Medium Density Residential (R-2)** and the **applicant is** requesting a maximum occupancy of **six (6) persons over the age of three, no more than ten regardless of age,** within the existing **two (2)** bedroom dwelling.

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

DECISION CRITERIA, FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

FINDINGS & JUSTIFICATION STATEMENTS:

- 1. Mailed Notice Request Summary: **21-018VRD**: A conditional use request by **Lisa Clifford-Burton** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than ten persons regardless of age. The property is located at **2040 Beach Dr. (T6-R10-S21CD-TL7700)** and it is zoned Medium Density Residential (R-2). The applicant's submitted justification is adopted by reference and summarized below:
 - a. The applicant's plot plan indicates there will be at least **two (2)** off-street parking spaces, **parked tandem in the driveway that is accessed off of Avenue T.**
 - b. The existing **two (2)** bedroom residence will have a limited occupancy of **six (6) persons over the age of three, no more than ten persons regardless of age.**
 - c. The plot plan shows that the parking will not take up over **50% of the required front, rear, or side yards.**

- d. Lisa Clifford-Burton has listed Pat Chastain, 1490 Donnerberg Rd.; Seaside, OR 97138, as the local contact for the VRD and he can be reached at 541-255-8343.
 - e. The owner/applicant, Lisa Clifford-Burton, has read all of the standards and conditions applicable to VRDs.
2. The proposed VRD is located within a developed residential neighborhood primarily consisting of single-family dwellings. Currently **50%** of the surrounding properties within 100' of the subject property are licensed for VRD use and **36.1%** are licensed within 200'. All of the surrounding property within 100 feet are zoned **Medium Density Residential (R-2) and High Density Residential (R-3)**.
 3. The City of Seaside Planning Commission has established a policy concerning the maximum density of VRDs within neighborhoods that are not zoned Resort Residential (RR). Depending on the location, the Commission will only support VRDs where the surrounding density of VRD licensed properties, within 100 feet; is equal to or less than 40% or 50% depending on their proximity to the beach front areas of Seaside. At the time of submittal, the density of the surrounding VRDs was equal to the **50%** threshold the Planning Commission believes should be used to limit additional VRDs within this area.
 4. The property **has not** undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and approved by the Community Development Department prior to any transient rental of the property unless an alternative time period is identified for specific items.
 5. The City of Seaside Planning Commission adopted a list of policies and a uniform list of conditions they believed should be incorporated into the vacation rental dwelling review process. These are intended to be consistent with the provision in Section 6.031 which in part states: "the Planning Commission may impose, in addition to those standards and requirements expressly specified by this Ordinance, additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding area of the city as a whole."

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

6. All property owners within 100 feet of the subject property were notified of the applicant's request. At the time of this report, the Community Development Department **has not received any letters** expressing concerns about the request.
7. The proposed use is located within the tsunami inundation zone identified by the State of Oregon.
8. Negative impacts to a neighborhood cannot be predicted based solely on a change from full time occupancy, part-time occupancy, long term rental, or short-term rental. Short term vacation rental dwellings (VRDs) are a regulated use subject to review. It is true that VRDs exhibit short term stays by nonresidents; however, negative impacts can be caused by other permitted uses of longer duration. VRDs

do have an identified local contact, restrictions that exceed those applied to the other uses of single-family dwellings, and a complaint resolution process that exceeds the "normal" restrictions applied to non-VRDs.

9. The property has not previously been permitted to operate as VRD.
10. The glare from outdoor lighting can have an impact on adjacent properties. All exterior lighting should conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This would basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any lighting element that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.
11. The Commissioners have indicated their expectation for a local contact's response to complaints should be made very clear to the applicant and the local contact. In light of this, they have recognized a need for the local contact to sign and return a Local Contact Acknowledgment Form in an effort to clarify their role as it relates to the VRD's conditions of approval.
12. Pet friendly rentals can create problems for neighboring property owners if the pets are allowed to run at large, trespass onto neighboring property, or cause a disturbance due to excessive barking when left unattended.
13. Repeatedly violating the conditions of approval could render the use incompatible with the surrounding uses and undermine the basis for approving the request. The conditions of approval could include provisions that would allow the permit to be suspended and/or revoked by the Planning Director or his designee in the event the conditions are repeatedly violated. Such action would be subject to review by the Planning Commission at the applicant/owner's expense.
14. Outdoor fire rings, fire places, hot tubs, & spas can lead to late night disruption in neighborhoods where sound seems to carry even more at night and people talk loudly. Smoke from outdoor fires can also be an annoying to the occupants of neighboring properties. Staff routinely requires owners and managers to establish hours of use for these types of outdoor facilities to avoid late night use and suggest limiting their use between the hours of 10:00 p.m. & 7:00 a.m.
15. There is a formal process to bring VRDs back before the Planning Commission for reconsideration based on noncompliance with VRD standards & conditions. The City encourages reporting problems with VRDs to the local responsible party and/or owner so problems can be resolved before any City action is required. If there are problems with a VRD that are not being resolved, staff can take actions intended to resolve the issues and can ultimately bring the matter before the Planning Commission if they are not resolved. Prior to review by the Commission, staff works with the owner and/or manager to try and address any noncompliance issues in an effort to address neighboring property owners concerns. Past action by the Commission reiterated that additional conditions should be applied conservatively. They believe staff and the Commission can address additional conditions after a

VRD is approved if and when an issue arises, instead of attempting to address every potential concern that may never actually come to fruition.

16. This area was not identified by the City Council or the Planning Commission as a residential area where VRDs should be discouraged due to the destabilizing impacts caused by repetitive property flipping within neighborhoods where the majority of homes are owned by local residents or distinct factors applicable to a defined neighborhood that would conflict with the intent of the Comprehensive Plan & Zoning Ordinance.

CONCLUSION TO CRITERIA #1:

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

1. **Compliance Inspection:** The proposed vacation rental dwelling (VRD) must pass a compliance inspection conducted by the Community Development Department prior to any transient rental. This inspection will verify compliance with all VRD standards and conditions of approval and the applicant is hereby advised that failure to meet certain standards can result in a reduction in the maximum occupancy. The final occupancy will be noted in land use file **(21-018VRD)** and reflected on the City of Seaside Business License. The license is not valid until the appropriate occupancy has been established by the approval of a final compliance inspection by the Community Development Department.

Please be advised the VRD has not undergone a preliminary compliance inspection. Any corrections noted during the inspection must be completed and verified prior to transient rental unless an alternative time period for completion is identified for specific items.

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

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

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

3. **Maximum number of occupants:** Six (6) persons over the age of three (no more than ten regardless of age). The maximum occupancy, along with good neighbor rules, shall remain posted inside the front door in a conspicuous place. It is the owner's responsibility to ensure the renters are aware of these limitations. If the number of occupants is less than the original number requested, it may have been reduced for valid code reasons.
4. **Applicability of Restrictions:** Properties licensed for VRD use will be expected to adhere to the VRD standards and rules throughout the entire year even when they are not being rented for profit. This will not apply to the dwellings when members of the owner's family are present.
5. **Open Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be landscaped in some fashion so parking will not dominate the yard.
6. **Local Contact:** Lisa Clifford-Burton has listed Pat Chastain, 1490 Donnerberg Rd. Seaside, OR 97138, as the local contact for the VRD and he can be reached at 541-255-8343. The local contact must be available 24 hours a day to address compliance issues while the property is rented. Upon any change in the local contact, the owner must provide formal notice of the updated contact information to the City and all of the neighboring property owners within 100'. Managers are required to notify the City any time they stop representing a VRD.

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

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

7. **Compatibility:** A VRD will be compatible with the surrounding land uses and shall not contribute to excessive parking congestion on site or along adjacent streets.
8. **Exterior Outdoor Lighting:** All exterior lighting must conform to the newly adopted Outdoor Lighting Ordinance even if any pre-existing outdoor lighting would normally be exempt under the provisions of the ordinance. This will basically require shielding of any exterior lighting fixtures such that glare will not be visible from the surrounding property for any fixture that exceeds 450 lumens, the equivalent of a 40-watt incandescent bulb. *This does not apply to any existing outdoor security lighting that is timed for short durations and activated by motion detectors.*
9. **Ordinance Compliance & Solid Waste Pick-up:** All vacation rentals must comply with City ordinances regarding noise, smoke, dust, litter, odor, and solid waste collection. Weekly solid waste pick-up is required during all months.

- 10. Required Maintenance:** It is the property owner's responsibility to assure that the vacation rental dwelling remains in substantial compliance with Oregon State requirements for the following: Health, Safety, Building, and Fire Codes, Traveler's Accommodation Statutes, and with the Uniform Housing Code. Owners are hereby advised that Carbon Monoxide detectors must be installed and maintained in all newly established transient rental occupancies.
- 11. Permit Non-transferability:** Vacation rental dwelling permits are personal in nature and accordingly are not transferable. Upon transfer of the property, the new owner, if he or she so desires, may apply for a new permit in accordance with City Ordinance.
- 12. Business License, Room Tax Requirements, & Revocation for Non-Payment:** A City Business License is required and all transient room tax provisions apply to VRD's. The business license must be obtained prior to any rental of the property. Renewals must be made in January of the permit year. If the business license fee or the transient room tax payments are thirty (30) days past due, the VRD Permit will be revoked unless a written extension is granted by the Finance Director.
- Some web-based booking platforms (Airbnb, VRBO, etc.) collect and remit transient room tax directly to the city on behalf of VRD owners/applicants. It is the responsibility of the owners/applicants that utilize these platforms to report this revenue on their quarterly returns.
- 13. Conflicts & Potential Denial for Non-Compliance:** Upon receipt of two written complaints from two or more occupants of different residences who claim to be adversely affected by the use of the property as a vacation rental dwelling, or by notice from the City Code Compliance Officer that requirements or conditions of approval are not being met, the Planning Department will work with the parties involved to settle any conflicts. If the problems are not resolved, the permit will be reviewed by the Planning Commission as provided in Zoning Ordinance Section 6.137, Subsection 5 at the applicant's expense. Failure on the applicant's part to meet the standards or conditions will result in modification or denial of the permit.
- 14. Complaints:** Applicants are hereby advised the City Code Compliance Officer routinely follows-up on individual complaints if there is a valid code issue that needs to be addressed by the owner and/or manager of a VRD. Staff does not wait until the occupants of two different residences submit written complaints before they take action to achieve compliance. The VRD complaint procedures are outlined in an attachment to the notice of decision and an electronic complaint form can also be accessed on the City of Seaside's web site:
- <https://www.cityofseaside.us/planning-department/webforms/vacation-rental-complaint>
- This form should be used to report alleged violations that are not being addressed by the local contact or property manager.
- 15. Time Period for Approval, Required Re-inspection:** This VRD will be subject to an annual compliance inspection (subject to applicable fee) during the second year of operation to ensure it maintains compliance with the VRD policies, conditions of approval, and ordinances applicable at the time of re-inspection. Re-inspection notices will be provided annually to the owner and the local contact. Failure to schedule an

inspection or failure to correct any deficiencies identified during the inspection will result in the expiration of the conditional use permit and a new application must be approved prior to obtaining a business license to allow the use. Any new application will be subject to the VRD policies, conditions of approval, and ordinances applicable as of the date the new application is accepted.

- 16. Tsunami Information & Weather Radio:** The owner shall post or otherwise provide a tsunami evacuation map in a conspicuous location within the VRD that clearly indicates “**You Are Here**”. In addition, a NOAA weather radio, with automatic alert capabilities, must be provided in a central part of the VRD along with an informational sheet that summarizes the warning capabilities of the radio in the event of a distant tsunami.
- 17. Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than 60 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.
- 18. Pet Friendly Rental:** If the rental allows pets and they generate complaints related to running at large, trespass onto neighboring property, or causing a disturbance due to excessive barking; additional restrictions or containment measures will be required by the Planning Director. The additional restriction can include prohibiting pets at this VRD.
- 19. Repeated Violation of Conditions:** As a conditionally permitted use, owners must understand their use is expected to comply with their conditions of approval and they, their local contacts, and/or property managers will be held accountable for addressing compliance issues. Repeated violations will be subject to citations; and if the violations constitute a pattern of disregard or neglect resulting in adverse impacts to the neighboring property owner(s), their permit can be suspended and/or revoked by the Planning Director or his designee. Any such action would be subject to review by the Planning Commission to determine if the use can be reauthorized in the same manner as the original request, but subject to revised conditions. Review by the Commission would be at the applicant’s expense based on the review fee applicable to the request at the time of review.
- 20. Outdoor Fire Rings, Fire Places, Hot Tubs, & Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. & 10:00 p.m. These hours must be posted along with any other established rules governing use of the amenity. It is recommended the rules include a reminder there should be **NO EXCESSIVE NOISE AT ANY TIME** and renters should be considerate of the residents that live around the rental dwelling they are staying at.
 If these hours prove to be insufficient to protect the neighboring property owners from unwanted noise or smoke, they will be further restricted by staff. The additional restriction can include prohibiting use of the outdoor facility entirely by VRD tenants.

FINAL STAFF RECOMMENDATION

Conditionally approve application **21-018VRD** allowing the establishment of a Vacation Rental Dwelling (VRD) with a maximum occupancy of **six (6) persons over the age of three (no more than ten regardless of age)** at **2040 Beach Dr.** This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

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

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

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

Attachments: Applicant's Submittal
 VRD Density Maps

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 11, 2021
Owner: Indigo Dunes Investments LLC, Represented by Steve Winters,
2073 Cooper Dr., Seaside, OR 97138
Surveyor: Mark Mead, Mead Engineering, 89643 Ocean Dr., Warrenton,
OR 97146
Location: 355, 361, 421, & 433 N Wahanna Rd. (T6, R10, S22BA, TL# 101)
Subject: 21-019SUB: A Subdivision Creating Four (4) Residential Lots
within the High Density Residential (R-3) Zone and One A-3
Freshwater Wetland Zoned Non Development Lot.

REQUEST:

The applicant is requesting approval of a four (4) residential lot subdivision along N Wahanna Rd. (T6, R10, S22BA, TL# 101). The property fronting on Wahanna Rd. is zoned High Density Residential (R3) and the proposed addresses of the four new single family dwellings currently under construction will be 355, 361, 421, and 433 N Wahanna Rd. The single family dwellings are permitted outright in the zone and a land division is not required prior to construction. The additional A-3 freshwater wetland zoned tract east of the dwellings is not proposed for development and it would function as conservation open space land.

The approximate size of the proposed lots will be L1-5,217 sq. ft., L2-5,441 sq. ft, L3-5,492 sq. ft., and L4-5,061 sq. ft. The open space tract is approximately 147,445 sq. ft (3.38 acres). Each of the proposed residential lots will exceed the 5,000 sq. ft. minimum lot size required in the R-3 zone for detached single family dwellings.

The subdivision review will be conducted in accordance with Section 5 of the City's Subdivision & Land Partition Ordinance (SLPO) & Article 10.070 of the SZO . The preliminary plat is subject to the information requirements of Section 7 and any applicable requirements in Sections 8-10 of the SLPO. The Planning Commission is required to hold a hearing to review all subdivisions even when new streets are not being created to provide access to the newly created lots.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

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

REVIEW CRITERIA #1: Section 7, the tentative plan shall contain the following information:

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

FINDINGS & JUSTIFICATION STATEMENTS:

1. Mailed Notice Request Summary: **21-019SUB:** A subdivision request by Indigo Dunes Investments, LLC represented by Steve Winters. The subject property is located 485 N Wahanna Rd. (T6-R10-S22BA-TL# 101) and the subject property is

zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from N Wahanna Rd. and they are being developed with detached single family dwelling. The approximate size of the lots will be L1-5,217 sq. ft., L-2 5,441sq. ft., L3-5,492 sq. ft., and L4-5,061 sq. ft.

The address referenced in the original notice was updated to 355, 361, 421, and 433 N Wahanna Rd based on the new development.

2. The applicant's supporting evidence and preliminary plan are adopted by reference. The applicant's submitted information is summarized as follows:

- a. The applicant plans to divide the 3.87 acre subject property (T6-R10-S22BA-TL# 101) into four residential lots and intends to complete the construction of four detached single family dwellings, one on each of the subsequent lots.
- b. The subject property has 221.5 feet of frontage along N Wahanna Rd. and the property is approximately 670 feet deep.
- c. The additional A-3 freshwater wetland zoned tract east of the dwellings is not proposed for development and it would function as conservation open space land.
- d. Each of the proposed residential lots will have frontage on the existing street, N Wahanna Rd., and each of the subsequent lots will have a separate driveway access.
- e. Each of the four houses will have a one car garage and backing turn around area on each lot to allow for a forward approach onto Wahanna Rd.
- f. The utilities are currently provided within the existing public right-of- way and they are being utilized to provide service connections.
- g. The applicant believes four detached dwellings would be more suited to the neighborhood instead of creating attached units and the variance is necessary to allow the units to be the alternative lots sizes and setback without having to build attached units.

3. Subdivisions commonly involve the creation of new street and utilities within those streets; however, in this case the applicant is simply dividing the property and utilizing the existing public street and utilities. If only three parcels were being created, the request would have been reviewed as a minor partition subject to approval by the City Manager; but in this case, the creation of four lots and the open space tract within a calendar year is subject to approval by the Planning Commission.

4. Based on the dwelling unit density in the R-3 zone (20 units per net acre or 2,178 sq. ft. per dwelling unit), the subject property would allowed up to 9 dwelling units on the upland portion of the property.

5. The applicant's proposed subdivision will provide four separate accesses to a major collector street. The Transportation System Plan encourages reducing the number of driveway access points on new developments. Whenever practical, access driveways should be limited in an effort to reduce the impacts they have on traffic flow and safety.

6. Driveways along this portion of Wahanna Rd. will be limited due to the Aquatic Conservation (A-2) Zone on the west side of the street.

7. In accordance with the Comprehensive Plan additional right of way is required along those portions of Wahanna Rd that are 30' wide. This provision is normally implemented by an equal street dedication on both sides of the road with the goal of creating a 40' wide right-of-way. The applicant has proposed a six (6) foot wide utility & sidewalk easement to the City of Seaside along the property frontage.

8. Given the A-2 Conservation Aquatic Zone on the West side of the Road, it may be appropriate in this case to require an easement 10'; however, any proposed easement would need to allow for any type of street improvements in order to be the equivalent of a dedication.

9. The ownership of the wetland tract is not clearly specified in the submittal, and although it is not a development lot, some form of access easement would need to be created through the fronting development lots unless one or more of the fronting property owners will share some acceptable form of undivided interest that will be linked to their property ownership.

CONCLUSION TO CRITERIA #1:

The proposed subdivision will create four new lots that will have vehicular and utility access from the currently developed public rights of way, and based on the applicant's submittal, the final subdivision plat can be prepared in accordance with the standards in the Subdivision and Land Partitioning Ordinance (Ord. 74-36) subject to the following conditions.

Condition 1. The proposed six (6) foot wide utility and sidewalk easement must not be limited such that it cannot also be used for street purposes.

Condition 2. Access to the open space A-3 Freshwater Wetland tract must be clarified in order to ensure the property is not landlocked or an access easement must be created to the tract on the final plat.

FINAL STAFF RECOMMENDATION

Approve tentative subdivision plan 21-019SUB subject to the previously stated conditions. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report.

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

Attachments:

Applicant's Submitted Evidence and Tentative Partition Plan



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT: Indigo Dunes Investments LLC
ADDRESS: 2073 Cooper Dr, Seaside, Or 97138
ZIP CODE: 97138
STREET ADDRESS OR LOCATION OF PROPERTY: 485 N Wahanna Rd, Tax Lot 101, Tax Map 6-10-22BA

Table with 6 columns: ZONE (R-3 / A-3), OVERLAY ZONES, TOWNSHIP (6N), RANGE (10W), SECTION (22BA), TAX LOT (101)

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

Divide upland area into 4 lots and wetland to be remaining area

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

Owner and Applicant/Representative information table including names, addresses, and signatures of Jacqueline Lepore and the applicant representative.

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

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

PLANNING DEPARTMENT USE: DATE ACCEPTED AS COMPLETE 4/6/21 BY JAS, CASE NUMBER (S) 21-019SUB, HEARING DATE 5/4/21 P.C. ACTION

OFFICE USE: FEE 150.00 RECEIPT 17457, DATE FILED 4/6/21 BY JAS

PALD 17457

Mead Engineering
89643 Ocean Drive, Warrenton, Oregon 97146
Ph. 503-738-2538
mark@meadeng.com

1 April 2021

Proposed Tide Water Cottages
485 N. Wahanna Rd
Seaside, Oregon 97138

This is a 3.87-acre site located on N. Wahanna road just south of Shore Terrace Drive. The property has a total frontage along Wahanna road of 221.5'. The property is approximately 670 feet deep. The 100' strip along Wahanna road is uplands zoned R-3 with the remainder of the site being wetlands zoned A-3. The frontage along Wahanna road is to be divided up into four lots with the rest of the site being open space.

The lots along Wahanna road will be served by water and sewer from existing lines in Wahanna road. The power, telco and Tv services will also be from existing services in Wahanna road.

Each of the four houses will have a one car garage and backing turn around area on each lot to allow for a forward approach onto Wahanna road. The finish floor of each house has been set to be one foot above the FEMA flood height as required by city ordinances.



EXPIRES 12/31/2022

Mark M. Mead
Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698
Geotechnical Engineer Oregon 12181
Professional Land Surveyor Oregon 2259
Oregon Structural Inspector #2555SIA
Oregon Structural Plans Examiner #2554PEA
OIC-OR Inspector Certification #OIC2587

Shore Terrace

Wahanna Road

Tax Lot 103

Parcel #2
Partition Plat
2009-17

Tax Lot 104

Parcel #1
Partition Plat
2009-17

Robert Roe
2005 SE 148th
Portland, Oregon 97233

Timothy Flynn
495 N. Wahanna Rd
Seaside, Or 97138

Tax Lot 100

Parcel #3
Partition Plat
2009-17
78.52'

37.00'
S00°03'36"W

581.50' S89°06'21"W

see partition plat 2009-17
by Nell A. Mendenhall
for boundary of site

Site
Tax Lot 101
Tax Map 6-10-22BA

Total Area = 168,656 sqft = 3.87 acres

Lot 1
5,217 sqft

S03°07'41"W

Lot 2
5,441 sqft
R=3 zone

wetland line

A-3 zoning

221.50'

R-3 zoning
Lot 3
5,492 sqft

Open space
147,445 sqft = 3.38 acres

Lot 4
5,061 sqft

100.00'

571.87'
S89°06'21"W 671.87'

Tax Lot 200

TD & R Enterprises Inc
PO Box 23
Seaside, Or 97138

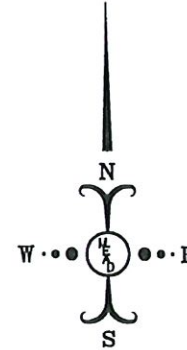
2007-29

Tax Lot 202
Parcel #2
Partition Plat
2007-29

Preliminary Plat

Tide Water Cottages

Tax Lot 101
NE 1/4, NW 1/4 Section 22, Township 6N, Range 10W
City of Seaside
Clatsop County, Oregon



Total Site Plan
485 N Wahanna Rd

Mead

Engineering LLC

89643 OCEAN DRIVE

WARRENTON, OREGON 97146

Ph. 503-738-2538

Email: mark@meadeng.com

Scale 1"=60' Sht 1

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark M Mead

OREGON
JANUARY 15, 1987
MARK M. MEAD
2259

EXPIRES 12/31/2022
1 April 2021

257.99'
S00°03'36"W

Tax Lot 305

National Health Properties Inc
PO Box 71970
Phoenix, Az 85050
101 Forest Drive, Seaside, Or

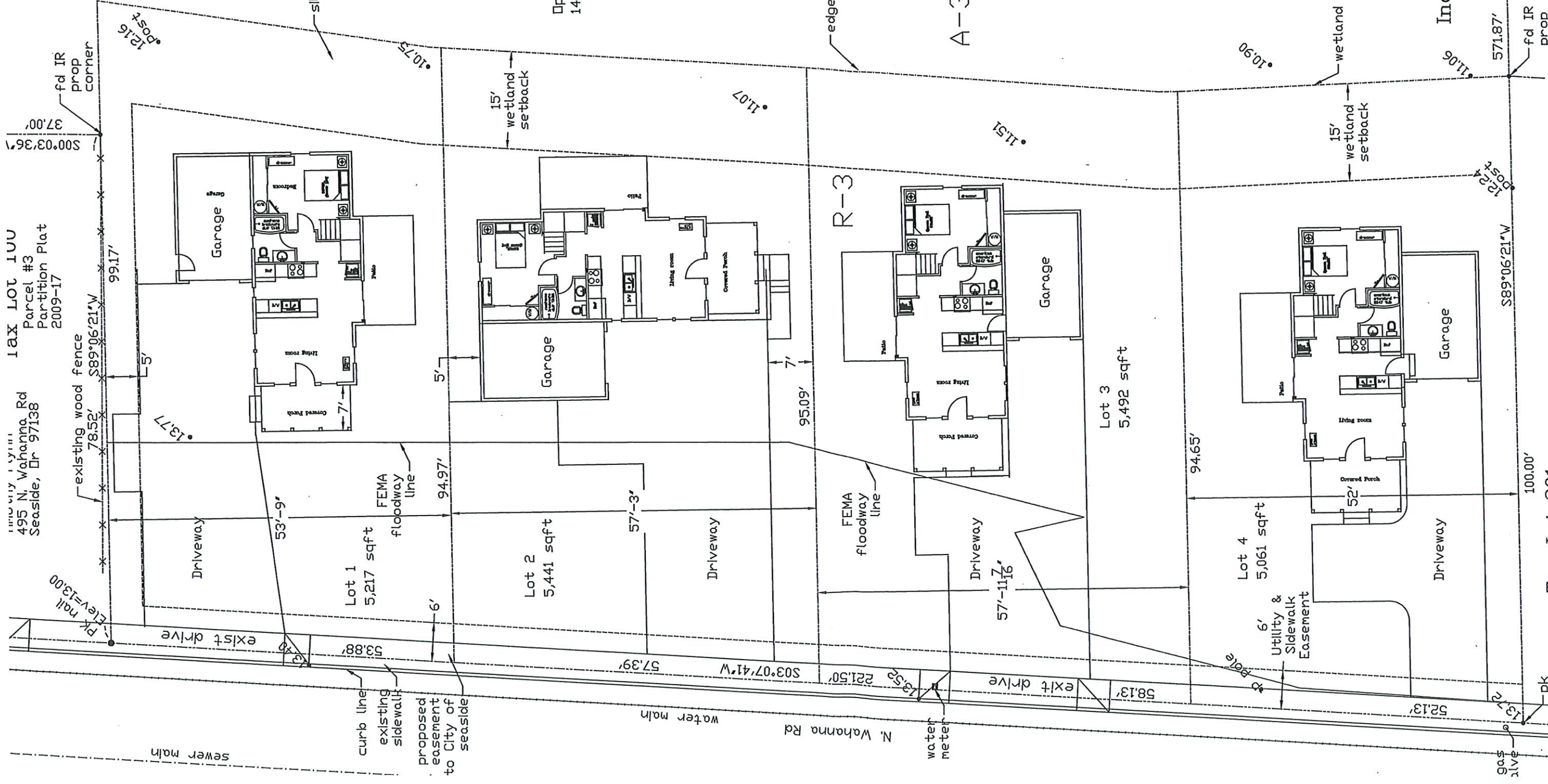
Owner:
Indigo Dunes Investments LLC
Jacqueline Lepire
2073 Cooper Drive
Seaside, Oregon 97138

TAX LOT 100
495 N. Wahanna Rd
Seaside, Or 97138

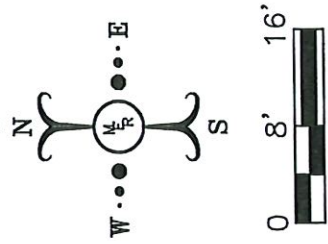
TAX LOT 101
Parcel #3
Partition Plat
2009-17

Preliminary Plat
Tide Water Cottages
Tax Lot 101
NE 1/4, NW 1/4 Section 22,
Township 6N, Range 10W
City of Seaside
Clatsop County, Oregon

11x17 sheet



Open Space
147,445 sqft = 3.38 acres



LEGEND

- A-3 14.15 existing ground elevation
- water meter
- property line
- Countour 5'
- Countout 1'
- gas line
- sanitary sewer
- water main
- Easement Line
- set back line

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Mark M Mead

OREGON
JANUARY 15, 1987
MARK M. MEAD
2259

EXPIRES 12/31/2022

Lot 1-4 Details
485 N Wahanna Rd

Indigo Dunes Investments LLC
Jacqueline Lepire
2073 Cooper Drive
Seaside, Oregon 97138

Mead
Engineering LLC

89643 OCEAN DRIVE
WARRENTON, OREGON 97146
Ph. 503-738-2538
Email: mark@meadeng.com
Scale 1"=16'

Tax Lot 201

Charles Mannix
327 N. Wahanna Rd
PO Box 48
Seaside, Or 97138
Parcel #1
Partition Plat

FEMA flood height = 15.0
Finish floor of buildings = 16.0
Elevation datum NAVD 1988

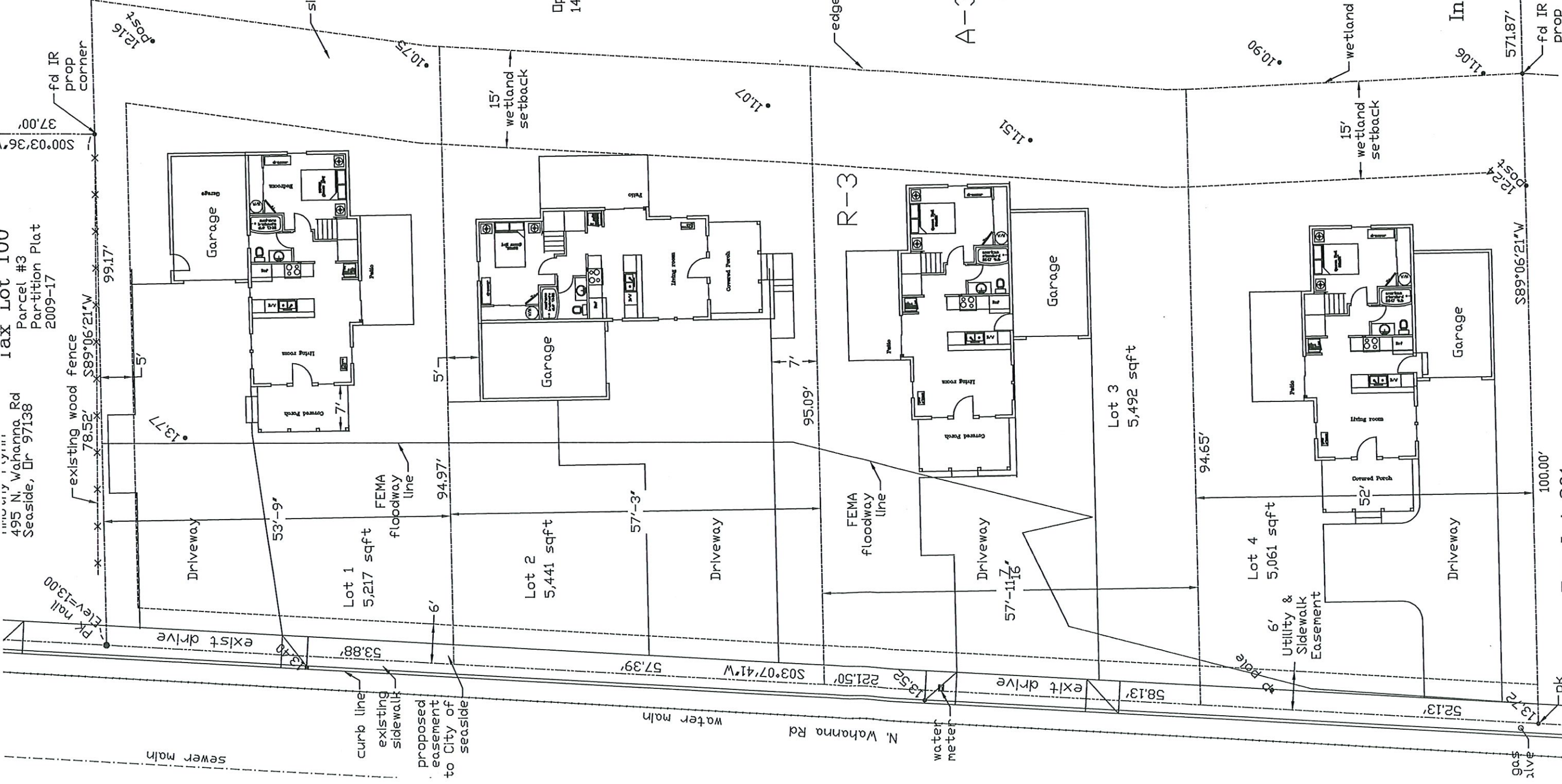
1 April 2021

Sht 2

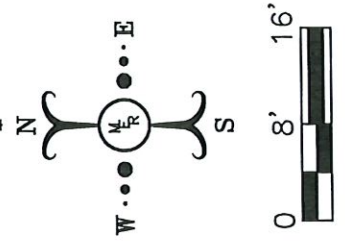
1AX LOT 1UV
Parcel #3
Partition Plat
2009-17

495 N. Wahanna Rd
Seaside, Or 97138

Preliminary Plat
Tide Water Cottages
Tax Lot 101
NE 1/4, NW 1/4 Section 22,
Township 6N, Range 10W
City of Seaside
Clatsop County, Oregon



Open Space
147,445 sqft = 3.38 acres



LEGEND

- 14.15 existing ground elevation
- water meter
- property line
- Countour 5'
- Countout 1'
- gas line
- sanitary sewer
- water main
- Easement Line
- set back line

A-3

edge of wetlands

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Thank in Mead

OREGON
JANUARY 15, 1987
MARK M. MEAD
2259

EXPIRES 12/31/2022

Lot 1-4 Details
485 N Wahanna Rd

Indigo Dunes Investments LLC
Jacqueline Lepire
2073 Cooper Drive
Seaside, Oregon 97138

Mead

Engineering LLC
89643 OCEAN DRIVE

WARRENTON, OREGON 97146
Ph. 503-738-2538

Email: mark@meadeng.com
Scale 1"=16'

1 April 2021

Sht 2

Tax Lot 201

Charles Mannix
327 N. Wahanna Rd
PO Box 48
Seaside, Or 97138
Parcel #1

Partition Plat

FEMA flood height = 15.0
finish floor of buildings = 16.0
Elevation datum NAVD 1988

pk prop corner

100.00'

S89°06'21"W

571.87'

fd IR prop corner

1106

wetland line

15' wetland setback

1090

Lot 3
5,492 sqft

94.65'

57'-11 7/16'

exit drive

58.13'

water meter

N Wahanna Rd

503°07'41"W

57.39'

water main

Lot 2
5,441 sqft

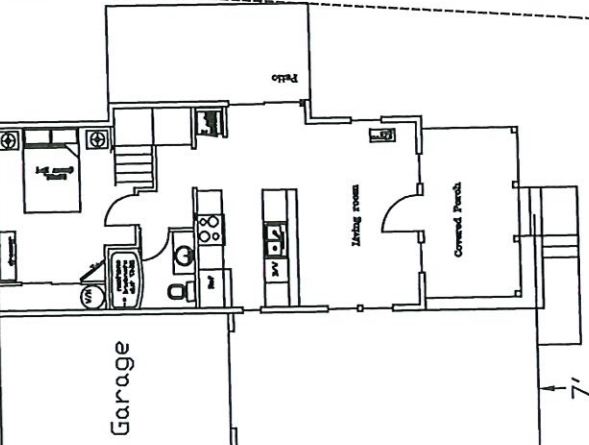
57'-3"

95.09'

Driveway

R-3

1107



Garage

Living room

Dining room

Covered Porch

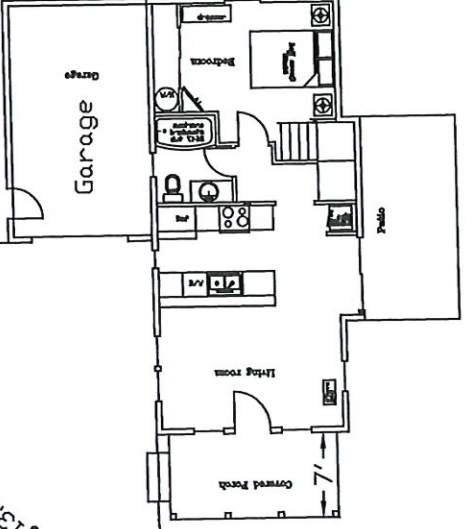
Garage

Lot 1
5,217 sqft

53'-9"

94.97'

Driveway



Garage

Living room

Dining room

Covered Porch

Garage

fd IR prop corner

37.00'

S00°03'36"

99.17'

existing wood fence

78.52'

S89°06'21"W

5'

13.77'

12.16 post

10.75'

silt fence

12.16 post

10.75'

12.16 post

10.75'

12.16 post

10.75'

12.16 post

10.75'

12.16 post

Section 7

1. sec drawings
2. see plant drawings
3. Jacqui Lepire. 281-222-4946
4. (Mark Mead engineering)
Jackie's address.

Indigo Dupes investment LLC
9938 Beautyberry
Conroe, TX 77385

section 9 - information :
statement.

1. PPH Hook-ups added by
PPH. (complete)

sewer and water already
for 2 lots to the
south, sewer and water
connections going in next
week into street from
property on wahanna Rd,

Gas line already into property

2. No deviations from sub division
3. No public areas proposed
4. No restrictive covenants
proposed

B

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: May 12, 2021
Applicant: RDA Project Management LLC, Randy Stemper, PO Box 1417, Astoria, OR 97103
Owner: E3 Properties LLC, 91856 Hwy 104, Warrenton, OR 97146
Location: 2001 S Roosevelt Dr.; T6 R10 S28AB TL: 10300
Subject: Highway Overlay Zone 21-022HOZ, Development of a 28 Unit Motel Consisting Primarily of 24 Detached Units @ the Former Log Yard Site

REQUEST:

The owner plans to establish a new hotel facility at 2001 S Roosevelt. The former log yard buildings will be removed to make room for 24 detached "cabin" units, two attached 2 units, a laundry, and office building. The hotel is an outright permitted use in the General Commercial (C-3) zone; however, development within the Highway Overlay Zone requires Planning Commission Review.

The review will be conducted in accordance with Section 3.400, Appendix G of the Transportation System Plan, and Article 10 of the Seaside Zoning Ordinance (SZO) which establishes the review criteria and procedures for development in the Highway Overlay Zone..

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

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

REVIEW CRITERIA # 1: Pursuant to Section 3.400 of Appendix G of Seaside's TSP, all development that will create a significant number of additional trips (more than 5 peak hour or 30 average daily trips) must address the following review standards and criteria:

Section 3.407 Highway Overlay Zone Standards

1. Building Size: The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.

2. Landscaping: A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10' width multiplied by the length of the highway frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.

3. Exterior Lighting: All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of sight visibility from neighboring properties, street travel lanes, or the surrounding environment. All exterior lighting must be dark sky compliant and shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties, riparian area, or the state highway subject to the following exception: Line of sight visibility and direct lighting of neighboring property can be permitted subject to a formal agreement with the neighboring property owner when the lighting will benefit joint parking, access, or safety.

4. Yards Abutting the Highway Frontage: In an effort to promote more pedestrian oriented development, regardless of yard requirements of the underlying zone, buildings must be located close to the property line adjacent to highway such that the property line setback for the building entrance will not exceed 10'.

5. Off Street Parking: In addition to the requirements in Section 4.100, parking areas must address the specific design standards in Section 3.410.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's submitted justification and site plan are adopted by reference. The applicant's request summary includes the following:
 - The property is located on the east side of Highway 101 between Les Schwab Tires and Avenue V.
 - The property abuts Les Schwab on the south side and the Mill Ponds Park on the east side.
 - Currently most of the frontage along Highway 101 provides unrestricted access to the former log truck shop and office. The applicant plans to provide a restricted access near the south end of the site by providing an ingress lane and two exit lanes.
 - The City water line is located in a ten (10) foot wide easement along the property frontage. With the exception of sewer, the other utilities are provided in the Highway 101 right-of-way.
 - Sewer will need to be extended north from Ruby's restaurant.

- The site will drain from the highway east towards the Mill Ponds as it currently does. Storm drainage will be collected as needed and drained towards the pond area.
 - Landscape buffers are provided along all sides of the site along with a center courtyard area.
 - Hotels & motels require one parking space per unit along with one for the manager. This would require 29 parking spaces. This site provides a total of 47 total parking spaces. The owner believes the additional parking will be needed with the two bedroom units proposed within the development. Parking spaces: 30 standard, 14 compact, 3 ADA.
2. The estimated trip generation for a 28 unit motel fell below the requirements for a Traffic Impact Analysis (TIA) so it should not trigger an ODOT change of use review.
 3. Staff reviewed the trip generation table for an all suit hotel with 56 rooms and it appeared the use would generate approximately 349 trips per day. Peak hour trips were approximately 27 A.M and 31 P.M trips. None of the trip totals crossed the TIA threshold of generating more than 600 daily trips or 100 hourly trips.
 4. The site plan indicates there is sufficient area to provide the required landscaping buffer along the western edge of the highway right of way and a 6' wide pedestrian walkway is included within the waterline easement.
 5. All outdoor lighting must conform to the City's outdoor lighting ordinance and be dark sky compliant. Although the applicant has not provided a lighting detail for the site, the lighting will need to be directed down and properly shielded to prevent visible glare except for lighting that does not exceed 450 lumens..
 6. In an effort to promote more pedestrian oriented development, the ordinance calls for building entrances to be located adjacent to the highway within 10' of the front property line. The applicant has submitted a preferred alternative plan that would set all of the units and the office back from the highway frontage in an effort to provide adequate sound attenuation. If this alternative is acceptable to the Planning Commission, the Planning Director can support a variance request for the proposed design based on the type of use proposed.
 7. The pedestrian walkway along the property frontage is not connected to the interior or exterior walkways within the site. A continuous connection between all of the pedestrian walkway and the highway frontage will be required.
 8. Bike parking has been shown on the site plan. The short and long term bike parking could be accommodated next to the office if the spaces indicated are all covered.
 9. The access design and connection to Highway 101 will require approval by ODOT in addition to obtaining any required modification to the access permits to the subject property.

CONCLUSION TO CRITERIA #1:

The proposed hotel will satisfy the applicable development standards in the Highway Overlay Zone provided the following conditions are attached to the approval.

Condition 1: The applicant must provide a detailed exterior lighting plan. The plan is intended to help document that all exterior lighting fixtures will be designed to limit glare in accordance with the City's Outdoor Lighting Ordinance and conform to the exterior lighting provisions of the Highway Overlay Zone. Review of the plan does not ensure full compliance with the lighting restrictions; therefore, final site lighting is still subject to inspection after installation. Any necessary mitigation measures are the responsibility of the applicant and/or owner prior to final approval.

Condition 2: The applicant must provide a detailed landscaping plan for the property frontage that includes specific cross sections that will identify the location and design for the pedestrian walkway. The plan must be reviewed by the Planning Commission prior to any approval by the Planning Director to ensure an adequate landscape buffer will be provided.

Condition 3: The motel building's proposed setback must be acceptable to the Planning Commission and the Commission must be willing to accept a Planning Director approved variance based on the type of use proposed.

Condition 4: Connections between all of the pedestrian walkway must be incorporated into the final plans in order to provide a continuous connection between all of the pedestrian walkway and the highway frontage.

Condition 5: Covered long term and short term bike parking must be provided in accordance with the ordinance requirements. The minimum is 2 or one per 20 rentable rooms for both short and long term. For the purpose of this requirement, the room count will be 56. These will be approved by the Planning Director.

Condition 6: The final access design must be acceptable to ODOT and the applicant must obtain any required modifications to the access permits for the site based on the proposed use. Satisfying this condition will require written documentation from ODOT.

Condition 7: Although it is not directly related to the highway overlay zone review, in addition to showing the riparian zone setback on the applicant's site plan, the applicant's engineer must document the location of the floodway based on the current Flood Insurance Rate Maps.

REVIEW CRITERIA #2: Section 3.408 Highway Overlay Zone Criteria

1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101.

2. If the proposal involves a development with frontage along US 101, the required permits from ODOT will need to be obtained prior to construction. If a permit already exists, proof of permit shall be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To

confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.

3. The location, design, and size of the development are such that the development can be well integrated with the surrounding transportation facilities or anticipated future developments, and will adequately address the impact of development on US 101.

4. The location, design, and size of the development are such that traffic generated by the development can be accommodated safely and is less than the mobility standard on existing or planned streets, including US 101.

5. The location, design, and size of the development are such that the proposed uses will be adequately served by existing or planned facilities or services.

6. The location, design, and size of the development are such that the proposed uses will provide functional and efficient access and circulation for anticipated pedestrians, bicycles, and vehicles.

FINDINGS & JUSTIFICATION STATEMENTS:

10. The proposed development will provide a single point of access to Highway 101 and eliminate the current uncontrolled access to the property to help maintain highway function and traffic flow.

11. Any improvements within the ODOT right of way, such as the new entrance or any landscaping within the right-of-way, will require authorization by ODOT.

12. The vehicle and pedestrian access along the property frontage appears to be functional and efficient. The applicant will need to incorporate a pedestrian connection between all element of the motel facilities.

13. The proposed drainage facilities are not clearly identified on the applicant's site plan.

14. The Mill Ponds pedestrian walkway that encroaches on the property will be relocated onto the City's park property.

15. The site is located within the 100 year floodplain and floodplain standards will be applied to the future development.

CONCLUSION TO CRITERIA #2:

The proposed hotel will satisfy the applicable criteria in the Highway Overlay Zone provided the following condition is attached to the approval.

Condition 8: A striped walkway must be provided at all points where pedestrian crossings connections are provided within the development site.

Condition 9: The applicant must provide an engineered drainage plan that indicates how proposed drainage facilities will accommodate storm water runoff from the parking lots and roof drains. The plan would also need to address water quality measures that would be incorporated into the system in an effort to limit oil & sediment from entering

the public storm water system, surface or local groundwater. This plan must be acceptable to the Public Works Director.

Condition 10. Plans for relocating the existing Mill Ponds Park trail must be approved by the Seaside Public Works Director.

FINAL STAFF RECOMMENDATION

Conditionally approve the new hotel development at 2001 S Roosevelt. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although it is not a condition of approval, the following is a reminder to the applicant.

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

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

Attachments:

Applicant's Submitted Information & Proposed Site Development Plans



City of Seaside, Planning Department

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

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT RDA Project Management LLC	ADDRESS PO BX 1417 Astoria OR	ZIP CODE 97103
STREET ADDRESS OR LOCATION OF PROPERTY 2001 S. Roosevelt DR Seaside OR 97138		

ZONE C-3	OVERLAY ZONES UGB	TOWNSHIP 6N	RANGE 10W	SECTION 28AB	TAX LOT 10300
-------------	----------------------	----------------	--------------	-----------------	------------------

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

Planning commision design review of the highway overlay requirements.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.

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

OWNER: PRINT NAME OF PROPERTY OWNER E3 Properties LLC	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER): PRINT NAME OF APPLICANT/REPRESENTATIVE RDA Project Management LLC
ADDRESS 91856 Hwy 104 Warrenton OR 97146	ADDRESS PO BX 1417 Astoria OR 97103
PHONE / FAX / EMAIL 503 440 3110	PHONE / FAX / EMAIL 503 440 0059
SIGNATURE OF PROPERTY OWNER 	SIGNATURE OF APPLICANT/REPRESENTATIVE

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- CONDITIONAL USE
- LANDSCAPE/ACCESS REVIEW
- MAJOR PARTITION
- MINOR PARTITION
- NON CONFORMING
- PLANNED DEVELOPMENT
- PROPERTY LINE ADJUSTMENT
- SETBACK REDUCTION
- SUBDIVISION
- TEMPORARY USE
- VACATION RENTAL
- VARIANCE
- ZONING CODE AMENDMENT
- ZONING MAP AMENDMENT
- APPEAL
- HWY 101 OVERLAY ZONE

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 4/6/21	BY JAD
CASE NUMBER (S) 21-022HOZ	
HEARING DATE 5/4/21	P.C. ACTION

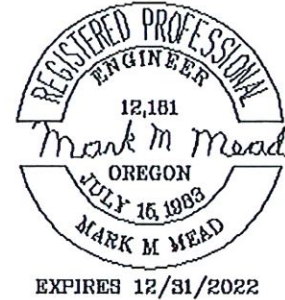
OFFICE USE:	
FEE 670.00	RECEIPT 17461
DATE FILED 4/6/2021	BY Anne

PAID
17461 670.00
4/6/21

Mead Engineering
89643 Ocean Drive, Warrenton, Oregon 97146
Ph. 503-738-2538
mark@meadeng.com

5 April 2021

Project: Log Shop Motel
2001 S Roosevelt
Seaside, Oregon 97138
Tax Lot 10300
Tax Map 6-10-28AB



This project is located along the east side Hwy 101 between Les Schwab Tires and Ave 'V'. The property abuts Les Schwab tires and the City's Mill Pond Park to the east. The project will contain 28 two-bedroom cabins along with an office and laundry building. Sidewalks inside of the project will connect with the trail in the Mill Pond Park and to a 6' wide sidewalk being installed in the 10' wide planter strip along Hwy 101.

Currently most of the frontage of the property is accessible along Hwy 101. With this re-development of the site from an old log truck shop and office to the Cabins the Hwy frontage driveway will be restricted down to an ingress drive along with a left and right turn out drive area. Hwy 101 in this area consists of a north and south bound lanes along with a center turn lane.

The city main water line is located in a 10 wide easement adjacent to Hwy 101. Power, telco, tv and natural gas is also located in the Hwy area. Sanitary sewer will be extended from Ruby's restaurant area north to the property. The site will drain from the hwy east towards the Mill ponds as it currently does. Storm drainage will be collected as needed and drained towards the pond area.

Landscape buffers have been provided along all sides of the site along with a center court yard area.

Hotels and motels require one parking space per unit along with one for the managers. This would require a total of 29 parking. This site provides a total of 47 parking spaces. The owners feel that the additional parking will be needed with the two bedroom units.

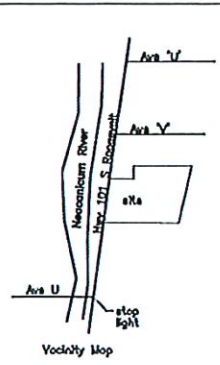
The units will be two story, two bedroom units approximately 800 sqft in size. Each unit will have a small kitchen provided. A small office and laundry building will also be provided in the southwest corner of the site by the access drive. This site will generate a small amount of

Mark M. Mead
Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698
Geotechnical Engineer Oregon 12181
Professional Land Surveyor Oregon 2259
Oregon Structural Inspector #2555SIA
Oregon Structural Plans Examiner #2554PEA
OIC-OR Inspector Certification #OIC2587

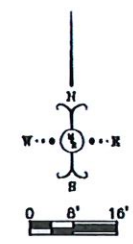
Mead Engineering
89643 Ocean Drive, Warrenton, Oregon 97146
Ph. 503-738-2538
mark@meadeng.com

traffic for this site as compared to other denser type developments. The zoning of the property is C-3 which allows for Hotel and Motels to be an outright usage.

Mark M. Mead
Professional Engineer Oregon 12181, Hawaii 7492, Washington 49698
Geotechnical Engineer Oregon 12181
Professional Land Surveyor Oregon 2259
Oregon Structural Inspector #2555SIA
Oregon Structural Plans Examiner #2554PEA
OIC-OR Inspector Certification #OIC2587



Zoning C-3
 Project: Hotel - Motel
 28 units
 Parking Required 29 spaces
 Parking provided 47 1.62 spaces per unit
 Standard - 30
 Handicap - 3
 Compost - 14 30%
 City water access is from next to Hwy 101
 City sewer will be extended to rear of property
 Storm Drainage will flow to rear of property
 see CS/B-11017 by IRB for boundary of site
 *13.60 Spot Elevation



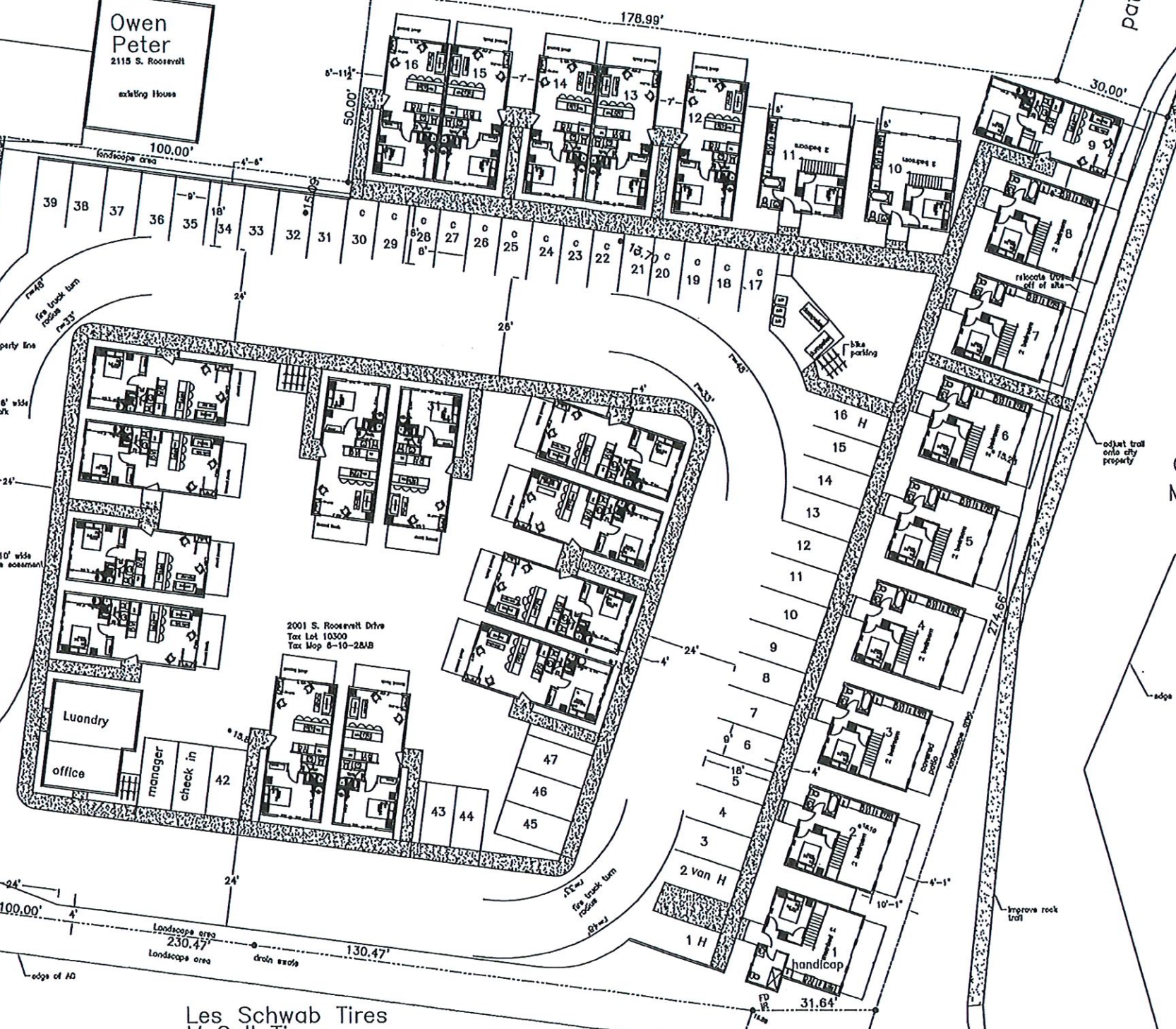
Hwy 101 - S. Roosevelt

Center turn lane
fog line
edge of AD
edge of ADOT Aa
property line

Owen Peter
2115 S. Roosevelt
existing House

Les Schwab Tires
McCall Tire
2155 S. Roosevelt

FEMA flood elev = 16.3'
 finish floor = 17.3'
 bench mark ave U bridge = 19.74



City Mill Ponds Park

Chapman Pond

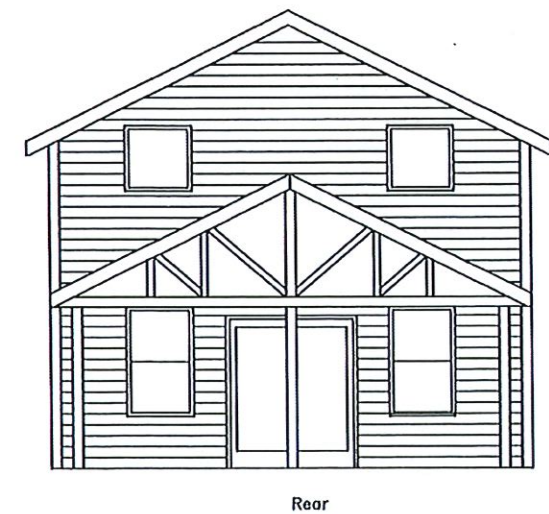
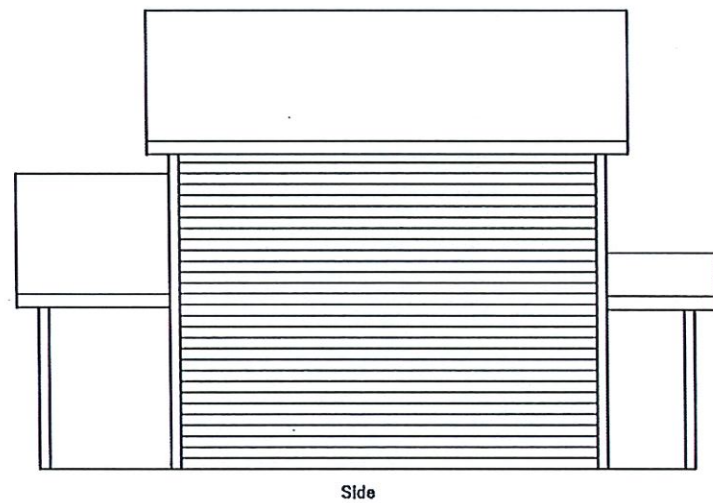
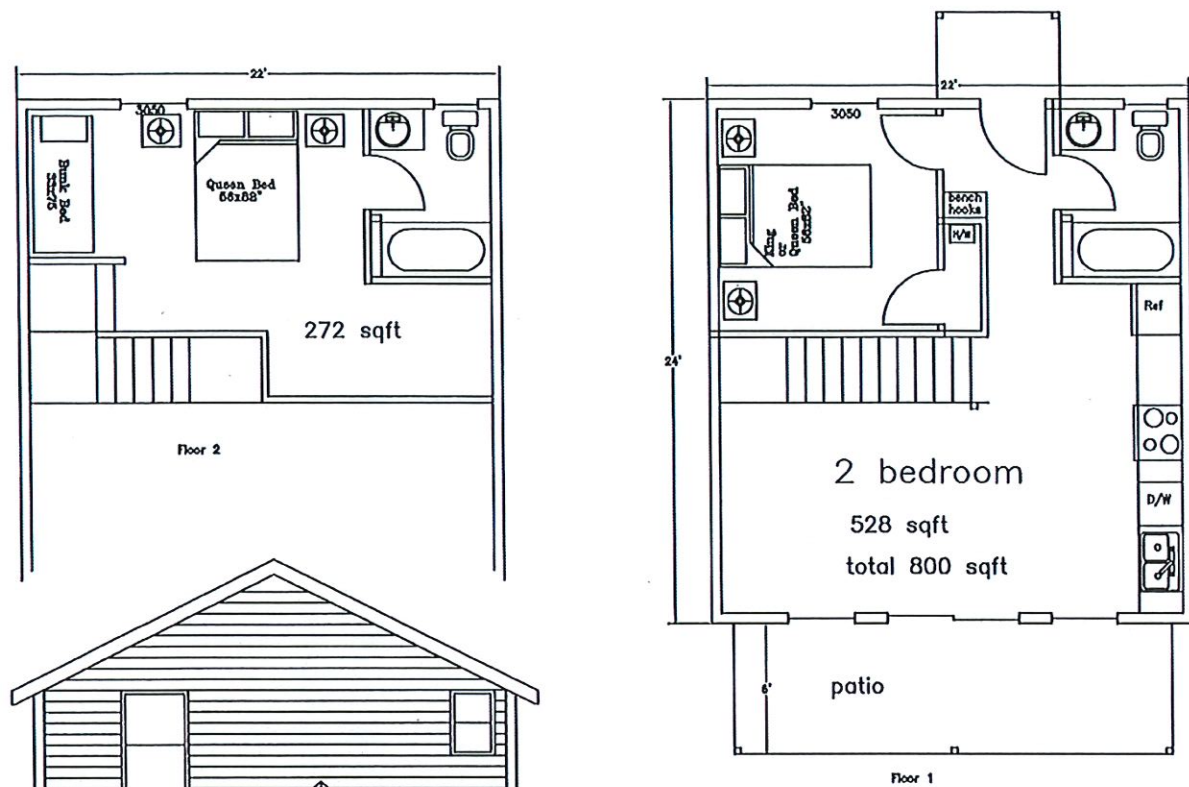
Site Plan
 28 Total Motel Units
 Log Shop Cabins
 2001 S. Roosevelt Drive
 Seaside, Oregon 97138
 RDA Project Management

PO Box 1417
 Astoria, Oregon 97103
 Randy Stempert
 503-440-0559
 Randytempert@gmail.com

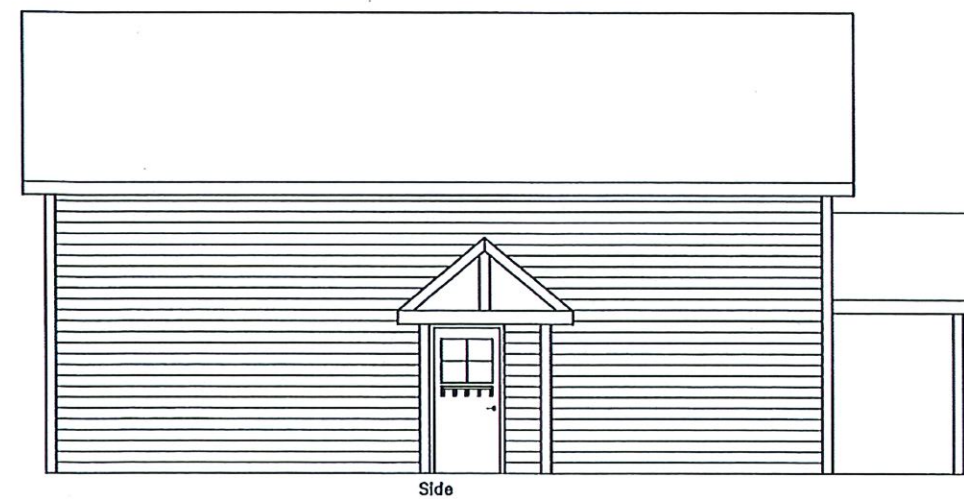
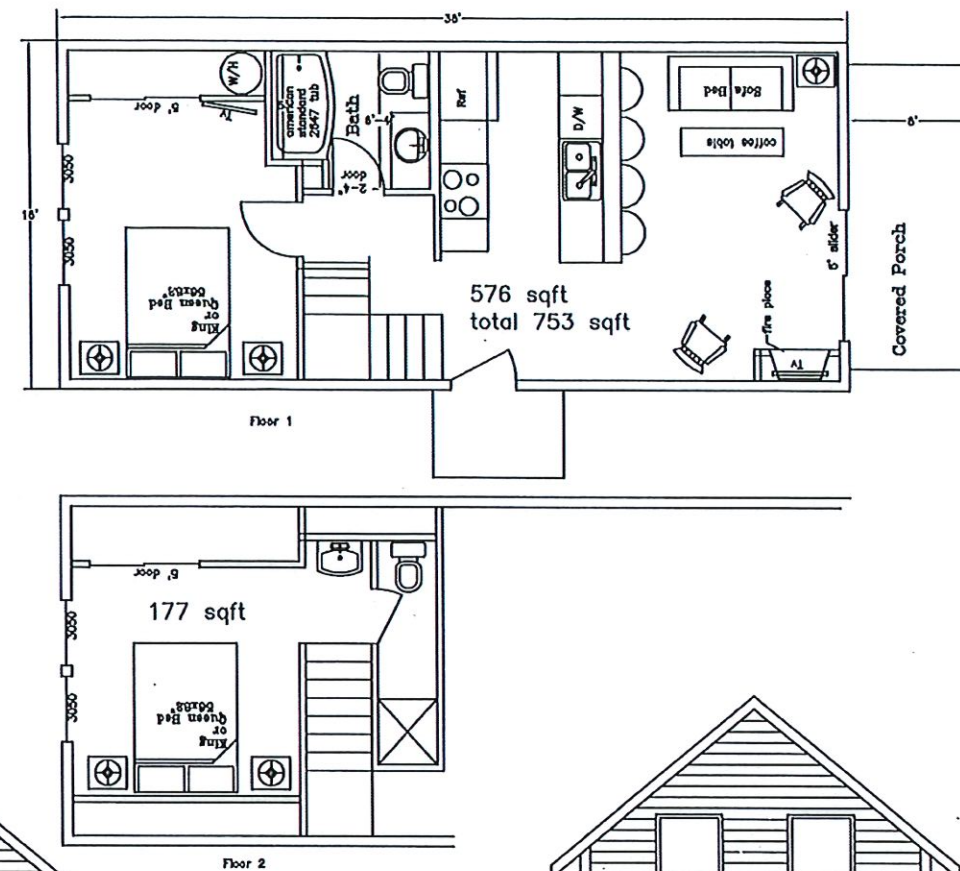


Mead Engineering LLC
 89843 OCEAN DRIVE
 WARRENTON, OREGON 97146
 Ph. 503-738-2538
 Email: mork@meadeng.com

Owens Gray Log Shop LLC



Unit Style 1



Unit Style 2

Units
28 Total Motel Units

Log Shop Cabins
2001 S. Roosevelt Drive
Seaside, Oregon 97138

RDA Project Management

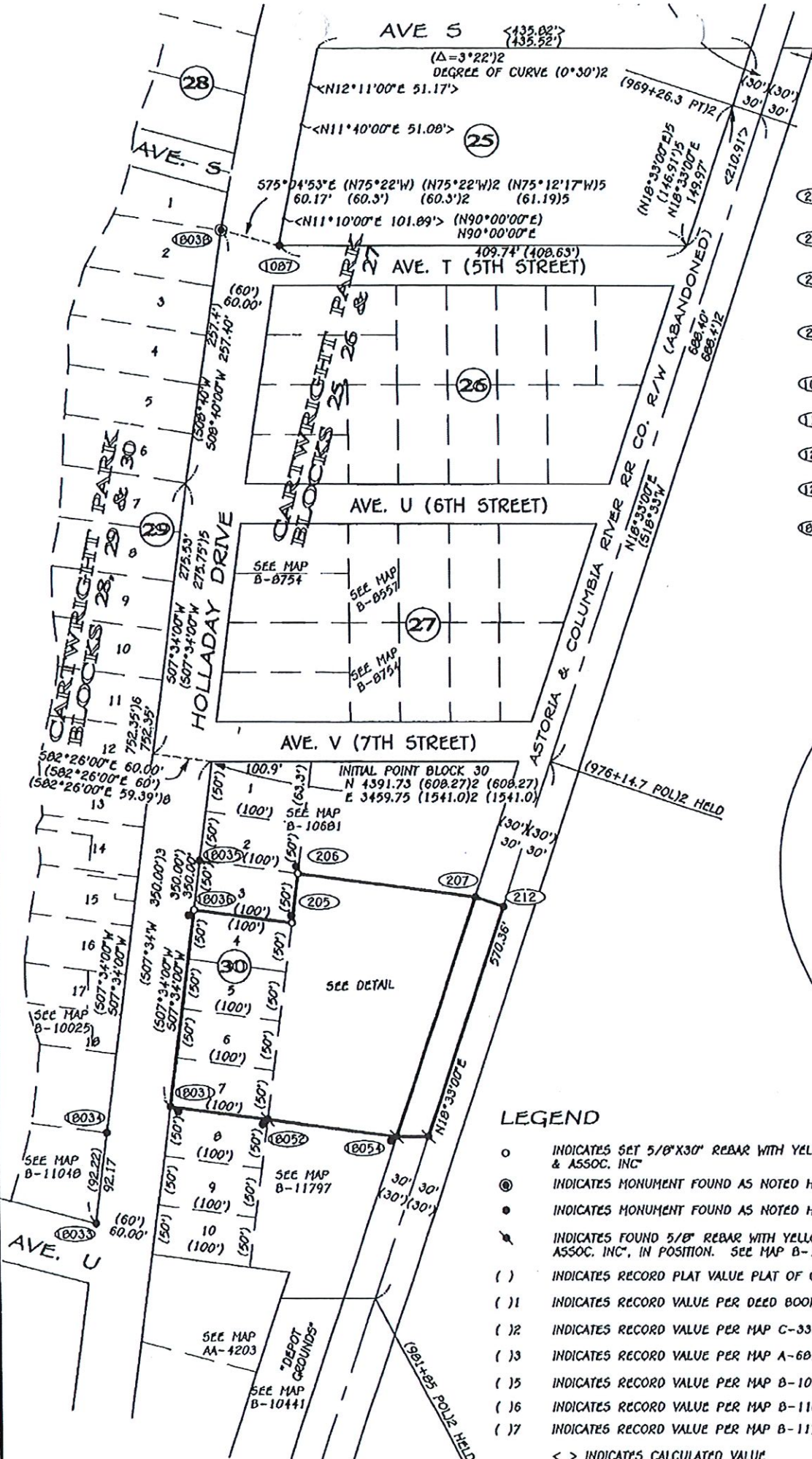
PO Box 1417
Astoria, Oregon 97103
Randy Stamer
503-440-0059
RandyStamer@gmail.com



EXEMPT 12/14/2021
5 April 2021

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

B-11817



SURVEY BY ARTHUR DANIELSON, MAP C-336, SHOWS FOUND COPPER TACK IN RR TIE AT THESE COORDINATES - N 5111.73 (111.73 N)2 E 4041.75 (958.25 W)2 HELD POSITION.

MONUMENT NOTES

- (205) FOUND 2" IRON PIPE, FLUSH WITH GROUND SURFACE. NORTH 0.93' AND WEST 0.05' OF CALCULATED POSITION. SEE MAP C-336.
- (206) FOUND 2" IRON PIPE, RUSTED, 0.3' BELOW GROUND SURFACE. NORTH 0.74' AND WEST 0.11' OF CALCULATED POSITION. SEE MAP C-336.
- (207) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC.", 0.1' BELOW GROUND SURFACE. SOUTH 0.17' AND EAST 0.10' OF CALCULATED POSITION. SEE MAP B-10681.
- (212) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC.", 0.1' ABOVE GROUND SURFACE. SOUTH 0.28' AND EAST 0.15' OF CALCULATED POSITION. SEE MAP B-10681.
- (1087) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKINGS ILLEGIBLE, FLUSH IN ROAD SURFACE. SOUTH 0.05' AND EAST 0.92' OF CALCULATED POSITION. SEE MAP B-9027
- (1127) FOUND 3" ALUMINUM CAP IN CONCRETE MARKED "CLATSOP COUNTY SURVEYOR T6N R10W 1/4 S21 S22 L5 954 1987". SEE BT-1004.
- (1203) FOUND 3/4" COUNTY SURVEYORS ALUMINUM CAP FLUSH IN CONCRETE. HELD AS SECTION CORNER. SEE BT-918 AND BT-936.
- (1204) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "CLATSOP COUNTY SURVEYOR" FLUSH. NORTH 91.04' OF SECTION CORNER. SEE MAP B-8946.
- (8031) FOUND 1/2" IRON PIPE, 0.20' BELOW SURFACE. SOUTH 4.61' AND EAST 8.17' OF CALCULATED POSITION, ORIGIN UNKNOWN.

- (8033) FOUND PK AND WASHER IN CONCRETE SIDEWALK. SOUTH 0.19' AND EAST 0.16' OF CALCULATED POSITION. SEE MAP B-11048.
- (8034) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC.", FLUSH. IN POSITION. SEE MAP B-11048.
- (8035) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC." FLUSH. SOUTH 0.12' WEST 0.53' OF CALCULATED POSITION. SEE MAP 10681.
- (8036) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "PLS 1373" FLUSH. SOUTH 0.54' AND WEST 0.64' OF CALCULATED POSITION. ORIGIN UNKNOWN.
- (8038) FOUND 2" IRON PIPE WITH 1" GALVANIZED IRON PIPE IN CENTER, TOP OF 1" IRON PIPE IS 0.5' BELOW SURFACE, 2" IRON PIPE IS 1.0' BELOW SURFACE, HELD AS INITIAL POINT TO CARTWRIGHT PARK BLOCKS 28 & 29. SEE MAP B-11048.
- (8052) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WAGNER L5 1373" 0.30' SOUTH AND 0.76' WEST FROM CALCULATED POSITION. ORIGIN UNKNOWN.
- (8054) FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "WAGNER L5 1373" 0.40' SOUTH AND 0.76' WEST FROM CALCULATED POSITION. ORIGIN UNKNOWN.

N 5000.00 (0.0 S)2
E 5000.00 (0.0 W)2

NARRATIVE

THIS SURVEY WAS CONDUCTED AS A DEPENDENT RESURVEY OF THE SUBJECT PROPERTY AS DESCRIBED IN DEED BOOK 971, PAGE 294.

THE EAST LINE OF BLOCK 29, OF CARTWRIGHT PARK HAS BEEN LAID OUT FROM MONUMENT (8038) AT RECORD PLAT VALUES. THE WEST LINE OF BLOCK 30 HAS BEEN LAID OUT BY HOLDING THE PLATTED STATE HIGHWAY DISTANCE OF 60 FEET FROM THE EAST LINE OF SAID BLOCK 29. THE LOCATION OF THE INITIAL POINT OF BLOCK 30 HAS BEEN PLACED AT THE INTERSECTION OF THE PLAT CALL OF 608.27' SOUTH OF THE SECTION CORNER COMMON TO 21, 22, 27 AND 28 AND THE EAST RIGHT-OF-WAY LINE OF THE STATE HIGHWAY AS LAID OUT FROM MONUMENT (8038) AT RECORD VALUES PER CARTWRIGHT PARK.

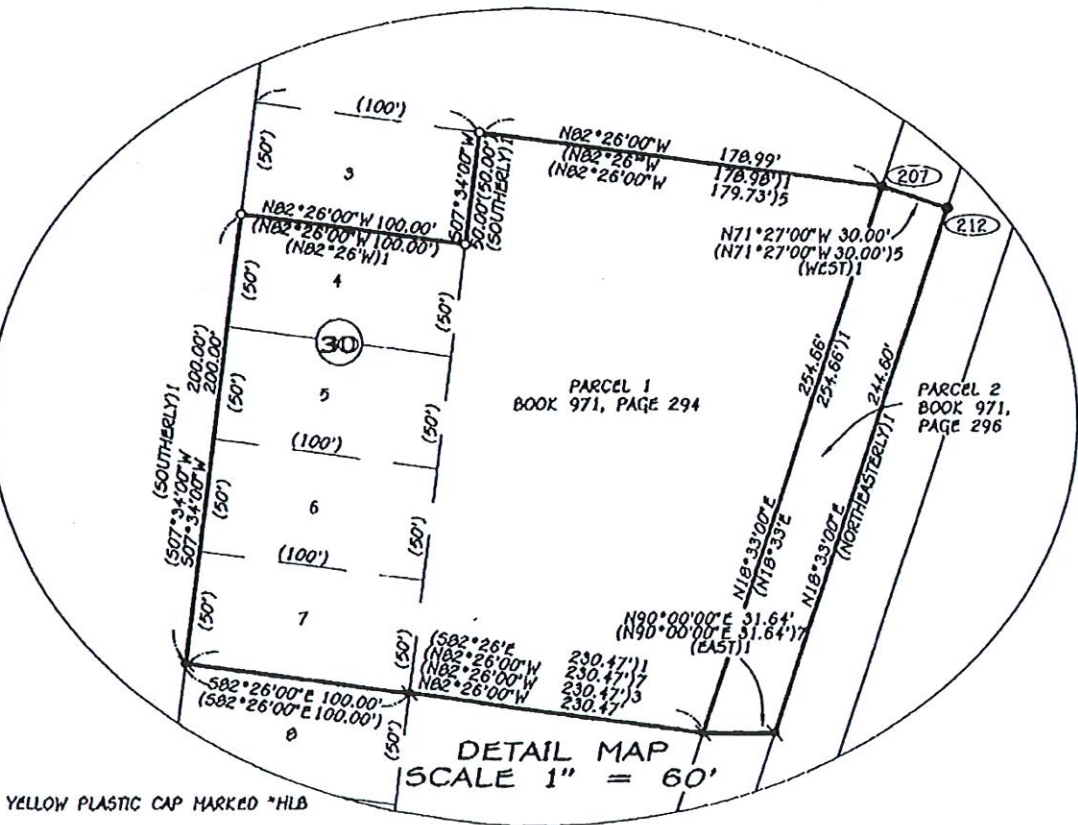
THE SUBJECT PROPERTY WAS LAID OUT AT RECORD DEED VALUES AS DESCRIBED IN BOOK 971, PAGE 294, FROM THE INITIAL POINT OF BLOCK 30 AND THE RECORD VALUES FROM THE PLAT OF CARTWRIGHT PARK.

THE CENTERLINE OF THE RAILROAD RIGHT OF WAY WAS LAID OUT AT RECORD CALLS FROM BOOK 60, PAGE 222, RECORDED IN NOVEMBER, 1906. SAID DEED CALLS A BEARING ON THE RIGHT OF WAY OF SOUTH 18°33' WEST. NOTE THAT THE PLAT OF CARTWRIGHT PARK (SEASIDE) WAS RECORDED IN MAY, 1907. IN 1914 CARTWRIGHT PARK BLOCKS 25, 26 & 27 WAS RECORDED. THIS PLAT SHOWS A RECORD BEARING OF SOUTH 18°35' WEST FOR THE RAILROAD RIGHT OF WAY. ADDITIONALLY, SAID PLAT SHOWS A DISTANCE FROM THE SECTION LINE TO THE NORTHEAST CORNER OF BLOCK 25 OF 1477.5 FEET WHICH IS EVIDENTLY IN ERROR. IN 1988 A THOROUGH SEARCH WAS MADE BY THIS FIRM FOR THE INITIAL POINT AT THE NORTHWEST CORNER OF BLOCK 25. IT HAD APPARENTLY BEEN DESTROYED BY CONSTRUCTION. IN 1940, ARTHUR DANIELSON CONDUCTED A SURVEY OF THE SUBJECT PROPERTY TOGETHER WITH SEVERAL PARCELS IN THE VICINITY. SEE MAP C-336. SAID SURVEY NOTES COORDINATES ON THE CENTERLINE OF THE RAILROAD RIGHT-OF-WAY OPPOSITE THE NORTHEAST CORNER OF BLOCK 25. THESE COORDINATES WERE HELD AS BEST EVIDENCE OF CENTERLINE OF EXISTING TRACKS AS A POINT ON CURVE. THE RAILROAD RIGHT-OF-WAY WAS LAID OUT AT RECORD DEED CALLS, TRANSLATED EAST 1.09 FEET TO FIT DANIELSON'S CALL. THIS SOLUTION ALSO FITS THE RECORD PLAT VALUE ALONG THE SOUTH LINE OF BLOCK 25 AT ONE FOOT. DANIELSON'S SURVEY ALSO NOTED COORDINATES FOR THE INITIAL POINT (IRON PIPE) AT THE NORTHWEST CORNER OF LOT 1, BLOCK 30. THE IRON PIPE APPEARS TO HAVE BEEN DESTROYED BY WATER LINE CONSTRUCTION. COORDINATES FOR THIS POINT WERE HELD AS BEST EVIDENCE OF ORIGINAL POSITION OF THE SUBDIVISION AND THE EAST RIGHT-OF-WAY LINE OF HIGHWAY 101. THE BEARING ALONG SAID EAST LINE BEING THE SAME AS NOTED IN THE PLAT OF CARTWRIGHT PARK AND ON MAP C-336 AND B-8754.

CIRCUIT COURT CASE NO. 83-7115 FOR THAT PORTION OF THE ABANDONED RAILROAD PROCEEDS ".....EAST TO THE CENTERLINE OF THE SPOKANE, PORTLAND & SEATTLE RAILWAY; THENCE, NORTHEASTERLY ALONG THE CENTERLINE OF SAID RAILWAY TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST TO THE POINT OF BEGINNING." SINCE THE RAILROAD IS DESCRIBED IN A GENERAL DIRECTION (NORTHEASTERLY), THE CALL OF EAST TO SAID CENTERLINE IS ALSO TAKEN TO INDICATE A GENERAL DIRECTION. THEREFORE, THE EXTENSION TO THE CENTERLINE WAS ESTABLISHED AS EAST USING STANDARD SURVEY PROCEDURE AS INDICATED BY BROWN, ROBILLARD & WILSON IN "BOUNDARY CONTROL AND LEGAL PRINCIPLES 4TH EDITION".

"UNLESS A DEED OR MAP THAT CREATED THE EASEMENT OR DEDICATION INDICATES OTHERWISE, REVERSION RIGHTS EXTEND FROM THE STREET TERMINI OF THE PROPERTY LINES TO THE CENTER LINE OR THREAD OF THE STREET IN A DIRECTION THAT IS AT RIGHT ANGLES TO THE CENTERLINE OF THE STREET."

THE NORTH LINE OF PARCEL 2 DESCRIBED IN BOOK 971, PAGE 294 WAS RESURVEYED HOLDING THE CALCULATED POSITIONS PER MAP B-10681, CLATSOP COUNTY SURVEY RECORDS. THE SOUTH LINE OF SAID PARCEL WAS ESTABLISHED HOLDING THE MONUMENTS PER MAP B-11797, CLATSOP COUNTY SURVEY RECORDS.



LEGEND

- INDICATES SET 5/8"x30" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC"
- ⊙ INDICATES MONUMENT FOUND AS NOTED HEREON, HELD FOR CONTROL
- INDICATES MONUMENT FOUND AS NOTED HEREON
- ✦ INDICATES FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "HLB & ASSOC. INC", IN POSITION. SEE MAP B-11797.
- () INDICATES RECORD PLAT VALUE PLAT OF CARTWRIGHT PARK
- (1) INDICATES RECORD VALUE PER DEED BOOK 971, PAGE 294
- (12) INDICATES RECORD VALUE PER MAP C-336
- (13) INDICATES RECORD VALUE PER MAP A-6817
- (15) INDICATES RECORD VALUE PER MAP B-10681
- (16) INDICATES RECORD VALUE PER MAP B-11048
- (17) INDICATES RECORD VALUE PER MAP B-11797
- < > INDICATES CALCULATED VALUE

REGISTERED PROFESSIONAL LAND SURVEYOR
Daniel Bonnett
OREGON 12.14.1985

SURVEY BY:
HLB & Associates
INCORPORATED
Surveying • Civil Engineering • Planning • Water Rights • Wetlands Consulting
CLATSOP COUNTY 4253-A HWY 101 N. TILLAMOOK CO 97150
PACIFIC COUNTY 1715-B N. PACIFIC AVE. TILLAMOOK CO 97150
TILLAMOOK COUNTY 160 LANEDA AVE. TILLAMOOK CO 97150

BOUNDARY SURVEY FOR:
PHYLLIS HANN
OF THAT PROPERTY DESCRIBED IN
BOOK 971, PAGE 294

CLATSOP COUNTY SURVEYOR RECEIVED
NOV. 08, 2005
FILED 11-28-05 V.S.
ASTORIA, OREGON