



CITY OF SEASIDE CITY COUNCIL AGENDA

Monday, May 13, 2024

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

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

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

CITY COUNCIL WORK SESSION: 5:00 PM

"Work sessions are an opportunity for Council members to discuss issues informally with staff and invited guests. The Council encourages members of the public to attend work sessions and listen to discussion but there is generally no opportunity for public comment. Members of the public wishing to address the Council are welcome to do so during the Council's regularly scheduled meetings."

1. Discussion – Homeless Camp {40 min}
2. Discussion Future City Council Agenda Items {10 min}

CITY COUNCIL MEETING: 6:00 PM

1. **Call To Order**
2. **Pledge Of Allegiance**
3. **Roll Call**
4. **Approval Of Agenda**
5. **Proclamation:**
 - A. Proclamation – National Police Week
 - B. Proclamation – National Public Works Week
6. **Recognition:**

There is no recognition.

7. **Public Comments**

Members of the public may use this time to provide comments to the City Council on items that are not scheduled on this agenda for a public hearing or public comment. Speaking time is limited to three minutes.

8. **Declaration Of Potential Conflict of Interest**

9. **Consent Agenda**

- A. Payment of the bills - \$965,376.18
- B. Approval of minutes – April 22, 2024

10. **Reports And Presentations:**

- A. Annual Report Seaside Public Works

11. **City of Seaside Boards, Commissions, And Committees**

No items for boards, commissions, and committees

12. **Unfinished Business**

- A. Ordinance 2024-03 – An Ordinance of the City of Seaside, Oregon, Repealing Section 6.135 (Bed & Breakfast Establishments), and Section 6.137 (Vacation Rental Dwelling (VRD)) from the Seaside Zoning Ordinance
 - Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-03 second reading by title only.
 - Optional: Motion to Read Ordinance 2024-03 third reading by title only.
 - Motion to Adopt followed by Roll Call Vote.
- B. Ordinance 2024-04 – An Ordinance of the City of Seaside, Oregon, Adding Chapter 120 to Title XI (Business Regulations) of the Seaside Code of Ordinances
 - Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-04 second reading by title only.
 - Optional: Motion to Read Ordinance 2024-04 third reading by title only.
 - Motion to Adopt followed by Roll Call Vote.
- C. Ordinance 2024-06 – An Ordinance of the City of Seaside, Oregon, Providing for the Vacation of a Portion of Property Described as a Portion of 20th Avenue, that Extends from North Holladay Drive, and West to Necanicum River.
 - Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-06 second reading by title only.
 - Optional: Motion to Read Ordinance 2024-06 third reading by title only.
 - Motion to Adopt Followed by Roll Call Vote.

13. **New Business**

- A. Ordinance 2024-07 – An Ordinance of the City Council of the City of Seaside, Oregon, Pursuant to ORS 223.112-223.132, Setting a Public Hearing, Extending the Term of the Assessment District for Economic Improvement, Known as the “Downtown Maintenance District”; Repealing Ordinance No. 2023-03, and all Ordinances in Conflict.
- Open Public Hearing
 - Close Public Hearing
 - Council Comments
 - Motion to Read Ordinance 2024-07 first reading by title only.
 - Optional: Motion to Read Ordinance 2024-07 second reading by title only.
- B. Discussion – North 40 Property Lot Line Adjustment.

14. **Comments From City Staff**

15. **Comments From the City Council**

16. **Adjournment**

Complete copies of the Current Council meeting Agenda, Packets, and Minutes can be viewed at: www.cityofseaside.us.

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503.738.5511 if you will need any special accommodation to participate in this meeting.

989 Broadway
Seaside, OR 97138



(503) 738-5511
cityofseaside.us

PROCLAMATION

To recognize National Police Week 2024 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Seaside Police Department; and

WHEREAS, since the first recorded death in 1786, there are currently 24,067 law enforcement officers in the United States that have made the ultimate sacrifice and have been killed in the line of duty, including Sergeant Jason Goodding with the Seaside Police Department; and

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, DC; and

WHEREAS, fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 136 officers killed in 2023 and 224 officers killed in the previous year; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial 36th Candlelight Vigil, on the evening of May 13, 2024; and

WHEREAS, the Candlelight Vigil is part of National Police Week, which will be *observed* this year May 10th-16th, and May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff.

NOW, THEREFORE, I, Steve Wright, Mayor of the City of Seaside, in the State of Oregon, call upon all citizens and upon all patriotic, civic and educational organizations to observe the week of **May 10-16, 2024, as National Police Week**, and call upon all our citizens to make every effort to express appreciation to these men and woman who are willing to sacrifice their lives, if necessary, to guard us and our loved ones against all who would violate the law.

BE IT FURTHER RESOLVED that we invite all citizens to reflect on and remember all who lost their lives in service and will forever be remembered for their ultimate sacrifice.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 13th day of May 2024.

STEVE WRIGHT, MAYOR



PROCLAMATION

“Advancing Quality of Life For All”

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people in the City of Seaside; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, the Seaside Public Works Department is responsible for forty-one miles of streets, nine bridge structures, eight miles of shoreline, thirty-nine miles of sewage collection piping, 602 sewer manholes, thirty-two pump/lift stations, 2 Water Reservoirs, forty-three miles of water line, 3,405 water meters and 656 fire hydrants; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Seaside to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, the year 2024 marks the 64th annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, I, Steve Wright, Mayor of the City of Seaside do hereby designate the week of May 19 - 25, 2024 as

NATIONAL PUBLIC WORKS WEEK

and urge all citizens to join with representatives of the American Public Works Association to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

IN WITNESS WHEREOF, I have herewith set my hand and caused the seal of the City of Seaside to be affixed this 13th day of May, 2024.

STEVE WRIGHT, MAYOR



CITY OF SEASIDE CITY COUNCIL

DRAFT MEETING MINUTES

City Hall, 989 Broadway, Seaside, OR 97138

Monday, April 22, 2024

Work Session 5:00 PM

1. Discussion – Proposed Amendment to Seaside Library Policies

Mayor Wright opened the work session to discuss the amendments to the Seaside Library policies. Councilor Dillard presented his recommendations for changes to the library policies relating to access to certain books by minors. The Council discussed the request and discussed different questions and options.

1. City Council Meeting 6:00 PM

2. Call to Order and Pledge of Allegiance

3. Roll Call

Council Members	P/A
Tom Horning	P
Randy Frank	P
Seth Morrissey	P
Steve Dillard	P
Steve Wright, Mayor	P
Cullen Edwards “If I Were Mayor” Winner	P
Tita Montero	P
David Posalski	P

Staff Members	
Spencer Kyle, City Manager	Jon Rahl, Assistant City Manager
Kim Jordan, City Recorder	Dave Ham, Police Chief
Zach Fleck, Finance Director	Joey Daniels, Fire Chief
Jennifer Reading, Library Director	Mike Dimmick, Public Works Director
Genesee Dennis, Division Chief Fire	Joshua Heineman, Tourism and Marketing Director
Jeff Flory, Community Development Director	

Visitors in Chambers (attendance sheet)	Visitors on Zoom
Tom Schwenzer	
Bob Fuller	
Victoria Fuller	
Pam Schwenzer	
Seamus McVey	
Braedan Burch	
Wendy Willis	
Sandy Ward	
Tess Ratty	
Joyce Hunt	

Lee Ann & Gerry Kawamura	
Meagan Hughes	
John Hesse	
Vivian & Pete Battjes	
Kathleen Teeple	
Judy Mace	
Mike Brackenbrough	
John Rippey	
Brenda Watson	
Russ Mead	
Laura Allen	
Janene Finger	
Kim Verne	
Paul McCarthy	
Shannon Smith	
Sara Mullery	
Dexter Savage	
Ester Codova	
Donna Benefiel	
Anita Dotson	
Jules Lyons	
Marilyn Mason	
Mary Blake	

4. [Approval of Agenda](#)

Mayor Wright asked for approval for the agenda.

Motion:	So, moved.			
Moved:	Frank			
Seconded:	Posalski			
Ayes:	Wright, Frank, Morrisey, Dillard, Posalski, Montero, Horning	Nays: 0	Absent: 0	Recused: 0
Passed:	7/0			

5. [If I were Mayor Contest](#)

Mayor Wright introduced the “If I Were Mayor Contest” winners from the Seaside School District 4th Grade Class. The winners of the contest were Cullen Edwards with first place, Ashanti Valasquez with second place, and Bella Vega with third place.

6. [Proclamation](#)

A. Arbor Day

Victoria Fuller, City Tree Board Chair, read the guidance and the qualifications of being a Tree City USA designate and updated the City Council on the City Tree Board and the plans for an arboretum in Seaside.

Councilor Horning read the Proclamation for Arbor Day.

B. Older Americans Month

Councilor Montero commented on the Proclamation for Older Americans Month. The State of Oregon, through the Oregon Department of Human Services, provides services for people living with disabilities and in need of support as they age.

Mayor Wright read the proclamation for Older Americans Month.

7. Recognition

There was no recognition.

8. Public Comments (time is limited to 3 minute's)

Shannon Smith spoke against banning books from the library.

Sandy Ward spoke against amending the library policy.

Jules Lyons spoke against amending the library policy.

Brenda Watson spoke in favor of amending the library policy.

Pete Battjes spoke against amending the library policy.

John Rippey spoke against amending the library policy.

Meghan Hughes spoke against amending the library policy.

Seamus McVey spoke against amending the library policy.

Tom Schwenzer spoke against amending the library policy.

Pam Schwenzer spoke against amending the library policy.

Kathleen Teeple spoke against amending the library policy.

Donna Bennefiel spoke against amending the library policy.

Anne Branson spoke against amending the library policy.

Esther Cordova Cromwell spoke against amending the library policy.

Mary Blake spoke against amending the library policy.

City Council Public Comment Submission Received:

Marilynn Blacketer

Christina Buck

Marnie Murray

Gini Dideum

Jesse Taylor

Sara

John Hesse

Chuck Murphy

Sandy Ward

9. Declaration of Potential Conflict of Interest

Council Members	Y/N	
Steve Wright, Mayor	N	
Tom Horning	N	
Randy Frank	N	
Seth Morrisey	N	
Steve Dillard	Y	
David Posalski, President	N	
Tita Montero	N	

Councilor Dillard declared a potential conflict of interest regarding agenda items 14b and 14c.

10. Consent Agenda

Motion:	So, moved.			
Moved:	Montero			
Seconded:	Morrisey			
Ayes:	Wright, Dillard, Morrisey, Frank, Posalski, Montero, Horning	Nays: 0	Absent: 0	Recused: 0
Passed:	7/0			

11. Reports and Presentations

- A. Fire Chief Daniels and Division Chief Dennis presented the Seaside Fire Department annual report.
- B. Director Tourism and Marketing Heineman presented the Seaside Visitors Bureau annual report.

12. City of Seaside boards, commissions, and committees

There were no board, commission, or committee items.

13. Unfinished Business

There were no items for unfinished business.

14. New Business

- A. [Discussion of City Council Meeting Scheduled for Memorial Day, May 27, 2024.](#)

Motion:	Moved to cancel the meeting scheduled for Memorial Day.			
Moved:	Posalski			
Seconded:	Morrisey			

Ayes:	Wright, Dillard, Morrissey, Frank, Posalski, Montero, Horning	Nays:	Absent:	Recused:
Passed:	7/0	0	0	0

B. [Ordinance 2024-03 – An Ordinance of the City of Seaside, Oregon, Repealing Section 6.135 \(Bed and Breakfast Establishments\), and Section 6.137 \(Vacation Rental Dwelling \(VRD\) from the Seaside Zonin Ordinance.](#)

Mayor Wright commented before taking public testimony on Ordinance 2024-03, the Mayor read the process for Ordinance 2024-03.

Community Development Director Flory introduced the City Council to Ordinance 2024-03, commenting the Seaside Planning Commission voted to recommend changes to the Seaside Zoning Ordinance (SZO) to remove Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. A new Short-Term Rental (STR) ordinance is being introduced under the Code of Ordinances in Title 11 – Business Regulations.

Mayor Wright opened the public hearing, there were no public comments.

Motion:	Move to read Ordinance 2024-03 first reading by title only.			
Moved:	Montero			
Seconded:	Posalski			
Ayes:	Wright, Morrissey, Frank, Posalski, Montero, Horning	Nays:	Absent:	Recused:
Passed:	6/0	0	0	1 Dillard

C. [Ordinance 2024-04 – An Ordinance of the City of Seaside, Oregon, Adding Chapter 120 to Title XI \(Business Regulations\) of the Seaside Code of Ordinances.](#)

Mayor Wright commented before taking public testimony on Ordinance 2024-04, the Mayor read the process for Ordinance 2024-04.

Community Development Director Flory introduced the City Council to Ordinance 2024-04, commenting the ordinance will implement short-term rental rules, application process, and penalties for repeated offenders and regulations in the Code of Seaside in business licensing.

Mayor Wright opened the public hearing, there were no public comments.

Motion:	Move to read Ordinance 2024-04 by title only.			
Moved:	Posalski			
Seconded:	Montero			
Ayes:	Wright, Morrissey, Frank, Posalski, Montero, Horning	Nays:	Absent:	Recused:
Passed:	6/0	0	0	1 Dillard

D. [Ordinance 2024-06 – An Ordinance of the City of Seaside, Oregon, Providing for the Vacation of a Portion of Property Described as a Portion of 20th Avenue that Extends from North Holladay Drive, and West to Necanicum River.](#)

Community Development Director Flory explained the ordinance would provide for the vacation of a portion of 20th Avenue West of Holladay Drive. The Ordinance would vacate a portion of 20th Avenue that extends from North Holladay Drive West to the Necanicum River and was depicted on a map provided.

Mayor Wright opened the public hearing.

John Edwards asked how the parcel would be accessed if the city gained ownership of everything abutting Holiday Drive and the right of way.

City Manager Kyle stated the property owner will own everything to the north and the city was in the process of purchasing the lots to the South.

Mayor Wright closed the public hearing.

Motion:	Move to read Ordinance 2024-06 by title only.			
Moved:	Frank			
Seconded:	Horning			
Ayes:	Wright, Dillard, Morrissey, Frank, Posalski, Montero, Horning	Nays: 0	Absent: 0	Recused: 0
Passed:	7/0			

15. [Comments from City Staff and Partner Organizations](#)

Katie McCloud, Chamber of Commerce Executive Director, commented on the Volleyball event scheduled in Seaside, and Katie joined the Oregon Community Foundation North Coast Leadership Team.

Public Works Director Dimmick updated the City Council on the Mobi Mat for the beach, Thompson Falls backup generator for the water system, upgrades to the community gardens, and curb painting that will begin, weather permitting.

Library Director Reading updated the City Council on a successful fundraiser at the Library.

Assistant City Manager Rahl updated the City Council on openings for resident firefighter, lifeguard, and summer help positions with the City of Seaside.

City Manager Kyle updated the City Council regarding the Supreme Court hearing oral arguments today on the Grants Pass appeal regarding homeless camping, and emergency management training for elected officials.

16. [Comments from City Council](#)

Councilor Dillard commented on the Community Center Commission meeting and the construction plans for the Bob Chisholm Community Center.

Councilor Morrissey commented on the information he sent to the Council concerning the homeless camp location.

Councilor Montero announced Coffee with a Councilor on April 30, 2024, and serving as a board member for Clatsop Community Action and what the agency represented.

Councilor Posalski updated the City Council on the Community Gardens.

Mayor Wright announced the Sunset Empire Transportation District (SETD) meeting, thanked the Budget Committee for completing the City of Seaside Budget process, and announced the League of Oregon Cities Spring Conference.

17. Executive Session: Recess into Executive Session: 8:24 PM.

In accordance with ORS 192.660 (2) (e) regarding conducting deliberations with persons designated to negotiate real property transactions.

18. Reconvene into Regular Session: 8:43 PM

In accordance with ORS 192.660 (2) (e) regarding conducting deliberations with persons designated to negotiate real property transactions.

City Council action if any regarding executive session: No business to transpire.

19. Adjourn City Council Meeting 8:44 PM

Approved by Council on: _____

Minutes prepared by: _____
Kim Jordan, City Recorder

STEVE WRIGHT, Mayor



APPLICATION(S):	769-24-000010-PLNG – Zoning Ordinance Amendment
MEETING DATE:	May 13, 2024
PUBLIC HEARING:	Yes
Report Date:	May 7, 2024
Applicant:	City of Seaside
Previous Meetings:	Planning Commission Public Hearing on April 2, 2024 Continued to April 16, 2024, City Council Public Hearing on April 22, 2024.
Previous Approvals:	None
Type of Action:	Legislative
Land Use Authority:	City Council
Future Routing:	City Council
Planner:	Jeff Flory, Community Development Director

A. Summary:

On April 16, 2024, the Seaside Planning Commission voted to recommend changes to the Seaside Zoning Ordinance (SZO) to remove Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. A new Short-Term Rental (STR) ordinance will be introduced under the Code of Ordinances in Title 11 - Business Regulations. On April 22, 2024, the City Council held a public hearing on the proposed ordinance and approved the first reading.

Staff Recommendation:

Staff recommends the City Council hold the public hearing on the proposed amendment, take public comments, review and discuss the request, and have second reading of ordinance 2024-03.

B. Exhibits:

- 1. Ordinance 2024-03**
- 2. Public Comments**

C. Background:

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

D. Specific Request:

Ordinance 2024-03 will remove VRDs and B&Bs from the SZO. Should the City Council choose to approve this ordinance, a new ordinance (2024-04) that will regulate STRs will be introduced for first reading.

E. Process:

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

F. Community Review:

Notice of this public hearing was published in the Daily Astorian on April 11, 2024. A mailed notice regarding the zoning ordinance change was sent to all addresses in Seaside on March 7, 2024. On March 21, 2024, another mailed notice was sent to all Seaside property owners who reside outside of the city stating the April 2, 2024, public hearing will be continued to a meeting on April 16, 2024. On April 27, 2024, notice of this public hearing was published in the Daily Astorian.

G. Written Comments:

At this time, nine written comments have been submitted pursuant to this request. The comments are attached to this report and briefly summarized below.

Don Godard submitted a written comment with suggestions he would like to see in the new STR ordinance. *Finding: The Planning Commission does not make the decision on what will be included within the new ordinance. That authority lies solely with the City Council when they hold their hearings on the new STR ordinance.*

Seth Hague submitted comments regarding the approval of STRs within the Planned Development that will be located within the old high school property. *Finding: The allocation of STRs within the future Planned Development is pursuant to a purchase agreement for the Estuary Park. The Planned Development application has not been submitted and the type of housing that will be constructed is unknown.*

Robert Houghton submitted comments as to the impacts of removing VRDs and B&Bs from the SZO. Mr. Houghton expressed concerns about the impact not having short-term rentals will have on the local economy. *Finding: The Planning Commission is recommending the removal of the regulations for STRs from the land use codes. A new ordinance will be implemented within business licensing that will regulate STRs. STRs will still be allowed in some areas of the city.*

Tim Mancell expressed concerns regarding allowing 25% of the dwelling units within the old high school property's future Planned Development as STRs. *Finding: Provisions for the*

development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.

Jesse Taylor expressed concerns regarding the provisions for the STRs within the planned development at the old high school property. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Marnie Murray submitted suggested changes to some of the provisions of the ordinance including the fee schedule, fine schedule, densities, yard area, occupancies, waiting periods, and number of STRs per owner. *Finding: Many of the regulations in this ordinance are the result of Planning Commission and City Council work sessions dating back to the early 2000s. These regulations are in place as this is what the Planning Commission and City Council have determined is best for the community. These regulations are open to discussion and amending by the elected body.*

Chris Schwindt expressed concerns that the areas where STRs are allowed are unfair to those who own property outside of those designated locations. Chris stated that all restrictions should be lifted outside of common-sense safety and nuisance-related rules. *Finding: The areas of approval for STRs are designated to provide tourist-related housing near the city's most popular places for visitors, the ocean shore, and Broadway. These areas are also less common for lower-cost or affordable housing. The areas outside of the designated STR locations are more conducive for permanent residents, and long-term rental housing and should be protected from inundation of STRs.*

Jesse Taylor provided a second comment expressing the following concerns: Mr. Taylor has concerns regarding the boundary that allows STRs and that a provision in the ordinance will allow STR for a percentage of the dwelling units in the future Planned Development at the old high school property. Mr. Taylor is concerned that the Planning Commission was not involved in creating the new ordinance for STRs. *Finding: The provision in the new STR ordinance regarding the estuary properties is part of the purchase agreement for the city to acquire the estuary parking lot. The Planning Commission held two public hearings regarding this ordinance prior to voting to recommend approval to the City Council. The new STR ordinance is based on the previous work done by the Planning Commission and City Council and the policies that were created over the past 20 years. The new STR ordinance codifies the provisions for STRs in the Seaside Code of Ordinances under business license regulations. Business licensing is out of the Planning Commission's purview and implementing or later changing the STR ordinance is solely in the scope of the City Council.*

Chuck Murphy submitted a public comment stating he is in favor of the STR density percentages and believes the license should not be transferrable. Mr. Murphy is also in favor of the fines as they were written into the new STR ordinance. *Finding: Mr. Murphy states that "Seaside is a community for tourism and residents." Being that Seaside is a major tourist destination and relies heavily on the tourist-driven economy, commonsense STR regulations are necessary for the betterment of this community.*

H. Comprehensive Plan:

Section 3.1.2 – Residential states:

Medium Density: These areas are characterized by moderately dense housing on generally small lots. Uses include mostly single-family housing dwellings with a mixture of duplex or two-family units and other uses consistent with residential neighborhoods, such as churches,

schools, community facilities, and parks or recreational areas. This area may also contain manufactured homes, manufactured home parks, and vacation rental dwellings.”

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

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

Section 4.1 – Housing Policies states:

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

Section 4.0 – Housing states:

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

I. Zoning Ordinance Criteria for Amendments:

Section 9.010 AUTHORIZATION TO INITIATE AMENDMENTS

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

Section 9.020 PUBLIC HEARINGS ON AMENDMENTS

The Planning Commission shall conduct a public hearing on the proposed amendment its earliest practicable meeting after the amendment is proposed and shall within forty (40) days after the hearing, recommend to the City Council approval, disapproval, or modified approval of the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council may hold a public hearing on the proposed amendment. Finding: The April 2, 2024, Planning Commission meeting was the first opportunity for the Planning Commission to hold a public hearing on the proposed amendment. That public hearing was continued to the April 16, 2024 Planning Commission meeting. On April 16, 2024, the Planning Commission recommended this ordinance amendment to the City Council.

J. Additional Findings, Conclusions, and Justification Statements:

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

K. Conclusion:

The Zoning Ordinance and Comprehensive Plan requirements have been adequately addressed and the City Council can approve the second reading of Ordinance 2024-03.

L. Recommendation

Staff Recommendation:

Staff recommends the City Council conduct a public hearing on the proposed amendment, take public comments, review and discuss the request, and have the second reading of ordinance 2024-03 by title only.

A City Councilor may make the following motion:

“I move to read Ordinance 2024-03 by title only.”

A councilor may also make a motion to have a third reading by title only by stating:

“I move to read Ordinance 2024-03 by title only.”

If the third reading is approved, a councilor may make the following motion:

“I move to adopt Ordinance 2024-03 by title only.”

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

ORDINANCE NO. 2024-03

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

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

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

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

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

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

Section 1.030 DEFINITIONS

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

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

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

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

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

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

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

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

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

1. Churches and other religious structures.

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

3. Kindergarten or day nursery.

4. Community meeting building.

5. Cemetery.

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

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

8. Temporary real estate office in a subdivision.

9. Utility substation.

10. Radio or television tower or transmitter.

11. Government or municipal structure or use.

12. Convenience establishments.

13. Boarding, lodging or rooming house.

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

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

16. Private sports complex.

17. Manufactured Home Subdivision.

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

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

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

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

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

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

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

1. Church and other religious structures.

2. Condominiums and Time Share Units.

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

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

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

Section 6.025 ADMINISTRATIVE CONDITIONAL USE PERMITS

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

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

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

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

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, _____ 2023, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

SUGGESTED CHANGES TO VRD and B&B ORDINANCES

No objections to the proposed deletions in Section 3. The February 15, 2024 memo from Community Development Direction states that a new Short-Term Rental Ordinance will be housed under Business Licensing. The following are suggested changes to the existing Ordinances that the **Planning Commission should suggest to the Council for incorporation in the new Ordinances.**

1. **Delete Section 6.136.1. (B&B).** This is an unlawful delegation of the Council's legislative authority. See attached Henningsgaard letter March 4, 2021 to Van Thiel.
2. **Section 6.135.2. (B&B) should include a definition of "owner occupied."** Currently, Zoning Ordinance Section 1.030 Definitions includes: "Owner: Includes an authorized agent of the owner." This definition should be included in the Business License Ordinance.
3. **Section 6.137.6.E. (VRD) should be deleted.** This section requires payment for a Business License and payment of Room Taxes and includes a penalty of revocation of the permit if payments are not made. There is no such requirement for B&Bs. The Business License & Room Tax Ordinances speak for themselves – a license & tax is required for all businesses (which includes VRD and B&B). The Business License Ordinance includes a penalty for failure to acquire a Business License. There is no reason to create a unique penalty for VRD's which does not exist for B&Bs or any other business.
4. **VRD and B&B distinctions should be replaced by an all-inclusive Short Term Rental category.** To preserve the essential differences the replacement Ordinance could state: "If occupancy up to and including 12 persons is approved, the premises make be occupied by the owner or not, at the owner's discretion. If occupancy of 13-15 persons is approved, the premises shall be owner occupied.



Don Godard

April 2, 2024

2411 Ocean Vista Drive

Seaside OR 97138



March 4, 2021

Dan Van Thiel
POB 805
Baker City OR 97814 vanthiellaw@gmail.com

Re: Seaside Variance Procedure for Bed and Breakfast Establishments - ZOS 6.136

Dear Dan,

I write to alert you to a conversation I anticipate you will have with the Seaside Mayor and /or planning staff. I represent Don Godard who resides at 2411 Ocean Vista Drive. My client's desire to increase the rental units in his bed and breakfast has collided with the objection of an absentee neighbor. For the reasons described below, I believe that ZOS 6.136(1) which allows an abutting property owner to veto a variance application violates Article I, section 21 of the Oregon Constitution. In its relevant part that section provides no law shall be passed "the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution* * *."

My client currently operates his home as a bed and breakfast under a variance from the city. He is in the process of increasing the number of bedrooms on his second floor and like to increase his allowable rental units. Any increase will require a variance for the additional units. The procedure is set forth in ZOS 6.136. This section provides:

Section 6.136 Variance Procedure For Bed & Breakfast Establishments. A variance for additional units may be considered if the following criteria are met:

1. Abutting property owners are in agreement.
2. House has architectural design that would accommodate the use without changing the character of the neighborhood.
3. Adequate approved parking is provided.
4. Building meets Fire & Life Safety Code with annual inspection required.

The only objection my client received from surrounding owners was from the trustee of a California trust that owns an adjacent property. Ironically the only beneficiary who regularly uses that house does not object. The objecting trustees are his parents, who live in Orange County and rarely come to Seaside. Their objection is not based on my

client's operation of the bed and breakfast but rather on a vague notion that there are enough visitors in the area already.

Several land use cases from Umatilla County hold that permitting private citizens to arbitrarily make a land use decisions is an unlawful delegation of decision making authority under Article I Section 21.

In *Cosner v Umatilla County LUBA* (2012) LUBA considered a county ordinance that allowed a private landowner to waive the two-mile setback to a wind power generator and substitute a lesser setback at the sole discretion of the landowner. That ordinance, just like ZOS 6.136.1 allowed a private citizen to arbitrarily make the decision. LUBA found that allowing the waiver in the "arbitrary and standardless" discretion of the landowner, ran afoul of the delegation clause of Article I, section 21 of the Oregon Constitution.

Umatilla County responded to the *Cosner* decision by adopting an ordinance which allowed a landowner to "effectively veto" an application by failing to sign a consent. The amended statute was also held to violate Article I, section 21 in *Iberdrola Renewables, LLC v Umatilla county* 67 Or LUBA 149 (2013).

In my mind there does not seem to be a significant difference between the defect LUBA found in the Umatilla ordinance and ZOS 6.136.1. I believe that this defect can be cured simply by disallowing the citizen veto. My client has met with Kevin Cupples concerning this problem and has a meeting scheduled with the mayor next week. If you have not already been advised of this issue I expect you will.

Please let me know if I can provide any further information or if you have questions.

Sincerely,



Blair J.
Henningsgaard cc
client

March 27, 2024

Seaside Planning Commission

989 Broadway

Seaside, OR 97138

RE: Ordinance 2024-04

Dear Planning Commissioners,

I'm writing to comment on proposed Ordinance 2024-04 regarding VRD dwellings. It appears the driver of this ordinance is regarding the purchase of the estuary park in exchange for allowing 25% of the units to be Vacation Rentals in a planned development at the old high school.

I think allowing any more areas to allow VRDs in Seaside is a terrible idea. We DO NOT need any more vacation rentals. Seaside as well as the entire area & the state is in a crisis regarding available & affordable housing. Vacation rentals take away so much housing that would otherwise be used to house working families as well as professionals such as doctors, law enforcement, teachers & other needed professionals here.

I think the planned development of housing is a great idea. But it should be only housing, not VRDs. VRDs cause a lot of problems with parking, rude guests, late parties, etc. I can't imagine living in a neighborhood fulltime with 25% of the houses VRDs where most weekends there will be a bunch of inconsiderate renters disturbing the peace. Look at the stuff that goes on off N. Franklin on 14th. Those residents are furious about the VRDs in their neighborhood causing problems & they have every right to be furious.

VRDs are nothing more than commercial lodging operations in residential neighborhoods. I know the developers are asking for VRDs as VRD properties fetch a higher price since they make income. But at the same time I think they reduce value of surrounding properties that have to put up the VRDs in their neighborhood. Many cities & counties have recognized the negative effects of vacation rentals & have capped and/or reduced the number of VRD units. Some more extreme than others but the consensus is there that local residents are tired of VRDs. We should be focused on having enough housing for locals. Businesses are struggling to find employees & a root cause of this is there is nowhere for them to live. Also full time residents support our economy year around instead of VRDs that sit empty most of the winter except some weekends & are only full during summer months. Seaside needs much more than a seasonal economy.

The city got duped on the development on S Wahanna & S. When that was planned the developers stated the intent was to build affordable housing. Much work went into defining what affordable was & 300-350k was max. When rates were low that was ok. But what ended up getting built was over 600k. Some 700k. Definitely not affordable.

The old high school is a perfect opportunity for Seaside to address our housing crisis. It's a rare opportunity. Let's not screw it up by allowing a bunch more VRDs.

Jordan Sprague

From: Jeff Flory
Sent: Monday, April 15, 2024 9:58 AM
To: Jordan Sprague
Subject: FW: Comments on proposed STR ordinances

This one too.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



From: cdadmin <cdadmin@cityofseaside.us>
Sent: Thursday, April 11, 2024 9:20 AM
To: Jeff Flory <jflory@cityofseaside.us>
Subject: FW: Comments on proposed STR ordinances

Debbie Kenyon
Administrative Assistant
City of Seaside
Community Development
Mailing: 989 Broadway St.
Physical: 1387 Ave. U
Seaside, OR 97138
Office: (503) 738-7100
cityofseaside.us



From: Christopher Schwindt <chris@cds-enterprise.com>
Sent: Wednesday, April 10, 2024 11:29 AM

To: cdadmin <cdadmin@cityofseaside.us>

Subject: Comments on proposed STR ordinances

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Dear Planning Commission:

These comments concern the proposed updates to City code concerning STRs / VRDs in the City of Seaside. My company currently owns property at 924 Ave H, Seaside.

I disagree with the proposed code changes. I have no issue with eliminating the Bed & Breakfast designation and streamlining the process through another department. The issue I have is with the limitations and quotas imposed on property owners concerning STR/VRD permits.

The City's proposal allows blanket 100% density approvals along the ocean front, which are the most valuable properties in town owned by the wealthiest owners. Then scaling it back from there not even to 101 and no one else in the City even gets to participate in the STR/VRD economy. This is so patently unfair and biased towards the wealthiest, best-positioned landowners I am shocked you would even propose this. I guess they probably pay the most local taxes too, but still. You are proposing to devalue every other landowner's property outside of the "anointed zone" and boost those within it tremendously. This is just totally unfair to your constituent landowner / taxpayers throughout the larger remaining area of Seaside. I also disagree with the City restricting STR/VRD use at all.

Inspections for safety and reasonable rules for operation to prevent nuisances for other landowners are OK. However, other restrictions amount to a taking without compensation at worst, and unnecessary, heavy-handed, diminution of value, economy-interfering regulation at best. You should allow the free market to do its own work of finding the right equilibrium among the possible uses of private property. Anything else is basically top-down, command and control economics, i.e., communism. What makes you the anointed ones to determine which individual economic decisions about use of private property are "best"? You pretend to know, but all you are doing is creating even worse distortions of the true economy, and there will be serious negative consequences, as there always are.

You should lift all restrictions other than common sense safety and nuisance related rules. The economy, through thousands of individual free-will choices, will determine the highest best use of individual private property. If you don't like the results, then take actions at the cost of the collective (taxpayers) to provide the benefit or amenity (e.g., low-income long-term housing) you think you can provide by just targeting the homeowners outside of your proposed "anointed zones" at their individual expense and the benefit of the selected few lucky landowners how somehow curried governmental favor. You should scrap this entire proposal and go back to the drawing board with free-market capitalism and constitutional rights at the forefront of your minds.

Regards,

Christopher Schwindt

Email: chris@cds-enterprise.com

Phone: (503) 810-6374

Mail: PO Box 80794, Portland, OR 97280

Jordan Sprague

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Monday, April 8, 2024 7:14 PM
To: Jordan Sprague; Marnie Murray
Subject: Written comments on Vacation Rental Dwellings

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This email is my written comments on the Proposed Updates to the Seaside Zoning Ordinances and the changes to the Business Licenses to accommodate Vacation Rental Dwelling Units.

First, the website indicates that Seaside will only approval one VRD license per owner. Why this restriction? If I'm financially able to purchase more than one property in Seaside, why should I be prevented from using them both as Vacation Rentals?

I am using the version of the ordinance available at
chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cityofseaside.us/sites/g/files/vyhli6311/f/uploads/short_term_rental_ordinance.pdf

120.03.1 paragraph: a waiting period of 180 days after an expired application is excessive. Who knows what issues may be discovered by a Community Development inspection or how long it may take to fix the issues? Recommend 30 days maximum.

120.03.2 An Application Fee of \$500 is excessive. The standalone Inspection Fee is \$100, which makes the fee to process the paperwork \$400. If the paperwork is so complicated that it takes \$400 of a clerk's time to process it, then paperwork should be simplified. I recommend a reduction of the Application Fee to \$200, if which, \$100 is the paperwork process fee and \$100 is the Inspection Fee.

120.03.3 Please include a link to the location of the Business License.

120.03.4 Remove this requirement. Add a requirement that the new owner of the property must apply to change the name and contact information for the short-term rental license. Otherwise, the house is unchanged and the existing rentals are allowed to continue for a 90-day period, therefore there is no reason to make the short-term rental license non-transferable and void.

120.03.5 This clause is unclear. What does it mean "renting ... is required to be accessory to the primary, residential use of the dwelling?" Also, explain what documentation would satisfy "applicants must demonstrate, by written documentation" ?

120.03.6 Remove the 90-day waiting period for new Vacation Rental Dwellings. There is no reason to delay an approved licensed other than to make the process lengthy and difficult, and to prevent a homeowner from deriving income from their property. Likewise, remove the 2-year waiting period after issuance of Certificate of Occupancy for a newly constructed building. There is no reason to delay application for a Vacation Rental Dwelling for a newly constructed building, other than to make the process arbitrarily lengthy and difficult, and to prevent a homeowner from deriving income from their property.

120.05.5 State the amount of the Re-inspection Fee.

120.06.2 Remove 30% and 50% densities and make the entire Vacation Rental Area 100%. Failing that, change the Spatial Density of the 30% Zone to 50%.

In addition, for any Spatial Density that is being used, change the calculation from using Vacation Rentals and Tax Lots within 100 ft to using Total Number of Vacation Rental Dwellings as a percentage of the Tax Lots within the entire Zone, as follows: (Total number of VRDs) % (Total Number of Tax Lots).

120.06.4 The term "residential appearance" is subjective and open to interpretation. Once person's opinion of what is acceptable can be very different to another person's opinion. So, remove this sentence: "Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas." Retain the "50% of each yard area that is not occupied by buildings must be permanently landscaped" which is measurable.

120.06.6 Remove the prohibition "shall not exceed three person per bedroom". It's arbitrary. If someone has a vacation rental containing a bedroom with two bunk beds, meaning four persons could be in that room, where is the justification for restricting it to 3 people? Or if there are 4 bedrooms that can house 3 people each, where is the justification for saying only 10 people can stay there, not 12? Requiring an automatic fire suppression sprinkler system to have 12 people puts it out of reach of nearly every dwelling. After all, how many houses in Seaside actually contain these?

Remove the restriction that vacationers cannot invite people to the Vacation Rental if it increases the number of people in the house over the maximum people allowed. What, they can't invite a few friends for a quiet dinner together, or to watch a movie in the evening? What is the problem that you are trying to solve with this regulation? Why not address it directly, rather than penalizing every vacationer for some action they may never do.

120.06.7 This is very specific to the type of activity being performed. Let me guess that what is being attempted is to reduce noisy activities out of doors late at night in a residential area. By this clause, people could be outside on a deck or play beach volleyball in the backyard, and any noise generated would not be a problem, because it isn't by a fire ring or fire place, etc. If there is an applicable Seaside noise ordinance, it might be better to state: "As per Seaside Ordinance xx.xx.x outdoor activities of a noisy nature must stop during the hours of ..."

120.06.9 Remove this clause.

120.10 All of the fines are excessive and look punitive. Two offenses and their license is revoked? REALLY? This should be reserved for an owner or property manager who is flagrantly and deliberately contravening the regulations. The actions with regard to licenses escalate to soon and too fast, and an owner loses their license for 6 months after only two, possibly minor, offenses.

120.10.1 \$250 for a first offense should be reduced to \$100.

120.10.2 Change fine to \$100. Remove the "suspension of the short-term rental license for 6 months".

120.10.3 Change to \$250 fine. Remove everything after "fine"

120.10.4 Change to: "\$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued."

120.10.5 The current clause in 120.10.5 says "Subsequent offenses within a one-year period: \$2000 fine." The previous clause, 120.10.4, permanently revokes the short-term license with that owner. Doesn't that mean the process stops at clause 120.10.4 and never reaches 120.10.5?

My recommendations would have the owner returning back to vacation rental after having their license revoked for 6 months. At this point, the count is reset and the owner starts back at the beginning of the process with an offense count at 0.



CITY OF
SEASIDE

From: Robert Houghton <robbadler@gmail.com>
Sent: Tuesday, April 2, 2024 3:45 PM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Comment on 769-24-000010-PLNG

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I am against the plan to remove Vacation Rental Dwellings and B&Bs from the Seaside Zoning Ordinance.

As a homeowner in Seaside, I am troubled by the plan to limit the use of my home. We bought a vacation home for my family, with the understanding that, in troubling times, we could convert the house to a rental to help support our income as my family has grown.

To have the city try and take away this right, without having published any reasoning on why, or a prospectus on the expected impact on:

- * Overall city rental capacity
- * Tourism dollar impact
- * Downstream job impacts (cleaning, landscaping, etc)
- * Home value in affected areas
- * Expected number of homes affected
- * Maps of zones affected

Furthermore, there are studies showing that implementing limits on Vacation Rentals can negatively impact community residential value. Services like Airbnb allow homeowners to make use of excess rooms in their homes for tourism, utilizing space that would otherwise be unused. Homes are purchased, refurbished, or renovated in order to make them appealing to renters. Removing the right, or applying barriers to entry, will

1

curtail the spend on residential property and renovation in the community.

See <https://ssrn.com/abstract=3874207> as an example.

Without having provided any of this supporting information, and possibly even if it were supplied, I cannot support a city motion to curb the rights of home owners. Do not repeal any allowances for Vacation Rental Dwellings in Seaside.

-Robert

Jeff Flory

From: Seth Hague <Seth.Hague@magamb.com>
Sent: Tuesday, April 2, 2024 9:28 AM
To: Jeff Flory
Cc: mark@missiondg.com
Subject: Questions for Planning Commission's consideration at 4.2.23 meeting

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Hi Jeff, I hope you are doing well.

I wanted to forward a few of these questions (in no particular order) to you in hopes you can pass them along to the planning commission to consider asking the owner of the old high school property when discussing **Ordinance NO. 2024-04.**

- Factoring in the need for affordable housing – both low-income and missing middle – how does the short-term rental benefit the community in the long run.
- What kind of housing is planned for the high school site? And what is the timeline?
 - Price point of planned housing if for sale housing?
 - Has a site plan been reviewed by the city in a pre-con meeting?
- Has there been any consideration from the owner of the high school site to work with the city to develop the low-income housing project in the N40 in return for the STR zoning at their site? Or visa-versa?
 - If not the N40 site, is there another site that the owner of the old high school owns that would be willing to contribute to affordable rental housing?
- Has there been a market study conducted by the owner of the high school stie showing the demand for STR in that area?
 - If so, what are the findings?
 - If no, what is the justification for STR over the entire site and not specific sections?

I appreciate your time and consideration.

thanks,

--

Seth Hague
Founding Principal
C: 503.440.2981
seth.hague@magamb.com

MAG-AMB
DEVELOPMENT

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Jesse Taylor
2041 Aldercrest St
Seaside, OR 97138
March 14, 2024

RE: Ordinance No. 2024-04

To the Seaside Planning Commission,

I am writing in opposition to the portion of the proposed ordinance number 2024-04, section 120.12 Estuary Properties. This Planning Commission less than two years ago removed the ability for property owners to vacation rental their homes in this same area. The area removed was north of 12th Ave and west of Holladay Drive. The Planning Commission felt very strongly that they wanted to keep the residential feel of the neighborhoods. It was even said that this was one of the last affordable areas for locals to live and felt that vacation rentals were taking over. To hear that there is a proposal to allow VRD's in the new development is absurd, the proposed development wasn't even in the allowed VRD boundary beforehand. Per my conversation with Jeff Flory, there is no proposal for how many dwellings will be built. He said per the zoning, up to 10 dwellings per acre could be built which could equal 200+ dwellings. 25% equals 50+ VRD's, that is way more allowable VRD's than what could have been prior to the boundary change in 2022. How is that going to keep a residential feel?

Secondly, our family has owned a home on the west side of Holladay Dr since 1994. We had plans to vacation rental it, until the boundary change in 2022. How frustrated do you think we are to have that option taken away from us, and then less than 2 years later being offered to an investor ten-fold on a property not even in a previous VRD location?

I encourage the planning commission and the City of Seaside staff to go back and watch the YouTube videos from 04/19/2022, 05/03/2022, and 06/07/2022. It was very clear how you felt about VRD's in this proposed area. If this proposal passes for VRD's at the estuary lots, I couldn't think of a bigger F-you that you would be sending to all the surrounding property owners. It would probably be the most hypocritical decision the commission and city has made to date.

Thank you for your time,

Jesse Taylor

Jesse Taylor

2041 Aldercrest, Seaside.

4/18/2024

Seaside City Council and Planning Commission,

I am writing this to voice my concern and disapproval with how the city government has handled the discussion of the new zoning ordinance proposals. It has been extremely difficult to understand what is being proposed. The only discussion the city has talked about and took public comment on, is how the regulations will be moved from the planning department to business licensing. There is much more involved in this ordinance that the city is openly talking about.

Ordinance 2024-04 is an 11-page document that contains a paragraph that is easily overlooked labeled Estuary Properties. I would bet most of the citizens of Seaside have no knowledge of this paragraph. In the paragraph the city is proposing to give a property owner of a 12.47-acre parcel of land the right to build vacation rental properties in an area not eligible for VRD's. In this 1 paragraph the city is changing the VRD boundary and making special exceptions to the vacation rental rules for this property owner. The very rules that everyone else must follow or face fines. Why wasn't the planning commission involved in this decision? Even more concerning, why aren't all the planning commissioners aware of what's going on? Why is the city council moving this so quickly? Planning commission meetings are scheduled for once a month, the city has held 2 this month.

In 2022 the planning commission made recommendations to city council for changes to the zoning regulations and VRD boundary. At that time, they held a work session and 2 separate planning commission meetings with public comment before they made the recommendation. With that recommendation, the city council removed the same location as this proposed development from the VRD boundary. Why are we not following the same process?

I understand mistakes were made by not acquiring the land at the estuary park, but let's not continue to make more. Below is what I planned on reading at the 4/16/2024 planning meeting but was not given the opportunity to do so.

Thanks, Jesse

I'm here tonight to speak in opposition of the proposed zoning ordinance 2024-04, Specifically the section 120.12 estuary properties. I previously submitted a letter, hopefully the commission has had time to read it.

This 11-page proposed ordinance lays out the standards that the City of Seaside is requiring all property owners to abide by if they want to be eligible for a VRD. For example, I would love to vacation rental my property on Sunset Hills, but per this ordinance I can't because my property is not in a designated vacation rental area. As you read through this ordinance near the end you come across a little paragraph labeled estuary properties. In this paragraph the city is proposing to bend or change a majority of the VRD rules for this 1 property owner. A couple examples of this would be.

1. Location. This development is not located in an area that is eligible for vacation rentals. Furthermore, in 2022 this planning commission unanimously removed properties north of 12th Ave from the being eligible for VRD's.
2. This development is not being required to have dwelling unit type restrictions. Paragraph 120.11 identifies 5 different property types prohibited from being eligible for a VRD. They also are not required to have spatial distribution restrictions; I would say at least 90% of all vacation rentals in Seaside have some sort of spatial distribution restrictions.
3. Waiting periods. Will these properties have a waiting period? Per this ordinance a new construction property owner must wait 2 years after their issued occupancy before they can apply for a VRD permit. Is the city going to make another exception for this property owner?

I'm not sure how the city can tell a property owner that they must follow 1 set of standards, and then tell the next property owner we'll make an exception for you.

If this proposal passes, my application for a VRD permit will be the first 1 on your desk, and I will encourage any other property owner that wants to vacation rental their home regardless of if it qualifies to do the same. If the city is willing to make all these changes for 1 property owner, they can make some exceptions for everyone else.

Lastly, how can you even make an informed decision on this zoning proposal without knowing what is being proposed? Will there be 20 homes, so 5 VRD's, or will there be 200 homes with 50 VRD's? Shouldn't you know what the development is going to look like before you make a long-term decision like this? I will end this with a phrase my grandfather always said because I feel it applies to this decision process "you're putting the cart before the horse". Thank you for your time.

Jordan Sprague

From: publiccomment
Sent: Monday, April 22, 2024 8:18 AM
To: Jeff Flory; Debbie Kenyon; Jordan Sprague
Subject: FW: Short Term Rental Ordinance Comment - 2024-03 & 2024-04

Please make sure this gets into Acella as well.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



From: Chuck Murphy <cmurphy4@cox.net>
Sent: Saturday, April 20, 2024 11:34 AM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Short Term Rental Ordinance Comment - 2024-03 & 2024-04

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

City of Seaside Council:

I am writing as a property owner in Seaside to comment on the proposed Ordinance 2024-03 and 2024-04.

Upon review of the proposed changes I support the recommendations maintaining the 100 foot inclusion zoning percentages (100%, 50%, 30%) as described in the proposal.

This will maintain that a property owner is not inundated with Short Term Rentals (STRs) changing out every 2-3 days in the summer. A current factual issue.

If we are to maintain Seaside as a community for tourism and residents, it is inherent that the city council aspire to maintain a percentage of homes as personal residences.

This can be accomplished through restrictions on number of Short Term Rentals (STRs) within a set geographical location. The proposed zoning percentages accomplish this.

Additionally, applications, monetary registration fees should **NOT** be transferable (grandfathered) to new homeowners. If a property owner sells the property, the new owners should be required to apply to the city if they intend to utilize the property as a Short Term Rental.

The fines (noise, barking dogs, occupancy limits) as written into this proposal seem in line with enforcing the regulations to maintain Seaside as a residential and vacation destination.

The new proposal as written accomplishes many of the issues we have here in Seaside.

Thank you for your time,
Chuck Murphy



SUBJECT:	Short-Term Rental (STR) Ordinance 2024-04
MEETING DATE:	May 13, 2024
PUBLIC HEARING:	Yes
Report Date:	May 7, 2024
Author:	Jeff Flory, Community Development Director

A. Introduction:

The Seaside Planning Commission has recommended removing Vacation Rental Dwellings (VRDs) and Bed and Breakfasts (B&Bs) from the zoning code. Ordinance 2024-04 introduces Short-Term Rental (STR) rules and regulations under the Code of Ordinances in Title 11 - Business Regulations. On April 22, 2024, the City Council held a public hearing on the proposed ordinance and approved the first reading.

Staff Recommendation:

Staff recommends the City Council hold a public hearing, take public comments, review and discuss the ordinance, and have the second reading of Ordinance 2024-04 by title only.

B. Exhibits:

- 1. Ordinance 2024-04**
- 2. Public Comments**

C. Introduction:

Ordinance 2024-04 will implement STR rules and regulations in the Code of Seaside into business licensing. This ordinance is written based on previous work that has been done by the Seaside Planning Commission and Seaside City Council. This ordinance implements the Planning Commission’s policies regarding STR regulation, application process, and penalties for repeated offenders.

D. Background:

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

E. Department Review:

The Community Development Department put together this ordinance based on previous policies that were the product of many years of work from the Planning Commission and City Council. The ordinance strives to provide common sense regulation of STRs while attempting to preserve what has traditionally been lower-cost, long-term, rental housing.

Seaside’s tourism-based economy relies on lodging options such as VRDs and Homestay Lodging, along with hotels, to provide places for visitors to rent on a short-term basis. Lodging options like Homestay Lodging provide options for Seaside locals to rent out individual rooms in their primary residence to visiting tourists. VRDs and VRCs give the option for second homeowners to offset the costs of ownership by supplementing their income with STR. All of these short-term lodging options are subject to the City’s transient lodgings tax.

Many local businesses rely on these visitors as Seaside’s primary economic driver is tourism. Implementing regulations such as the locations where VRDs can be permitted as well as restricting the use of duplexes, triplexes, and apartments as STRs will preserve these types of traditional long-term rental housing while still providing lodging options for visitors.

Implementing STR regulations under business licensing will allow the City Council to adjust these restrictions as the economy and needs of the city change.

F. Community Review:

Notice of this public hearing was published in the Daily Astorian on April 11, 2024. A mailed notice regarding the zoning ordinance change was sent to all addresses in Seaside on March 7, 2024. On March 21, 2024, another mailed notice was sent to all Seaside property owners who reside outside of the city stating the April 2, 2024, public hearing will be continued to a meeting on April 16, 2024. On April 27, 2024, notice of this public hearing was published in the Daily Astorian.

G. Written Comments:

At this time, nine written comments have been submitted pursuant to this request. The comments are attached to this report and briefly summarized below.

Don Godard submitted a written comment with suggestions he would like to see in the new STR ordinance. *Finding: The Planning Commission does not make the decision on what will be included within the new ordinance. That authority lies solely with the City Council when they hold their hearings on the new STR ordinance.*

Seth Hague submitted comments regarding the approval of STRs within the Planned Development that will be located within the old high school property. *Finding: The allocation of STRs within the future Planned Development is pursuant to a purchase agreement for the Estuary Park. The Planned Development application has not been submitted and the type of housing that will be constructed is unknown.*

Robert Houghton submitted comments as to the impacts of removing VRDs and B&Bs from the SZO. Mr. Houghton expressed concerns about the impact not having short-term rentals will have on the local economy. *Finding: The Planning Commission is recommending the removal of the regulations for STRs from the land use codes. A new ordinance will be implemented within business licensing that will regulate STRs. STRs will still be allowed in some areas of the city.*

Tim Mancell expressed concerns regarding allowing 25% of the dwelling units within the old high school property's future Planned Development as STRs. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Jesse Taylor expressed concerns regarding the provisions for the STRs within the planned development at the old high school property. *Finding: Provisions for the development of the old high school property are pursuant to a purchase agreement for the Estuary Park. The number of dwelling units that will be proposed is unknown at this time.*

Marnie Murray submitted suggested changes to some of the provisions of the ordinance including the fee schedule, fine schedule, densities, yard area, occupancies, waiting periods, and number of STRs per owner. *Finding: Many of the regulations in this ordinance are the result of Planning Commission and City Council work sessions dating back to the early 2000s. These regulations are in place as this is what the Planning Commission and City Council have determined is best for the community. These regulations are open to discussion and amending by the elected body.*

Chris Schwindt expressed concerns that the areas where STRs are allowed are unfair to those who own property outside of those designated locations. Chris stated that all restrictions should be lifted outside of common-sense safety and nuisance-related rules. *Finding: The areas of approval for STRs are designated to provide tourist-related housing near the city's most popular places for visitors, the ocean shore, and Broadway. These areas are also less common for lower-cost or affordable housing. The areas outside of the designated STR locations are more conducive for permanent residents, and long-term rental housing and should be protected from inundation of STRs.*

Jesse Taylor provided a second comment expressing the following concerns: Mr. Taylor has concerns regarding the boundary that allows STRs and that a provision in the ordinance will allow STR for a percentage of the dwelling units in the future Planned Development at the old high school property. Mr. Taylor is concerned that the Planning Commission was not involved in creating the new ordinance for STRs. *Finding: The provision in the new STR ordinance regarding the estuary properties is part of the purchase agreement for the city to acquire the estuary parking lot. The Planning Commission held two public hearings*

regarding this ordinance prior to voting to recommend approval to the City Council. The new STR ordinance is based on the previous work done by the Planning Commission and City Council and the policies that were created over the past 20 years. The new STR ordinance codifies the provisions for STRs in the Seaside Code of Ordinances under business license regulations. Business licensing is out of the Planning Commission's purview and implementing or later changing the STR ordinance is solely in the scope of the City Council.

Chuck Murphy submitted a public comment stating he is in favor of the STR density percentages and believes the license should not be transferrable. Mr. Murphy is also in favor of the fines as they were written into the new STR ordinance. *Finding: Mr. Murphy states that "Seaside is a community for tourism and residents." Being that Seaside is a major tourist destination and relies heavily on the tourist-driven economy, commonsense STR regulations are necessary for the betterment of this community.*

H. Staff Recommendation

Staff recommends the City Council conduct a public hearing on the proposed ordinance, take public comments, review and discuss the request, and have the second reading of ordinance 2024-04 by title only.

A City Councilor may make the following motion:

"I move to read Ordinance 2024-04 by title only."

A councilor may also make a motion to have a third reading by title only by stating:

"I move to read Ordinance 2024-04 by title only."

If the third reading is approved, a councilor may make the following motion:

"I move to adopt Ordinance 2024-04 by title only."

ORDINANCE NO. 2024-04

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

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

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

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

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

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

120.01 PURPOSE

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

120.02 DEFINITIONS.

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

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

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

City: Means the City of Seaside.

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

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

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

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

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

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

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

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

Guest House: A detached structure used for sleeping purposes that does not contain a cooking facility. A guest house is not an Accessory Dwelling Unit and may not be rented separately from the primary dwelling under a VRD business license.

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

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

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

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

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

120.03 Issuance of License; Fees

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

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

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

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

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

- 2. Application Fee:** An application and inspection fee of \$500.00 is due at the time of submittal. The application fee will not be refunded should the

application be canceled, expired, or denied. The fee for an inspection separate from an application is \$100.00.

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

120.05 General Standards for all Short-Term Rentals

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

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

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

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

2. **Signage:** Short-term rentals may elect to place signage on their dwelling. Signage is limited to one 1.5 sq. ft., non-illuminated, name plate.

3. **Required Postings:** Short-term rentals are required to have their short-term rental license, business license, occupancy certificate, parking map, tsunami evacuation map, and good neighbor rules posted in a conspicuous place within the short-term rental.
4. **Code Compliance:** A short-term rental shall remain in substantial compliance with the City's adopted building and fire codes, applicable state laws, and the City of Seaside Code of Ordinances.
5. **Re-Inspection:** All short-term rentals are required to be available for inspection by the City's Code Compliance Official annually, subject to the applicable fee.
6. **Public Alert Weather Radio:** All short-term rentals are required to maintain a functioning public alert certified weather radio in the dwelling or each tenant space.

120.06 Vacation Rental Dwelling Standards

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

1. **Vacation Rental Dwelling Approved Locations:** Short-term rental licenses are permitted for vacation rental dwellings only in the following locations:
 - Properties that abut Sunset Blvd. from the Tillamook Head Parking area north to Ocean Vista Dr. including Whaler's Point.
 - Properties that abut Ocean Vista Dr. north to S. Edgewood St.
 - All properties that abut S. Edgewood St. north to Avenue U from S. Edgewood St. west to the ocean shore.
 - Those properties that abut Avenue U east to the Necanicum River.
 - Properties that are west of the Necanicum River to the ocean shore north of Avenue U to 1st Ave.
 - Properties that are west of Holladay Dr. to the ocean shore from 1st Ave. north to 12th Ave.
 - Properties that are west of the Necanicum River to the ocean shore from 12th Ave. north to the Necanicum River estuary.

(See Exhibit A)
2. **Spatial Distribution:** The density of Vacation Rental Dwellings within 100ft of an applicant's property shall not exceed the percentage specified below depending on the property's location. Density is calculated by determining the total number of tax lots any portion of which are within 100ft of the applicant's property that are licensed Vacation Rental Dwellings and dividing that number by the total number of tax lots any portion of which are within 100ft of the subject property. The subject property is not counted when calculating density percentages. For purposes of this calculation, condominium complexes will be treated as one tax lot.

100% Density

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

50% Density

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

30% Density

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

(See Exhibit B)

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

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

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

- 4. Residential Yard Areas:** Yard areas abutting a public right of way must maintain a residential appearance by limiting off-street street parking within that area. At least 50% of the yard area that is not occupied by buildings must be permanently landscaped so that parking will not dominate the yard.
- 5. Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Vacation Rental Dwelling as determined by the Code Compliance Official based on solid waste industry standards.
- 6. Occupancy:** The maximum number of renters shall not exceed three persons per bedroom with a maximum total occupancy of ten persons (whichever is less) unless an automatic fire suppression sprinkler system is installed in the dwelling in which case, the maximum total occupancy shall not exceed twelve persons (whichever is less). In the event a Vacation Rental Dwelling does not have sufficient parking to accommodate the number of bedrooms, the occupancy will be calculated at three persons per available off-street parking space. When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
- 7. Outdoor Fire Rings, Fireplaces, Hot Tubs, and Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. and 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity.

8. **House Numbers:** A house number, clearly visible from the street shall be installed and maintained by the property owner.
9. **Pets:** If the Vacation Rental Dwelling allows pets and they generate three (3) complaints within twelve (12) months related to running at large, trespassing, or causing a disturbance due to excessive barking; pets will be prohibited from that Vacation Rental Dwelling.

120.07 Vacation Rental Condominium Standards

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

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

120.08 Homestay Lodging Standards:

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

1. **Owner Occupancy Required:** The property shall be the owner's primary residence and must be owner-occupied during the guest's stay.
2. **Maximum Rental Units:** The maximum number of separately rentable units within a Homestay Lodging shall be two. Each rentable unit shall have no more than one bedroom.
3. **Guest Occupancy:** The total occupancy shall not exceed five renters per homestay lodging.
4. **Parking:** Two 9ft x 18ft off-street parking spaces are required for the residents of the Homestay Lodging plus one 9ft x 18ft off-street parking space for each separately rentable unit. The guest parking spaces shall be independent of the two required owner parking spaces allowing independent access to the rental property.

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

5. **Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Homestay Lodging establishment as determined by the Code Compliance Official based on solid waste industry standards.

120.09 Complaints

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

1. The complainant shall attempt to communicate with the designated local contact. The complainant shall describe the problem in detail and the requested resolution to the local contact.
2. The local contact shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this chapter. The local contact is required to take action on a complaint within 2-hours of receiving notice.
3. If the response from the local contact is not satisfactory to the complainant, the complainant may file a complaint, in writing, to the City.
4. The City shall notify the property owner and property manager/local contact of the complaint. The owner or their property manager/local contact shall respond to the complaint in writing within five (5) days of the notification. The response shall list the date and time they were contacted regarding the complaint, the steps they took to resolve the complaint, and the steps they will take to prevent the same type of complaint in the future.
5. The City's Code Compliance Official shall document the complaint and response and issue a written determination to the parties involved. The Code Compliance Official may mediate any issues with a short-term rental and complainants. If the Code Compliance Official finds a violation of this chapter, the Code Compliance Official may take further enforcement action.

120.10 Enforcement

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

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

120.11 Short-Term Rentals Prohibited

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

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

120.12 Estuary Properties

Pursuant to the purchase and sale agreement for the Estuary Park, twenty-five percent (25%) of the dwelling units incorporated in the Planned Development of tax lots

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

In the event that substantial steps towards the commencement of construction for a significant development have not transpired within a period of two (2) years subsequent to the enactment date of this Ordinance, Section 120.12 Estuary Properties shall be rendered null and void

120.13 Non-Liability of the City of Seaside

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

120.14 Delegation of Authority

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

120.15 Severability

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

In the event that substantial steps towards the commencement of construction on tax lots 61015BC03800, 61015BC04201, 61015BC03000, and 61015BC02900 (See Exhibit C) for a significant development have not transpired within a period of two (2) years subsequent to the enactment date of this Ordinance, Section 120.12 Estuary Properties shall be rendered null and void.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2024, by the following roll call vote:

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

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2024.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

VRD Approved Locations

Legend
VRD Approved Locations

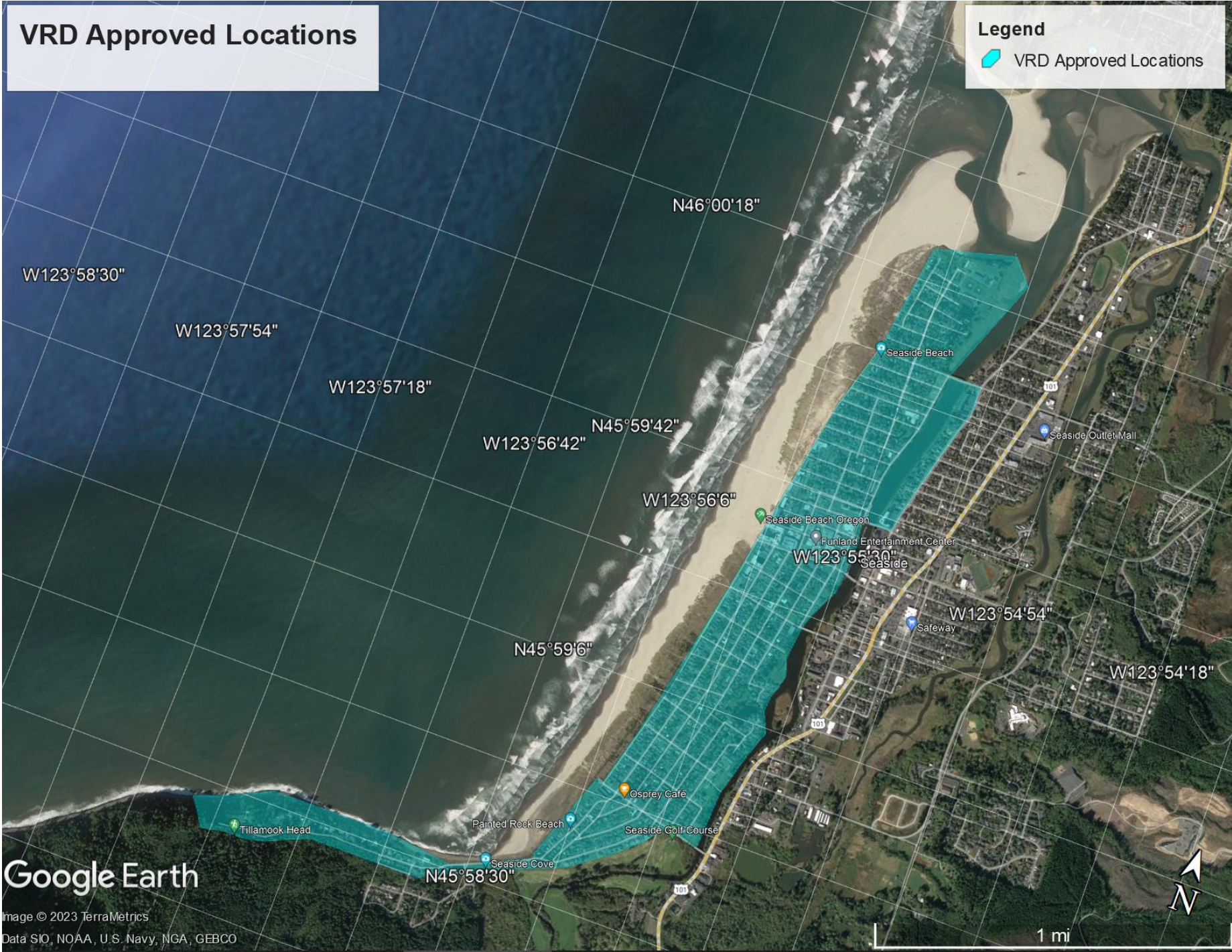


Exhibit A:

Google Earth

Image © 2023 TerraMetrics
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

VRD Spacial Distribution

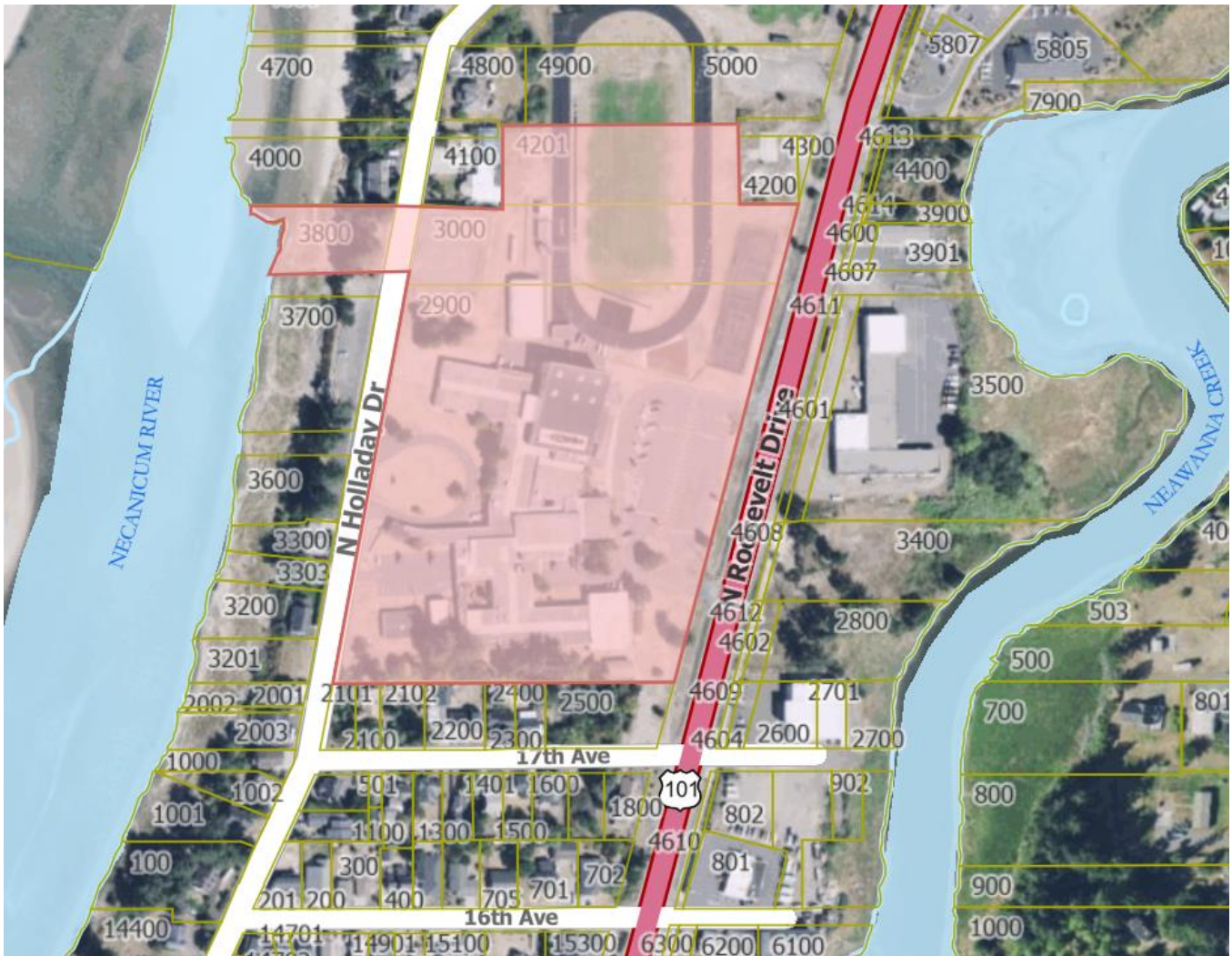
Legend

- VRD Spacial Distribution 100%
- VRD Spacial Distribution 30%
- VRD Spacial Distribution 50%



Exhibit B:

Exhibit C:



SUGGESTED CHANGES TO VRD and B&B ORDINANCES

No objections to the proposed deletions in Section 3. The February 15, 2024 memo from Community Development Direction states that a new Short-Term Rental Ordinance will be housed under Business Licensing. The following are suggested changes to the existing Ordinances that the **Planning Commission should suggest to the Council for incorporation in the new Ordinances.**

1. **Delete Section 6.136.1. (B&B).** This is an unlawful delegation of the Council's legislative authority. See attached Henningsgaard letter March 4, 2021 to Van Thiel.
2. **Section 6.135.2. (B&B) should include a definition of "owner occupied."** Currently, Zoning Ordinance Section 1.030 Definitions includes: "Owner: Includes an authorized agent of the owner." This definition should be included in the Business License Ordinance.
3. **Section 6.137.6.E. (VRD) should be deleted.** This section requires payment for a Business License and payment of Room Taxes and includes a penalty of revocation of the permit if payments are not made. There is no such requirement for B&Bs. The Business License & Room Tax Ordinances speak for themselves – a license & tax is required for all businesses (which includes VRD and B&B). The Business License Ordinance includes a penalty for failure to acquire a Business License. There is no reason to create a unique penalty for VRD's which does not exist for B&Bs or any other business.
4. **VRD and B&B distinctions should be replaced by an all-inclusive Short Term Rental category.** To preserve the essential differences the replacement Ordinance could state: "If occupancy up to and including 12 persons is approved, the premises make be occupied by the owner or not, at the owner's discretion. If occupancy of 13-15 persons is approved, the premises shall be owner occupied."



Don Godard

April 2, 2024

2411 Ocean Vista Drive

Seaside OR 97138



March 4, 2021

Dan Van Thiel
POB 805
Baker City OR 97814 vanthiellaw@gmail.com

Re: Seaside Variance Procedure for Bed and Breakfast Establishments - ZOS 6.136

Dear Dan,

I write to alert you to a conversation I anticipate you will have with the Seaside Mayor and /or planning staff. I represent Don Godard who resides at 2411 Ocean Vista Drive. My client's desire to increase the rental units in his bed and breakfast has collided with the objection of an absentee neighbor. For the reasons described below, I believe that ZOS 6.136(1) which allows an abutting property owner to veto a variance application violates Article I, section 21 of the Oregon Constitution. In its relevant part that section provides no law shall be passed "the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution* * *."

My client currently operates his home as a bed and breakfast under a variance from the city. He is in the process of increasing the number of bedrooms on his second floor and like to increase his allowable rental units. Any increase will require a variance for the additional units. The procedure is set forth in ZOS 6.136. This section provides:

Section 6.136 Variance Procedure For Bed & Breakfast Establishments. A variance for additional units may be considered if the following criteria are met:

1. Abutting property owners are in agreement.
2. House has architectural design that would accommodate the use without changing the character of the neighborhood.
3. Adequate approved parking is provided.
4. Building meets Fire & Life Safety Code with annual inspection required.

The only objection my client received from surrounding owners was from the trustee of a California trust that owns an adjacent property. Ironically the only beneficiary who regularly uses that house does not object. The objecting trustees are his parents, who live in Orange County and rarely come to Seaside. Their objection is not based on my

client's operation of the bed and breakfast but rather on a vague notion that there are enough visitors in the area already.

Several land use cases from Umatilla County hold that permitting private citizens to arbitrarily make a land use decisions is an unlawful delegation of decision making authority under Article I Section 21.

In *Cosner v Umatilla County LUBA* (2012) LUBA considered a county ordinance that allowed a private landowner to waive the two-mile setback to a wind power generator and substitute a lesser setback at the sole discretion of the landowner. That ordinance, just like ZOS 6.136.1 allowed a private citizen to arbitrarily make the decision. LUBA found that allowing the waiver in the "arbitrary and standardless" discretion of the landowner, ran afoul of the delegation clause of Article I, section 21 of the Oregon Constitution.

Umatilla County responded to the *Cosner* decision by adopting an ordinance which allowed a landowner to "effectively veto" an application by failing to sign a consent. The amended statute was also held to violate Article I, section 21 in *Iberdrola Renewables, LLC v Umatilla county* 67 Or LUBA 149 (2013).

In my mind there does not seem to be a significant difference between the defect LUBA found in the Umatilla ordinance and ZOS 6.136.1. I believe that this defect can be cured simply by disallowing the citizen veto. My client has met with Kevin Cupples concerning this problem and has a meeting scheduled with the mayor next week. If you have not already been advised of this issue I expect you will.

Please let me know if I can provide any further information or if you have questions.

Sincerely,



Blair J.
Henningsgaard cc
client

March 27, 2024

Seaside Planning Commission

989 Broadway

Seaside, OR 97138

RE: Ordinance 2024-04

Dear Planning Commissioners,

I'm writing to comment on proposed Ordinance 2024-04 regarding VRD dwellings. It appears the driver of this ordinance is regarding the purchase of the estuary park in exchange for allowing 25% of the units to be Vacation Rentals in a planned development at the old high school.

I think allowing any more areas to allow VRDs in Seaside is a terrible idea. We DO NOT need any more vacation rentals. Seaside as well as the entire area & the state is in a crisis regarding available & affordable housing. Vacation rentals take away so much housing that would otherwise be used to house working families as well as professionals such as doctors, law enforcement, teachers & other needed professionals here.

I think the planned development of housing is a great idea. But it should be only housing, not VRDs. VRDs cause a lot of problems with parking, rude guests, late parties, etc. I can't imagine living in a neighborhood fulltime with 25% of the houses VRDs where most weekends there will be a bunch of inconsiderate renters disturbing the peace. Look at the stuff that goes on off N. Franklin on 14th. Those residents are furious about the VRDs in their neighborhood causing problems & they have every right to be furious.

VRDs are nothing more than commercial lodging operations in residential neighborhoods. I know the developers are asking for VRDs as VRD properties fetch a higher price since they make income. But at the same time I think they reduce value of surrounding properties that have to put up the VRDs in their neighborhood. Many cities & counties have recognized the negative effects of vacation rentals & have capped and/or reduced the number of VRD units. Some more extreme than others but the consensus is there that local residents are tired of VRDs. We should be focused on having enough housing for locals. Businesses are struggling to find employees & a root cause of this is there is nowhere for them to live. Also full time residents support our economy year around instead of VRDs that sit empty most of the winter except some weekends & are only full during summer months. Seaside needs much more than a seasonal economy.

The city got duped on the development on S Wahanna & S. When that was planned the developers stated the intent was to build affordable housing. Much work went into defining what affordable was & 300-350k was max. When rates were low that was ok. But what ended up getting built was over 600k. Some 700k. Definitely not affordable.

The old high school is a perfect opportunity for Seaside to address our housing crisis. It's a rare opportunity. Let's not screw it up by allowing a bunch more VRDs.

Jordan Sprague

From: Jeff Flory
Sent: Monday, April 15, 2024 9:58 AM
To: Jordan Sprague
Subject: FW: Comments on proposed STR ordinances

This one too.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



From: cdadmin <cdadmin@cityofseaside.us>
Sent: Thursday, April 11, 2024 9:20 AM
To: Jeff Flory <jflory@cityofseaside.us>
Subject: FW: Comments on proposed STR ordinances

Debbie Kenyon
Administrative Assistant
City of Seaside
Community Development
Mailing: 989 Broadway St.
Physical: 1387 Ave. U
Seaside, OR 97138
Office: (503) 738-7100
cityofseaside.us



From: Christopher Schwindt <chris@cds-enterprise.com>
Sent: Wednesday, April 10, 2024 11:29 AM

To: cdadmin <cdadmin@cityofseaside.us>

Subject: Comments on proposed STR ordinances

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Dear Planning Commission:

These comments concern the proposed updates to City code concerning STRs / VRDs in the City of Seaside. My company currently owns property at 924 Ave H, Seaside.

I disagree with the proposed code changes. I have no issue with eliminating the Bed & Breakfast designation and streamlining the process through another department. The issue I have is with the limitations and quotas imposed on property owners concerning STR/VRD permits.

The City's proposal allows blanket 100% density approvals along the ocean front, which are the most valuable properties in town owned by the wealthiest owners. Then scaling it back from there not even to 101 and no one else in the City even gets to participate in the STR/VRD economy. This is so patently unfair and biased towards the wealthiest, best-positioned landowners I am shocked you would even propose this. I guess they probably pay the most local taxes too, but still. You are proposing to devalue every other landowner's property outside of the "anointed zone" and boost those within it tremendously. This is just totally unfair to your constituent landowner / taxpayers throughout the larger remaining area of Seaside. I also disagree with the City restricting STR/VRD use at all.

Inspections for safety and reasonable rules for operation to prevent nuisances for other landowners are OK. However, other restrictions amount to a taking without compensation at worst, and unnecessary, heavy-handed, diminution of value, economy-interfering regulation at best. You should allow the free market to do its own work of finding the right equilibrium among the possible uses of private property. Anything else is basically top-down, command and control economics, i.e., communism. What makes you the anointed ones to determine which individual economic decisions about use of private property are "best"? You pretend to know, but all you are doing is creating even worse distortions of the true economy, and there will be serious negative consequences, as there always are.

You should lift all restrictions other than common sense safety and nuisance related rules. The economy, through thousands of individual free-will choices, will determine the highest best use of individual private property. If you don't like the results, then take actions at the cost of the collective (taxpayers) to provide the benefit or amenity (e.g., low-income long-term housing) you think you can provide by just targeting the homeowners outside of your proposed "anointed zones" at their individual expense and the benefit of the selected few lucky landowners how somehow curried governmental favor. You should scrap this entire proposal and go back to the drawing board with free-market capitalism and constitutional rights at the forefront of your minds.

Regards,

Christopher Schwindt

Email: chris@cds-enterprise.com

Phone: (503) 810-6374

Mail: PO Box 80794, Portland, OR 97280

Jordan Sprague

From: Marnie Murray <marnie.murray@gmail.com>
Sent: Monday, April 8, 2024 7:14 PM
To: Jordan Sprague; Marnie Murray
Subject: Written comments on Vacation Rental Dwellings

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This email is my written comments on the Proposed Updates to the Seaside Zoning Ordinances and the changes to the Business Licenses to accommodate Vacation Rental Dwelling Units.

First, the website indicates that Seaside will only approval one VRD license per owner. Why this restriction? If I'm financially able to purchase more than one property in Seaside, why should I be prevented from using them both as Vacation Rentals?

I am using the version of the ordinance available at
chrome-

extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.cityofseaside.us/sites/g/files/vyhlf6311/f/uploads/short_term_rental_ordinance.pdf

120.03.1 paragraph: a waiting period of 180 days after an expired application is excessive. Who knows what issues may be discovered by a Community Development inspection or how long it may take to fix the issues? Recommend 30 days maximum.

120.03.2 An Application Fee of \$500 is excessive. The standalone Inspection Fee is \$100, which makes the fee to process the paperwork \$400. If the paperwork is so complicated that it takes \$400 of a clerk's time to process it, then paperwork should be simplified. I recommend a reduction of the Application Fee to \$200, if which, \$100 is the paperwork process fee and \$100 is the Inspection Fee.

120.03.3 Please include a link to the location of the Business License.

120.03.4 Remove this requirement. Add a requirement that the new owner of the property must apply to change the name and contact information for the short-term rental license. Otherwise, the house is unchanged and the existing rentals are allowed to continue for a 90-day period, therefore there is no reason to make the short-term rental license non-transferable and void.

120.03.5 This clause is unclear. What does it mean "renting ... is required to be accessory to the primary, residential use of the dwelling?" Also, explain what documentation would satisfy "applicants must demonstrate, by written documentation" ?

120.03.6 Remove the 90-day waiting period for new Vacation Rental Dwellings. There is no reason to delay an approved licensed other than to make the process lengthy and difficult, and to prevent a homeowner from deriving income from their property. Likewise, remove the 2-year waiting period after issuance of Certificate of Occupancy for a newly constructed building. There is no reason to delay application for a Vacation Rental Dwelling for a newly constructed building, other than to make the process arbitrarily lengthy and difficult, and to prevent a homeowner from deriving income from their property.

120.05.5 State the amount of the Re-inspection Fee.

120.06.2 Remove 30% and 50% densities and make the entire Vacation Rental Area 100%. Failing that, change the Spatial Density of the 30% Zone to 50%.

In addition, for any Spatial Density that is being used, change the calculation from using Vacation Rentals and Tax Lots within 100 ft to using Total Number of Vacation Rental Dwellings as a percentage of the Tax Lots within the entire Zone, as follows: (Total number of VRDs) % (Total Number of Tax Lots).

120.06.4 The term "residential appearance" is subjective and open to interpretation. Once person's opinion of what is acceptable can be very different to another person's opinion. So, remove this sentence: "Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas." Retain the "50% of each yard area that is not occupied by buildings must be permanently landscaped" which is measurable.

120.06.6 Remove the prohibition "shall not exceed three person per bedroom". It's arbitrary. If someone has a vacation rental containing a bedroom with two bunk beds, meaning four persons could be in that room, where is the justification for restricting it to 3 people? Or if there are 4 bedrooms that can house 3 people each, where is the justification for saying only 10 people can stay there, not 12? Requiring an automatic fire suppression sprinkler system to have 12 people puts it out of reach of nearly every dwelling. After all, how many houses in Seaside actually contain these?

Remove the restriction that vacationers cannot invite people to the Vacation Rental if it increases the number of people in the house over the maximum people allowed. What, they can't invite a few friends for a quiet dinner together, or to watch a movie in the evening? What is the problem that you are trying to solve with this regulation? Why not address it directly, rather than penalizing every vacationer for some action they may never do.

120.06.7 This is very specific to the type of activity being performed. Let me guess that what is being attempted is to reduce noisy activities out of doors late at night in a residential area. By this clause, people could be outside on a deck or play beach volleyball in the backyard, and any noise generated would not be a problem, because it isn't by a fire ring or fire place, etc. If there is an applicable Seaside noise ordinance, it might be better to state: "As per Seaside Ordinance xx.xx.x outdoor activities of a noisy nature must stop during the hours of ..."

120.06.9 Remove this clause.

120.10 All of the fines are excessive and look punitive. Two offenses and their license is revoked? REALLY? This should be reserved for an owner or property manager who is flagrantly and deliberately contravening the regulations. The actions with regard to licenses escalate to soon and too fast, and an owner loses their license for 6 months after only two, possibly minor, offenses.

120.10.1 \$250 for a first offense should be reduced to \$100.

120.10.2 Change fine to \$100. Remove the "suspension of the short-term rental license for 6 months".

120.10.3 Change to \$250 fine. Remove everything after "fine"

120.10.4 Change to: "\$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued."

120.10.5 The current clause in 120.10.5 says "Subsequent offenses within a one-year period: \$2000 fine." The previous clause, 120.10.4, permanently revokes the short-term license with that owner. Doesn't that mean the process stops at clause 120.10.4 and never reaches 120.10.5?

My recommendations would have the owner returning back to vacation rental after having their license revoked for 6 months. At this point, the count is reset and the owner starts back at the beginning of the process with an offense count at 0.



CITY OF
SEASIDE

From: Robert Houghton <robbadler@gmail.com>
Sent: Tuesday, April 2, 2024 3:45 PM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Comment on 769-24-000010-PLNG

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I am against the plan to remove Vacation Rental Dwellings and B&Bs from the Seaside Zoning Ordinance.

As a homeowner in Seaside, I am troubled by the plan to limit the use of my home. We bought a vacation home for my family, with the understanding that, in troubling times, we could convert the house to a rental to help support our income as my family has grown.

To have the city try and take away this right, without having published any reasoning on why, or a prospectus on the expected impact on:

- * Overall city rental capacity
- * Tourism dollar impact
- * Downstream job impacts (cleaning, landscaping, etc)
- * Home value in affected areas
- * Expected number of homes affected
- * Maps of zones affected

Furthermore, there are studies showing that implementing limits on Vacation Rentals can negatively impact community residential value. Services like Airbnb allow homeowners to make use of excess rooms in their homes for tourism, utilizing space that would otherwise be unused. Homes are purchased, refurbished, or renovated in order to make them appealing to renters. Removing the right, or applying barriers to entry, will

1

curtail the spend on residential property and renovation in the community.
See <https://ssrn.com/abstract=3874207> as an example.

Without having provided any of this supporting information, and possibly even if it were supplied, I cannot support a city motion to curb the rights of home owners. Do not repeal any allowances for Vacation Rental Dwellings in Seaside.

-Robert

Jeff Flory

From: Seth Hague <Seth.Hague@magamb.com>
Sent: Tuesday, April 2, 2024 9:28 AM
To: Jeff Flory
Cc: mark@missiondg.com
Subject: Questions for Planning Commission's consideration at 4.2.23 meeting

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Hi Jeff, I hope you are doing well.

I wanted to forward a few of these questions (in no particular order) to you in hopes you can pass them along to the planning commission to consider asking the owner of the old high school property when discussing **Ordinance NO. 2024-04.**

- Factoring in the need for affordable housing – both low-income and missing middle – how does the short-term rental benefit the community in the long run.
- What kind of housing is planned for the high school site? And what is the timeline?
 - Price point of planned housing if for sale housing?
 - Has a site plan been reviewed by the city in a pre-con meeting?
- Has there been any consideration from the owner of the high school site to work with the city to develop the low-income housing project in the N40 in return for the STR zoning at their site? Or visa-versa?
 - If not the N40 site, is there another site that the owner of the old high school owns that would be willing to contribute to affordable rental housing?
- Has there been a market study conducted by the owner of the high school stie showing the demand for STR in that area?
 - If so, what are the findings?
 - If no, what is the justification for STR over the entire site and not specific sections?

I appreciate your time and consideration.

thanks,

--

Seth Hague
Founding Principal
C: 503.440.2981
seth.hague@magamb.com

MAG-AMB
DEVELOPMENT

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Jesse Taylor
2041 Aldercrest St
Seaside, OR 97138
March 14, 2024

RE: Ordinance No. 2024-04

To the Seaside Planning Commission,

I am writing in opposition to the portion of the proposed ordinance number 2024-04, section 120.12 Estuary Properties. This Planning Commission less than two years ago removed the ability for property owners to vacation rental their homes in this same area. The area removed was north of 12th Ave and west of Holladay Drive. The Planning Commission felt very strongly that they wanted to keep the residential feel of the neighborhoods. It was even said that this was one of the last affordable areas for locals to live and felt that vacation rentals were taking over. To hear that there is a proposal to allow VRD's in the new development is absurd, the proposed development wasn't even in the allowed VRD boundary beforehand. Per my conversation with Jeff Flory, there is no proposal for how many dwellings will be built. He said per the zoning, up to 10 dwellings per acre could be built which could equal 200+ dwellings. 25% equals 50+ VRD's, that is way more allowable VRD's than what could have been prior to the boundary change in 2022. How is that going to keep a residential feel?

Secondly, our family has owned a home on the west side of Holladay Dr since 1994. We had plans to vacation rental it, until the boundary change in 2022. How frustrated do you think we are to have that option taken away from us, and then less than 2 years later being offered to an investor ten-fold on a property not even in a previous VRD location?

I encourage the planning commission and the City of Seaside staff to go back and watch the YouTube videos from 04/19/2022, 05/03/2022, and 06/07/2022. It was very clear how you felt about VRD's in this proposed area. If this proposal passes for VRD's at the estuary lots, I couldn't think of a bigger F-you that you would be sending to all the surrounding property owners. It would probably be the most hypocritical decision the commission and city has made to date.

Thank you for your time,

Jesse Taylor

Jesse Taylor

2041 Aldercrest, Seaside.

4/18/2024

Seaside City Council and Planning Commission,

I am writing this to voice my concern and disapproval with how the city government has handled the discussion of the new zoning ordinance proposals. It has been extremely difficult to understand what is being proposed. The only discussion the city has talked about and took public comment on, is how the regulations will be moved from the planning department to business licensing. There is much more involved in this ordinance that the city is openly talking about.

Ordinance 2024-04 is an 11-page document that contains a paragraph that is easily overlooked labeled Estuary Properties. I would bet most of the citizens of Seaside have no knowledge of this paragraph. In the paragraph the city is proposing to give a property owner of a 12.47-acre parcel of land the right to build vacation rental properties in an area not eligible for VRD's. In this 1 paragraph the city is changing the VRD boundary and making special exceptions to the vacation rental rules for this property owner. The very rules that everyone else must follow or face fines. Why wasn't the planning commission involved in this decision? Even more concerning, why aren't all the planning commissioners aware of what's going on? Why is the city council moving this so quickly? Planning commission meetings are scheduled for once a month, the city has held 2 this month.

In 2022 the planning commission made recommendations to city council for changes to the zoning regulations and VRD boundary. At that time, they held a work session and 2 separate planning commission meetings with public comment before they made the recommendation. With that recommendation, the city council removed the same location as this proposed development from the VRD boundary. Why are we not following the same process?

I understand mistakes were made by not acquiring the land at the estuary park, but let's not continue to make more. Below is what I planned on reading at the 4/16/2024 planning meeting but was not given the opportunity to do so.

Thanks, Jesse

I'm here tonight to speak in opposition of the proposed zoning ordinance 2024-04, Specifically the section 120.12 estuary properties. I previously submitted a letter, hopefully the commission has had time to read it.

This 11-page proposed ordinance lays out the standards that the City of Seaside is requiring all property owners to abide by if they want to be eligible for a VRD. For example, I would love to vacation rental my property on Sunset Hills, but per this ordinance I can't because my property is not in a designated vacation rental area. As you read through this ordinance near the end you come across a little paragraph labeled estuary properties. In this paragraph the city is proposing to bend or change a majority of the VRD rules for this 1 property owner. A couple examples of this would be.

1. Location. This development is not located in an area that is eligible for vacation rentals. Furthermore, in 2022 this planning commission unanimously removed properties north of 12th Ave from the being eligible for VRD's.
2. This development is not being required to have dwelling unit type restrictions. Paragraph 120.11 identifies 5 different property types prohibited from being eligible for a VRD. They also are not required to have spatial distribution restrictions; I would say at least 90% of all vacation rentals in Seaside have some sort of spatial distribution restrictions.
3. Waiting periods. Will these properties have a waiting period? Per this ordinance a new construction property owner must wait 2 years after their issued occupancy before they can apply for a VRD permit. Is the city going to make another exception for this property owner?

I'm not sure how the city can tell a property owner that they must follow 1 set of standards, and then tell the next property owner we'll make an exception for you.

If this proposal passes, my application for a VRD permit will be the first 1 on your desk, and I will encourage any other property owner that wants to vacation rental their home regardless of if it qualifies to do the same. If the city is willing to make all these changes for 1 property owner, they can make some exceptions for everyone else.

Lastly, how can you even make an informed decision on this zoning proposal without knowing what is being proposed? Will there be 20 homes, so 5 VRD's, or will there be 200 homes with 50 VRD's? Shouldn't you know what the development is going to look like before you make a long-term decision like this? I will end this with a phrase my grandfather always said because I feel it applies to this decision process "you're putting the cart before the horse". Thank you for your time.

Jordan Sprague

From: publiccomment
Sent: Monday, April 22, 2024 8:18 AM
To: Jeff Flory; Debbie Kenyon; Jordan Sprague
Subject: FW: Short Term Rental Ordinance Comment - 2024-03 & 2024-04

Please make sure this gets into Acella as well.

Jeff Flory
Community Development Director
City of Seaside
Office: (503) 738-7100
Mobile: (503) 583-4007
cityofseaside.us



From: Chuck Murphy <cmurphy4@cox.net>
Sent: Saturday, April 20, 2024 11:34 AM
To: publiccomment <publiccomment@cityofseaside.us>
Subject: Short Term Rental Ordinance Comment - 2024-03 & 2024-04

Caution! This message was sent from outside your organization.

[Allow sender](#) | [Block sender](#)

City of Seaside Council:

I am writing as a property owner in Seaside to comment on the proposed Ordinance 2024-03 and 2024-04.

Upon review of the proposed changes I support the recommendations maintaining the 100 foot inclusion zoning percentages (100%, 50%, 30%) as described in the proposal.

This will maintain that a property owner is not inundated with Short Term Rentals (STRs) changing out every 2-3 days in the summer. A current factual issue.

If we are to maintain Seaside as a community for tourism and residents, it is inherent that the city council aspire to maintain a percentage of homes as personal residences.

This can be accomplished through restrictions on number of Short Term Rentals (STRs) within a set geographical location. The proposed zoning percentages accomplish this.

Additionally, applications, monetary registration fees should **NOT** be transferable (grandfathered) to new homeowners. If a property owner sells the property, the new owners should be required to apply to the city if they intend to utilize the property as a Short Term Rental.

The fines (noise, barking dogs, occupancy limits) as written into this proposal seem in line with enforcing the regulations to maintain Seaside as a residential and vacation destination.

The new proposal as written accomplishes many of the issues we have here in Seaside.

Thank you for your time,
Chuck Murphy



City of Seaside City Council Meeting Staff Report

Meeting Date: May 13, 2024
Author: Jeff Flory, Community Development Director
Department: Community Development
Subject: Street Vacation
Type of Item: Ordinance

Request:

Staff is requesting the City Council hold a public hearing and consider a second reading of the attached ordinance that will provide for the vacation of a portion of 20th Avenue west of North Holladay Drive. This ordinance will vacate a portion of 20th Avenue that extends from North Holladay Drive west to the Necanicum River and is depicted on the exhibit provided with the following legal description:

Background:

According to ORS Chapter 271 – Use and Disposition of Public Lands, the City Council has the authority to vacate certain property or properties in the City of Seaside.

Pursuant to the purchase agreement for the Estuary Park, the seller is requesting the City of Seaside vacate a portion of 20th Avenue. The approval of Resolution #4037, at the City Council meeting on April 8, 2024, directed staff to set a date for the first public hearing on the street vacation ordinance which begins the street vacation process. The City Council held a public hearing and approved the first reading of Ordinance 2024-06 on April 22, 2024.

Staff Analysis:

The City Council approves all ordinances and all vacations of certain property in the City of Seaside. Ordinance 2024-06 is for the vacation of the above-mentioned property and is being considered by the City Council for a second reading.

Vacating this portion of 20th Ave. is in conjunction with the purchase and sale agreement for the estuary parking lot. The street vacation will include a utility easement and an access easement to benefit the public so that the stairway at the north end of the parking lot to get down to the estuary remains open to the public.

Budget Impact:

None

Requested Action:

If the City Council is inclined to approve the ordinance, a Councilor would state:

“I move for a second reading of Ordinance 2024-06 by title only.”

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, PROVIDING FOR THE VACATION OF A PORTION OF 20th AVENUE WEST OF HOLLADAY DRIVE

WHEREAS, the City Council of the City of Seaside has determined that the vacation of the hereinafter described property will not prejudice public interest and will be for the general welfare and benefit of the City of Seaside; and

WHEREAS, notices and hearings as required by law have been given and held by Resolution #4037 on April 8, 2024.

NOW, THEREFORE, THE CITY OF SEASIDE DOES ORDAIN AS FOLLOWS:

SECTION 1. That the following described property, located in the City of Seaside, is hereby vacated:

The Seaside City Council intends to vacate the following described property, in the City of Seaside, County of Clatsop, State of Oregon: A portion of 20th Avenue that extends from North Holladay Drive, West to the Necanicum River is depicted in the map provided.

SECTION 2. The City Council has established the following findings to support their favorable decision to vacate the property:

The above-described property is totally within a proposed development and once it is developed there will be no need for general public use of this portion of street.

SECTION 3. The vacation of this street and right-of-way shall not negate easement rights of public utilities including sanitary sewer and water.

SECTION 4. In the event that substantial steps towards the commencement of construction for a significant development have not transpired within a period of (2) years subsequent to the enactment date of this Ordinance, said Ordinance shall be rendered null and void, and ownership of the right-of-way shall revert back to the City of Seaside.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2024, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2024.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

20th Ave. Street Vacation



The public right of way depicted in red will be vacated per the purchase and sale agreement. The city will retain all of the existing asphalt to become a public park. Additionally, the developer will provide a utility easement and a public access easement for the existing stairway on the north end of the parking lot.



City of Seaside City Council Meeting Staff Report

Meeting Date: May 13, 2024
Author: Kim Jordan, City Recorder
Department: City Manager's Office
Subject: Downtown Maintenance Assessment
Type of Item: Ordinance

Request:

Staff are requesting the City Council hold a public hearing and have a first reading of the attached ordinance providing for the assessment of property in the Downtown Maintenance District, which pays for two contracts in the district, litter maintenance and landscape maintenance.

Background:

The City Council created an Economic Improvement District in 1987, known as the Downtown Maintenance District. The district was established to provide maintenance, upkeep, and litter control of planting areas, seating areas, sidewalks, and curbs within the designated area of the downtown maintenance district.

Staff Analysis:

The City Council has annually approved an ordinance after a public hearing that assesses properties in the Downtown Maintenance District. A joint effort of City Council, City Staff and a committee consisting of downtown merchants established the current program for maintenance of the downtown core area. Funds generated by the district pay the contractors for litter removal and sweeping the sidewalks, and a separate contract for maintaining the planting areas, including replacement plants and trees. The proposed Ordinance 2024-07 is being submitted for an annual renewal at a linear foot rate of \$10.092032 per frontage foot for one year, which is the same amount as 2023.

The Boundaries of the Downtown Maintenance District are described in the Downtown Maintenance District packet (attached).

A notice has been mailed to the owner of each lot to be assessed, stating the amount of the assessment proposed on the property. The notice stated the time and place of this public hearing at which time affected property owners may appear to support or object to the proposed assessment. The City Council should consider any objections and may adopt, correct, modify, or revise the proposed assessments.

Assessments will be levied to the benefited property owners for a maximum of one (1) year, starting July 1, 2024, to provide for the Downtown Maintenance District. Assessments will not be made, and the Downtown Maintenance District will be abolished if written objections are received at the public hearing from owners of property upon which more than thirty-three percent (33%) of the total amount of assessments is to be levied.

Budget Impact:

The Downtown Maintenance District assessment funds received will pay for the contracts for litter maintenance and landscape maintenance. The current assessment is anticipated to generate \$107,574.00, which covers the anticipated expenses of the district.

Requested Action:

If the City Council is inclined to approve the ordinance, a Councilor would state:

“I move for a first reading of Ordinance 2024-07 by title only.”

Optional: If the City Council is inclined to approve a second reading on the ordinance, a Councilor would state:

“I move for a second reading of Ordinance 2024-07 by title only.”

Alternatives:

The City Council must choose to approve the ordinance to generate the assessments for the Downtown Maintenance District prior to July 1, 2024. The City Council may choose not to make an assessment and the services anticipated would not be contracted for the upcoming budget year.

Attachments:

- Downtown Maintenance District packet sent to property owners.
- Ordinance 2024-07

989 Broadway
Seaside, OR 97138



(503) 738-5511
cityofseaside.us

April 12, 2024

DEAR PROPERTY OWNER,

Enclosed is a proposed Ordinance of the City Council of Seaside, to renew the Downtown Maintenance District, at a linear foot rate of **\$10.092032** per front foot for one year. **This is the same amount as last year.**

A joint effort of City Council, City Staff, and a committee consisting of downtown merchants established the current program for maintenance of the downtown core area.

Funds generated by this District pay the contractors for litter removal and sweeping the sidewalks, and a separate contract for maintaining the planting areas, including replacement plants.

The City Council will hold a public hearing on this issue at the Monday, May 13, 2024, meeting to be held at City Hall, 989 Broadway, at 6:00 PM.

(The City of Seaside City Council Meeting for Monday, May 13, 2024 will conduct a regular public meeting, which you are invited to attend or you can view and make comments on Zoom. Registration instructions are on the City of Seaside website at www.cityofseaside.us).

You are welcome to submit written comments by registering for public comments on the City of Seaside website.

If you have any questions, please call Kim Jordan, City Recorder at (503) 738-5511, or email at kjordan@cityofseaside.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Zach Fleck".

Zach Fleck
Finance Director

ZF:kj
Enclosure

**Assessment - \$10.092032 /front foot
July-24**

LOT	PROPERTY OWNER/ADDRESS	FRONT FOOTAGE	AMOUNT
61021AA			
3800	DMT Development LLC PO Box 23 Seaside, OR 97138	910 Broadway St. Acct. 11475	96.0 968.84
4000	One Ten Holdings LLC PO Box 5517 Salem, OR 97804	8 N. Holladay Dr. Acct. 11477	206.3 2,081.99
4100	One Ten Holdings LLC PO Box 5517 Salem, OR 97804	 Acct. 11478	18.5 186.70
4200	One Ten Holdings LLC PO Box 5517 Salem, OR 97804	 Acct. 11479	41.5 418.82
4300	One Ten Holdings LLC PO Box 5517 Salem, OR 97804	728-730 Broadway St. Acct. 11480	38.0 383.50
4400	William & Robin Montero 2471 Sunset Blvd. Seaside, OR 97138	734 Broadway Acct. 11481	28.4 286.61
4500	Roberts Investment Properties LLC 27 Majestic View Ln. Aberdeen, WA 98520	810 Broadway St. Acct. 11482	73.6 742.77
4700	Robert C. Moberg/Robert Rust/Catriona Penfield 842 Broadway St. Seaside, OR 97138	842 Broadway St. Acct. 11483	50.0 504.60
4800	Sibony 850 LLC PO Box 61 Seaside, OR 97138	850 Broadway St. Acct. 11484	15.0 151.38
4900	Patrick Ryan McDonald PO Box 1005 Seaside, OR 97138	852 Broadway Acct. 11485	35.0 353.22
5000	Bula Properties LLC 610 18th Street Astoria, OR 97103	862 Broadway St. Acct. 11486	50.0 504.60
6100	Gilbert Hospitality LLC/RhanmasTahmidur/Khan Masudir 11468 NW Blackhawk Dr. Portland, OR 97229	 Acct. 11493	75.0 756.90
6200	Dale & Jack Bessett PO Box 369 Yoncalla, OR 97499	9 N. Holladay Dr. Acct. 11494	25.0 252.30
6300	Wexler Holladay Dr. LLC 1101 Avenue D #D-201 Snohomish, WA 98290	39-45 N Holladay Dr. Acct. 11496	101.2 1,021.31
8300	Steven E. Haugen/James R. Haugen 47 N Holladay Dr. Seaside, OR 97138	57 N Holladay Dr. Acct. 11516	67.2 678.18

61021AA				
8400	Steven Haugen/James R. Haugen 47 N Holladay Dr. Seaside, OR 97138	47 N Holladay Dr. Acct. 11517	33.0	333.04
8500	Saucedo Family LLC 1920 S. Columbia St. Seaside, OR 97138	109 N Holladay Dr. Acct. 11518	100.0	1,009.20
14300	Genesis Seaside LLC. 15924 Quarry Rd. Lake Oswego, OR 97035	34 N Holladay Dr. Acct. 52241	484.9	4,893.63
14700	Gilbert Hospitality LLC/RhanmasTahmidur/Khan Masudir 11468 NW Blackhawk Dr. Portland, OR 97229	600-616 Broadway St. Acct. 11595	375.0	3,784.51
90117	Patrice Eichenberger/Rodereick & Braden Leupp 8100 SW 2nd Avenue Portland, OR 97219	102 N. Holladay #117 Acct. 56715	2.81	28.36
90121	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #121 Acct. 56714	2.82	28.46
90123	James & Elaine Parker/Timothy Parker/Vicki Mittendorf TR 14475 SW Barrows Rd. #3111 Beaverton, OR 97007	102 N. Holladay #123 Acct. 56713	2.81	28.36
90125	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #125 Acct. 56712	2.82	28.46
90127	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #127 Acct. 56711	2.82	28.46
90129	Nolan Erickson, LLC 604 15th Avenue Seaside, OR 97138	102 N. Holladay #129 Acct. 56710	2.81	28.36
90211	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #211 Acct. 56709	2.82	28.46
90213	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #213 Acct. 56708	2.82	28.46
90215	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #215 Acct. 56707	2.82	28.46
90216	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #216 Acct. 56706	2.82	28.46
90217	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #217 Acct. 56705	2.82	28.46
90218	KSK Development Inc PO Box 25774 Portland, OR 97298	102 N. Holladay #218 Acct. 56704	2.81	28.36
90219	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #219 Acct. 56703	2.82	28.46

61021AA				
90220	Patrice Eichenberg/Rodereick Leupp/Braden Leupp 8100 SW 2nd Avenue Portland, OR 97219	102 N. Holladay #220 Acct. 56702	2.81	28.36
90221	Nolan Erickson, LLC 604 15th Avenue Seaside, OR 97138	102 N. Holladay #221 Acct. 56701	2.81	28.36
90222	Zachary & Taryn Naranjo 6301 62nd St. NW Gig Harbor, WA 98335	102 N. Holladay #222 Acct. 56700	2.81	28.36
90223	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #223 Acct. 56699	2.82	28.46
90224	Kareem & Nadia Hinedi 501 Old Orchard Trl. Pittsburgh, PA 15238	102 N. Holladay #224 Acct. 56698	2.81	28.36
90225	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #225 Acct. 56697	2.82	28.46
90226	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #226 Acct. 56696	2.82	28.46
90227	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #227 Acct. 56695	2.82	28.46
90228	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #228 Acct. 56694	2.82	28.46
90229	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #229 Acct. 56693	2.82	28.46
90230	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay#230 Acct. 56692	2.82	28.46
90301	Steven & Anna Kang 253 NE 60th Ave. Hillsboro, OR 97124	102 N. Holladay #301 Acct. 56691	2.81	28.36
90303	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #303 Acct. 56690	2.82	28.46
90305	Burns & Hewes-Burns 2005 Fam Trust/Kathleen Hughes-Burnes Trust 4504 R J Lunn Ct. El Paso, TX 79924	102 N. Holladay #305 Acct. 56689	2.81	28.36
90307	Shannon Bichsel 26310 SE 166th St. Issaquah, WA 98027	102 N. Holladay #307 Acct. 56688	2.81	28.36
90309	Nolan Erickson, LLC 604 15th Avenue Seaside, OR 97138	102 N. Holladay #309 Acct. 56687	2.81	28.36
90311	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #311 Acct. 56686	2.82	28.46

61021AA				
90313	Ted & Sherre Calouri/Calouri Family Trust 15187 NE Aberdeen Dr. Portland, OR 97229-0936	102 N. Holladay #313 Acct. 56685	2.81	28.36
90315	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #315 Acct. 56684	2.82	28.46
90316	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #316 Acct. 56683	2.82	28.46
90317	Los Esposos Numero Dos LLC 2716 Elliott Avenue #1002 Seattle, WA 98121	102 N. Holladay #317 Acct. 56682	2.81	28.36
90318	Blake Bichsel 9039 Greenwood Avenue #202 Seattle, WA 98103	102 N. Holladay #318 Acct. 56681	2.81	28.36
90319	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #319 Acct. 56680	2.82	28.46
90320	Pankland LLC 915 118th Ave. SE #360 Bellevue, WA 98005	102 N. Holladay #320 Acct. 56679	2.81	28.36
90321	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #321 Acct. 56678	2.82	28.46
90322	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #322 Acct. 56677	2.82	28.46
90323	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #323 Acct. 56676	2.82	28.46
90324	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #324 Acct. 56675	2.82	28.46
90325	Garner Survivors Revocable Living Trust/Carolyn Garner 73 La Crosse Dr. Morgan Hill, CA 95037	102 N. Holladay #325 Acct. 56674	2.82	28.46
90326	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #326 Acct. 56673	2.82	28.46
90327	Chris Long/Lisa Fain 7220 SW 160th Avenue Beaverton, OR 97007	102 N. Holladay #327 Acct. 56672	2.82	28.46
90328	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #328 Acct. 56671	2.82	28.46
90329	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #329 Acct. 56670	2.82	28.46
90330	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #330 Acct. 56669	2.81	28.36

61021AA				
90401	Theodore & Sherre Calouri/Calouri Family Trust 15187 NW Aberdeen Dr. Portland, OR 97229-0936	102 N. Holladay #401 Acct. 56668	2.81	28.36
90403	Theodore & Sherre Calouri/Calouri Family Trust 15187 NW Aberdeen Dr. Portland, OR 97229-0936	102 N. Holladay #403 Acct. 56667	2.81	28.36
90405	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #405 Acct. 56666	2.81	28.36
90407	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #407 Acct. 56665	2.81	28.36
90409	Jerry Antonelli 11047 Old Hwy 99 SE Olympia, WA 98501	102 N. Holladay #409 Acct. 56664	2.81	28.36
90411	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #411 Acct. 56663	2.81	28.36
90413	Nolan Erickson, LLC 604 15th Avenue Seaside, OR 97138	102 N. Holladay #413 Acct. 56662	2.81	28.36
90415	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #415 Acct. 56661	2.81	28.36
90416	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #416 Acct. 56660	2.81	28.36
90417	Steven & Anna Kang 253 NE 60th Ave. Hillsboro, OR 97124-6102	102 N. Holladay #417 Acct. 56659	2.81	28.36
90418	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #418 Acct. 56658	2.81	28.36
90419	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #419 Acct. 56657	2.81	28.36
90420	Ryan Rush 94 Irvinton Drive Eugene, OR 97404	102 N. Holladay #420 Acct. 56656	2.81	28.36
90421	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #421 Acct. 56655	2.81	28.36
90422	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #422 Acct. 56654	2.81	28.36
90423	Bridge of the Gods Properties LLC 121 SW Morrison St. #600 Portland, OR 97204	102 N. Holladay #423 Acct. 56653	2.81	28.36
90424	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #424 Acct. 56652	2.81	28.36

61021AA				
90425	Theodore & Sherre Calouri/Calouri Family Trust 15187 NW Aberdeen Dr. Portland, OR 97229-0936	102 N. Holladay #425 Acct. 56651	2.81	28.36
90426	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #426 Acct. 56650	2.81	28.36
90427	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #427 Acct. 56649	2.81	28.36
90428	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #428 Acct. 56648	2.81	28.36
90429	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #429 Acct. 56647	2.81	28.36
90430	Seaside Investments LLC 6424 Cromwell Beach Dr. NW Gig Harbor, WA 98335	102 N. Holladay #430 Acct. 56646	2.81	28.36
61021AB				
8000	John & Debra Oakes/Adrift Properties LLC 409 Sid Snyder Dr. Long Beach, WA 98631	125 Oceanway Acct. 11676	100.0	1,009.20
8100	B&A Ocean Property LLC PO Box 50 Seaside, OR 97138	20 N Columbia St. Acct. 11677	100.0	1,009.20
8200	Damarkom Inc. PO Box 23 Seaside, OR 97138	110 Broadway St. Acct. 11678	135.0	1,362.42
8300	Ter Har Enterprises, LLC PO Box 8 Seaside, OR 97138	150 Broadway Acct. 11679	135.0	1,362.42
10000	Ellmaker Michael and Karen PO Box 443 Lake Oswego, OR 97034	210 Broadway Acct. 11693	40.0	403.68
10001	Davies Revocable Trust Michael & Mary Davies Trustees 89905 Manion Dr. Warrenton, OR 97146-7111	200 Broadway Acct. 11694	105.0	1,059.66
10002	Autry Jesse Ehler/Heidi Ehler/Ehler Rev Inter Vivos Trust PO Box 11 Seaside, OR 97138	15 N Columbia St. Acct. 11695	35.0	353.22
10100	Autry Jesse Ehler/Heidi Ehler/Ehler Rev Inter Vivos Trust PO Box 11 Seaside, OR 97138	15 N Columbia St. Acct. 11696	100.0	1,009.20
10200	Gemini Portfolio Management, LLC 442 Highland Drive Seaside, OR 97138	14 N Downing St. Acct. 11697	98.0	989.02
10300	Sibony220 LLC PO Box 61 Seaside, OR 97138	216 Broadway St. Acct. 11698	182.0	1,836.75

61021AB			
11400	Adrift Properties LLC 409 Sid Snyder Dr. Long Beach, WA 98631	Acct. 11708	50.0 504.60
11500	Malbco Holdings LLC 16114 Indiana Avenue #200 Spokane, WA 99216	30 N Prom Acct. 11709	312.5 3,153.76
11600	Elizabeth Z. Kahl/Trust 14215 NE Alton Ct. Portland, OR 97230	102-104 Broadway Acct. 11711	50.0 504.60
12700	TCM Seaside LLC PO Box 9 Seaside, OR 97138	318 Broadway Acct. 11722	350.0 3,532.21
12900	Liu Shaofei/Yiyan Zhang 402 Broadway St. Seaside, OR 97138	402-404 Broadway St. Acct. 11726	24.9 251.29
13000	Beach Development LLC 3457 Hwy. 101 N Gearhart, OR 97138	408 Broadway St. Acct. 11727	61.6 621.67
13100	Spiro Sassalos K Trustee/Neal & Stacey Dundas 414 Broadway St. Seaside, OR 97138	412-414 Broadway St. Acct. 11728	30.3 305.79
13200	Beach Development LLC 3457 Hwy. 101 N Seaside, OR 97138	416-418 Broadway St. Acct. 11729	26.3 265.42
13300	Beach Development LLC 3457 Hwy. 101 N Seaside, OR 97138	500 Broadway St. Acct. 11730	61.9 624.70
13400	Beach Development LLC 3457 Hwy. 101 N Gerhart, OR 97138	514 Broadway St. Acct. 11731	21.0 211.93
13500	Roy Cat LLC 940 16th St. Seaside, OR 97138	550 Broadway St. Acct. 11732	121.3 1,224.16
61021AC			
100	Seaside Hotel Partners LLC 15924 Quarry Rd. Lake Oswego, OR 97035	545 Broadway St. Acct. 11733	372.4 3,758.27
401	Sibony 521 LLC/CTSJ Inc. Lessee PO Box 61 Seaside, OR 97138	521 Broadway St. Acct. 11734	27.6 278.54
500	Douglas R. Wiese - Trust 89082 Manion Dr. Warrenton, OR 97146	505 Broadway St. Acct. 11735	24.2 244.23
600	Douglas R. Wiese/Trust 89082 Manion Dr. Warrenton, OR 97146	Acct. 11736	81.0 817.45
700	Douglas R. Wiese - Trust 89082 Manion Dr. Warrenton, OR 97146	505 Broadway St. Acct. 11737	103.0 1,039.48

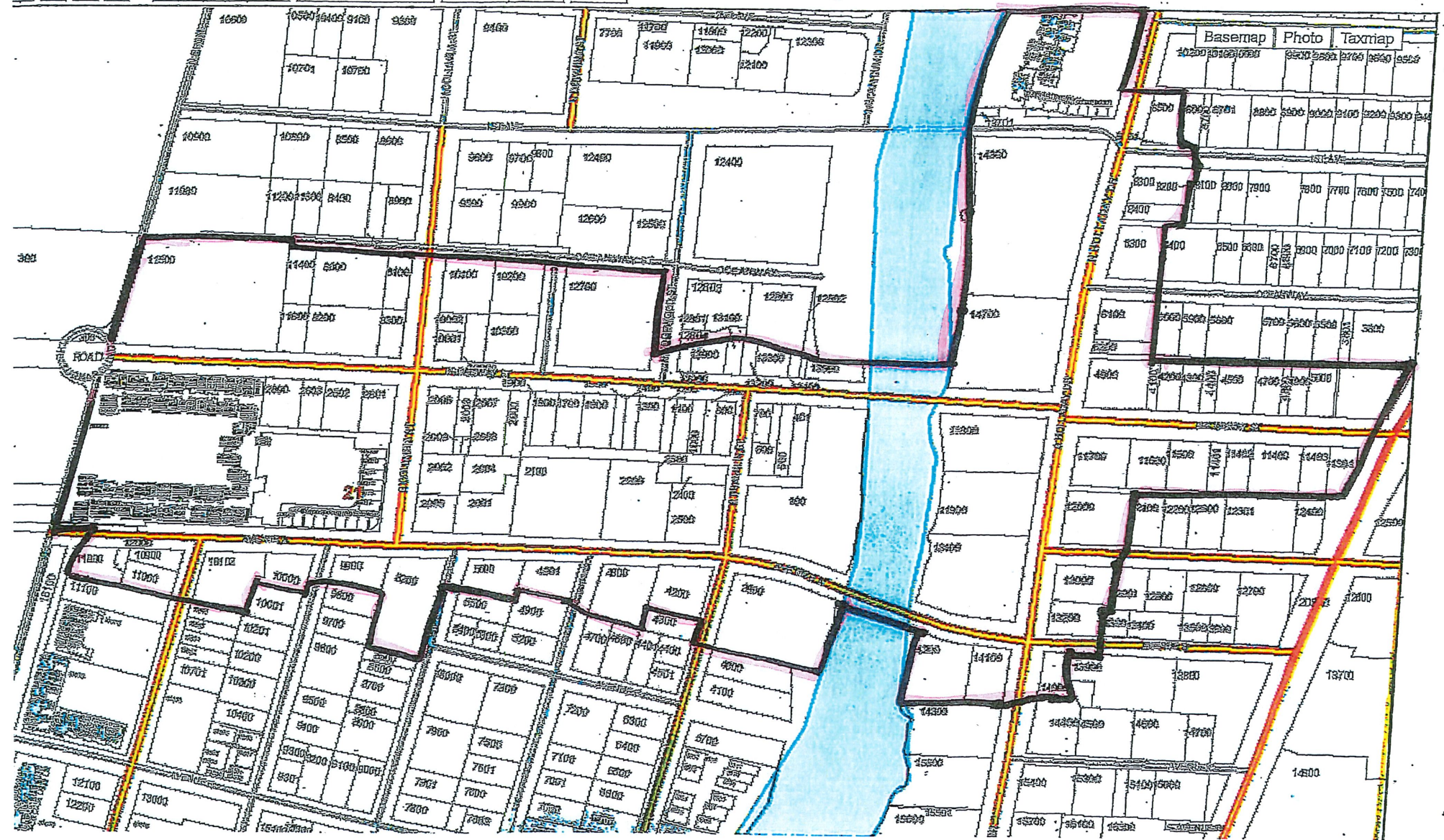
61021AC				
800	Mmay LLC 33287 Pine Ridge Ct. Warrenton, OR 97146	415 Broadway St. Acct. 11738	134.0	1,352.33
900	Mmay LLC 33287 Pine Ridge Ct. Warrenton, OR 97146	411 Broadway St. Acct. 11739	21.2	213.95
1000	PNP Two Seaside LLC PO Box 9 Seaside, OR 97138	407-409 Broadway St. Acct. 11740	24.3	245.24
1100	Pig 'N Pancake, Inc. PO Box 9 Seaside, OR 97138	 Acct. 11741	30.7	309.83
1200	Pig 'N Pancake, Inc. PO Box 9 Seaside, OR 97138	 Acct. 11742	23.6	238.17
1300	Pig 'N Pancake, Inc. PO Box 9 Seaside, OR 97138	323 Broadway St. Acct. 11743	44.9	453.13
1400	Blue Goose Properties LLC PO Box 1067 Seaside, OR 97138	319 Broadway St. Acct. 11744	25.5	257.35
1500	Blue Goose Properties, LLC PO Box 1067 Seaside, OR 97138	317 Broadway St. Acct. 11745	20.3	204.87
1600	DMT Development LLC PO Box 23 Seaside, OR 97138	311 Broadway St. Acct. 11746	58.0	585.34
1700	DMT Development LLC PO Box 23 Seaside, OR 97138	227 Broadway Acct. 11747	48.5	489.46
1800	DMT Development LLC PO Box 23 Seaside, OR 97138	227 Broadway St. Acct. 11748	42.0	423.87
1900	DMT Development LLC PO Box 23 Seaside, OR 97138	227 Broadway St. Acct. 11749	10.9	110.00
2000	Damarkom Inc. PO Box 23 Seaside, OR 97138	217 Broadway St. Acct. 11750	33.5	338.08
2001	Damarkam Inc. PO Box 23 Seaside, OR 97138	300 Avenue 'A' Acct. 11751	104.0	1,049.57
2002	Damarkom Inc. PO Box 23 Seaside, OR 97138	 Acct. 11752	76.0	766.99
2003	TD & R Enterprises, Inc. PO Box 23 Seaside, OR 97138	209 Broadway St. Acct. 11753	30.0	302.76
2005	Davies Rovocable Trust Michael & Mary Davies Trustees 89905 Manion Dr. Warrenton, OR 97146	261 S Columbia Acct. 11755	144.5	1,458.30

61021AC				
2006	TD & R Enterprises, Inc. PO Box 23 Seaside, OR 97138	201 Broadway Acct. 11756	178.1	1,797.39
2007	TD&M Enterprises Inc. PO Box 23 Seaside, OR 97138	215 Broadway Acct. 11757	63.0	635.80
2100	Seaside Lodge #1748 BPOE 324 Avenue A Seaside, OR 97138	324 Avenue A Acct. 11761	162.4	1,638.95
2200	Seaside Park N Pay LLC PO Box 1128 Seaside, OR 97138	324 Avenue A Acct. 11762	117.4	1,184.80
2400	Pig N' Pancake, Inc. PO Box 9 Seaside, OR 97138	112/112 1/2 Franklin Acct. 11764	37.2	375.42
2500	CenturyLink 1025 Eldorado Blvd. Broomfield, CO 80021	 Acct. 11765	213.0	2,149.60
2601	Times Theatre & Public House/Damarkom, Inc. PO Box 23 Seaside, OR 97138	133 Broadway Acct. 11767	150.0	1,513.80
2602	KAN MDPS LLC 101C Ascot Ct. Moraga, CA 94556	111 Broadway St. Acct. 11768	67.0	676.17
2603	Kan Associates, Inc. PO Box 267 Seaside, OR 97138	111 Broadway St. Acct. 11769	45.0	454.14
2800	Sibony 111 LLC/CTSJ Inc. Lessee PO Box 61 Seaside, OR 97138	111 Broadway St. Acct. 11772	70.0	706.44
3900	Seaside Lodging and Hospitality 531 Avenue A Seaside, OR 97138	531 Avenue A Acct. 11787	143.0	1,443.16
4200	PNP ONE Seaside LLC PO Box 9 Seaside, OR 97138	441 Avenue A Acct. 11790	100.0	1,009.20
4800	A A K Chen LLC 1369 Stillwater Ct. Seaside, OR 97138	405 Avenue A Acct. 11797	100.0	1,009.20
4901	Bank of Astoria 9285 NE Tanasbourne Dr. Hillsboro, OR 97124	301 Avenue A Acct. 11799	100.0	1,009.20
5600	Bank of Astoria 9285 NE Tanasbourne Dr. Hillsboro, OR 97124	310 Avenue A Acct. 11804	100.0	1,009.20
8200	US National Bank of Portland PO Box 460169 Houston, TX 77056	251 Avenue A Acct. 11832	100.0	1,009.20

61021AC				
9900	William J. Maclean PO Box 54 Seaside, OR 97138	209 Avenue A Acct. 11848	100.0	1,009.20
10000	Brian McInerney PO Box 40191 Santa Barbara, CA 93140	151-153 Avenue A Acct. 51660	90.0	908.28
10102	Seaside Prom Oregon LLC 11468 NW Blackhawk Dr. Portland, OR 97229	341 Beach Dr. Acct. 11852	114.0	1,150.49
10900	Seaside Prom Oregon LLC 11468 NW Blackhawk Dr. Portland, OR 97229	 Acct. 11869	100.0	1,009.20
11900	Seaside Prom Washington LLC 4660 NE 77th Avenue #200 Vancouver, WA 98662	321 S. Prom Acct. 11872	79.4	801.31
12000	Daniel & Susan Calef 3051 SE 23rd. ST. Gresham, OR 97080	25 Avenue A Acct. 11873	23.7	239.18
60001	Trendwest Resort, Inc. 6277 Sea Harbor Drive Orlando, FL 32821	Resort at Seaside #C1 Acct. 52822	905.3	9,136.32
61021AD				
11301	Seaside Broadway Development LLC 1820 John Hancock Williamsburg, VA 23185	 Acct. 12044	50.0	504.60
11400	Seaside Broadway Development LLC 1820 John Hancock Williamsburg, VA 23185	851 Broadway St. Acct. 51628	93.4	942.60
11401	Kaloumenou Anna Maria Markos/Fausett Kirk 1515 Baranof St. Kodiak, AK 99615	821 Broadway St. Acct. 12046	79.4	801.31
11402	Kiarna Broadway LLC 35103 Highway 26 Seaside, OR 97138	831-841 Broadway St. Acct. 12047	49.2	496.53
11403	Seaside Broadway Development LLC 1820 John Hancock Williamsburg, VA 23185	 Acct. 51627	50.0	504.60
11500	TM Development LLC PO Box 23 Seaside, OR 97138	733-737 Broadway St. Acct. 12048	75.2	758.92
11600	Steven J. Oliva/Winfield F. Muffett 915 W 11th St. Vancouver, WA 98660	711 Broadway St. Acct. 12049	75.0	756.90
11700	Steven J. Oliva/Winfield F. Muffett 915 W 11th St. Vancouver, WA 98660	39 S. Holladay Dr. Acct. 12050	186.4	1,881.15
11800	Kirwen, LLC 89529 Green Mountain Rd. Astoria, OR 97103	609-611-619 Broadway Acct. 12051	190.0	1,917.50
11900	William & Robin Montero/Thomas & Cyndi Fosdick Denney 98 SE Anchor Ave. Warrenton, OR 97146	130 S Holladay Dr. Acct. 12052	110.1	1,111.14

61021AD			
12000	Steven J. Oliva/Winfield F. Muffett PO Box 301 LaCenter, WA 98629	Acct. 12053	100.1 1,010.21
13000	Ralph Rogers Trust PO Box 603 Seaside, OR 97138	201-203 S. Holladay Dr. Acct. 12064	64.7 652.95
13100	210 S. Holladay Dr. LLC 11468 NW Blackhawk Dr. Portland, OR 97229	210 S Holladay Dr. Acct. 12065	314.0 3,168.90
13200	Yoo Hi Chang 231 S. Holladay Dr. Seaside, OR 97138	231 S Holladay Dr. Acct. 12066	68.8 694.33
14000	Broken Spoke Properties 89736 Seales Rd. Warrenton, OR 97146	303 S Holladay Dr. Acct. 12074	50.0 504.60
14100	SJJ McCadden LLC/Bank of the Cascade 9665 Wilshire Blvd. #200 Beverly Hills, CA 90212	300 S Holladay Acct. 12075	120.0 1,211.05
14200	SJJ McCadden LLC/First Interstate Bank 9665 Wilshire Blvd. #200 Beverly Hills, CA 90212	Acct. 12076	94.0 948.65
		TOTAL	10,659.3' \$107,574.00

- Downtown Maintenance District



**CITY OF SEASIDE
NOTICE OF PUBLIC HEARING
CITY COUNCIL**

On Monday, May 13, 2024, at 6:00 PM, a Public Hearing will be held by the Seaside City Council at Seaside City Hall, 989 Broadway, to take testimony and render a decision on a proposed ordinance to renew the Downtown Maintenance District, at a linear foot rate of **\$10.092032** per front foot for one year.

A joint effort of City Council, City Staff, and a committee consisting of downtown merchants established the current program for maintenance of the downtown core area.

Funds generated by this District pay the contractor for litter removal and sweeping the sidewalks, and a separate contract for maintaining the planting areas, including replacement plants.

A copy of the proposed ordinance will be available for review at City Hall or on the website at www.cityofseaside.us.

All interested persons are invited to attend the meeting for public comments during the public hearing or can participate by registering prior to the event.

You may provide public comment in four (4) different methods:

1. In-person (meetings are held at Seaside City Hall - 989 Broadway, Seaside, OR)
2. Via Zoom web conference,
3. Via Zoom on a cellular or landline telephone,
4. Written comments may be submitted using the form on our website with the following link: <https://www.cityofseaside.us/city-council/pages/watch-or-listen-public-meeting>

Zach Fleck
Seaside Finance Director

PUBLISH: April 25, 2024 Daily Astorian

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SEASIDE, OREGON, PURSUANT TO ORS 223.112-223.132, SETTING A PUBLIC HEARING, EXTENDING THE TERM OF THE ASSESSMENT DISTRICT FOR ECONOMIC IMPROVEMENT, KNOWN AS THE “DOWNTOWN MAINTENANCE DISTRICT”; REPEALING ORDINANCE NO. 2023-03, AND ALL ORDINANCES IN CONFLICT.

WHEREAS, the current Downtown Maintenance District expires on June 30, 2024; and

WHEREAS, it is in the best interest of the City to extend the term of the district.

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

SECTION 1. PURPOSE. The economic improvement district shall be continued to provide maintenance, upkeep, and litter control of planting areas, seating areas, sidewalks, curbs, and gutters within a designated area known as the “Downtown Maintenance District.”

SECTION 2. BOUNDARIES. The Boundaries of the Downtown Maintenance District are described as follows: Broadway from Roosevelt to the Prom; Avenue A from Holladay to the Prom; Columbia Street from Avenue A to Oceanway; Downing Mall from Broadway to Oceanway; Franklin Street from Broadway to Avenue A; First Avenue from Holladay to the Necanicum Bridge; Holladay from 1st Avenue to Avenue A on the West, and from 1st Avenue to Avenue B on the east, including 50’ to the south of Avenue A and 50’ south of Avenue B. (See Exhibit A attached.)

When the Council considers it necessary to expand the boundaries of the district, each new property owner affected will receive notice stating the time and place of a public hearing at which affected property owners may appear to support or object to the district. Boundary changes will be made by the enactment of an ordinance by the Council. (The Boundaries were expanded by Ordinance No. #2018-08 passed by City Council June 26, 2018).

SECTION 3. COSTS. The cost of the Downtown Maintenance District is estimated to be \$107,574.00 annually. Based on the total assessed linear footage of 10,659.3 feet, the benefited properties within the Downtown Maintenance District will pay \$10.092032 per front foot.

SECTION 4. TERM OF DISTRICT. Assessments will be levied to the benefited property owners for a maximum of one (1) year, starting July 1, 2024, to provide for the Downtown Maintenance District.

SECTION 5. AUDITOR TO FILE PROPOSED ASSESSMENT. The City Auditor shall be required to prepare the proposed assessment for each lot in the district and file it with the Finance Office.

SECTION 6. NOTICE OF AFFECTED PROPERTY OWNERS. Notice shall be mailed to the owner of each lot to be assessed; the notice shall state the amount of the assessment proposed on the property of the owner receiving the notice. The notice shall state the time and place of a public hearing at which time affected property owners may appear to support or object to the proposed assessment.

The hearing shall not be held sooner than thirty (30) days after the mailing of the notices. The Council shall consider any objections and may adopt, correct, modify, or revise the proposed assessments.

Notice shall be mailed out to affected property by April 12, 2025, announcing the intention of the Council to extend the Downtown Maintenance District and to assess the benefited properties for all the cost. A public hearing will be held on Monday, May 13, 2024, at 6:00 PM at City Hall, 989 Broadway, at which time affected property owners may appear to support or object to the proposed extension of the district.

SECTION 7. ASSESSMENTS. If, after the hearing, the Council determines that the Downtown Maintenance District shall be extended, the Council shall determine the amount of the assessment on each lot in the district, and the extension of such assessments.

Assessments will not be made, and Downtown Maintenance District will be abolished if written objections are received at the public hearing from owners of property upon which more than thirty-three percent (33%) of the total amount of assessments is to be levied.

SECTION 8. REPEAL. Ordinance No. 2023-03, adopted May 22, 2023, is repealed.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2024, by the following roll call vote:

YEAS:
NAYS:
ABSTAIN:
ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2024.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager



Staff Report – City Council Meeting

Meeting Date: May 13, 2024
Author: Jeff Flory, Community Development Director
Department: Community Development
Subject: North 40 Ball Field
Type of Item: Discussion

Request:

Staff seeks to engage the City Council in a discussion and proposal to solve a property line problem at the North 40 Park and to receive direction on the best path forward.

Background:

The City of Seaside acquired the North 40 from Clatsop County for a new city park to be developed for youth recreation. The City also acquired the adjacent property to the north (North-North 40) for an affordable housing development. The North 40 park property transaction was supposed to include a lot line adjustment, taking approximately 4,000 sq. ft. of the parcel allocated for the affordable housing project. The survey work for the lot line adjustment was started in 2021 however, was never completed and recorded.

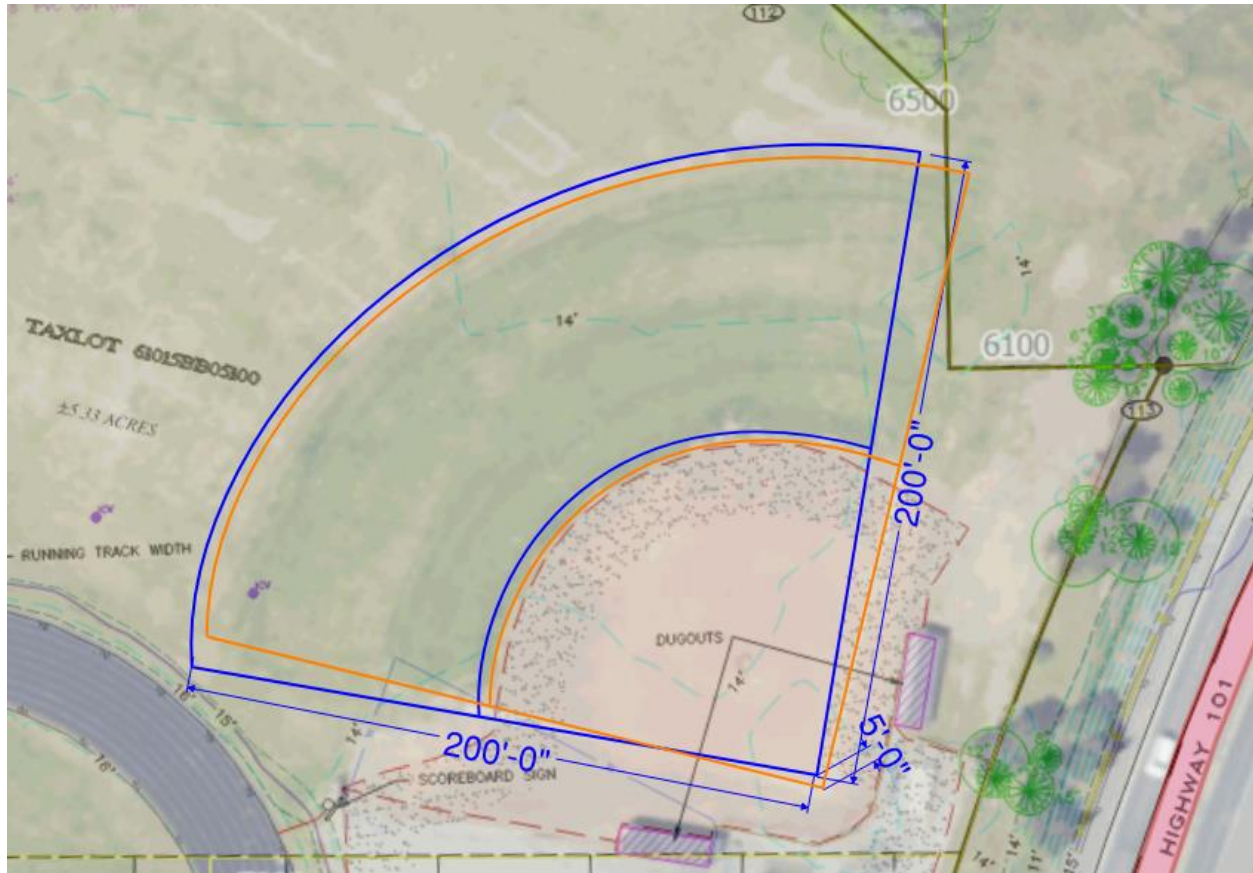


Staff Analysis:

Through the review process for the Affordable Housing RFP staff first learned about this lot line adjustment. The intention behind the adjustment was to preserve the ball field that is used for youth baseball. As the map for this lot line adjustment was never recorded with Clatsop County, the county GIS still shows the 4,000 sq. ft. section as a part of the parcel

that is designated for affordable housing. This is problematic as the developers who submitted proposals for this RFP have included this section of land as part of their concept, site plan, number of dwelling units, number of parking spaces, and in the estimate for their cost for development.

Staff has looked at the possibility of keeping the lot lines as mapped on Clatsop County Webmaps while still maintaining a baseball field. Four different conceptual ideas were presented to Seaside Kids that will maintain the existing permanent infrastructure (infield, dugouts, backstop). The concept below will only require modifications to the base orientation and temporary outfield fence. Seaside Kids was agreeable that this new field layout would work.



The existing foul line and fence line are sketched in orange while the proposed change is in blue. By moving home plate 5ft and adjusting the field orientation the baseball field can continue in its current location.

If this alignment is approved and the Council decides to keep the current property lines, the City can both preserve youth baseball while at the same time creating additional affordable housing in the city—a high priority for the City Council and part of the Council’s strategic blueprint priorities.

Budget Impact:

There is no direct budget impact.

Recommendation:

Staff recommends working with Seaside Kids to re-orient the baseball field in its current location so that play may continue until the park is re-designed and new ball fields can be constructed as part of the North 40 park development. This will include undoing the work that was done but not completed for the lot line adjustment.

Alternatives:

Staff can complete the property line adjustment, removing approximately 4,000 sq. ft. from the affordable housing development and adding it to the park parcel. Staff would then ask the developers to resubmit their proposals taking into consideration the adjusted out section of land. However, there is a significant chance that firms who have put in time and resources to their current proposals will opt not to resubmit, especially if the project is smaller and will have less of a financial return for the developers. In addition, a reduction in the property size will reduce the number of affordable housing units in the development.