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www.cityofseaside.us/meetings

SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

May 3, 2022

6:00 p.m.

1. **CALL TO ORDER:**
2. **PLEDGE OF ALLEGIANCE:**
3. **OPENING REMARKS:**
4. **DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:**
5. **APPROVAL OF MINUTES:** April 5, 2022
6. **PUBLIC HEARING:**
 - A. **Continuance of 21-061 PDSUB:** A Planned Development Subdivision request by **Sunset Ridge, LLC**, represented by Mark Mead. The subject property (**T6-R10-S22AB-TL# 8100**) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned **Low Density Residential (R1)** and the request will allow the creation of 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct.
Please note a continuance has been requested by the applicant and we will not be taking public testimony on this item.
7. **ORDINANCE ADMINISTRATION:**
 - A. **VRD Proposed Policy Changes:**
 - a. Decrease VRD density from 40% to 30% in the R-3 zone. Increase VRD density from 50% to 100% for properties with ocean frontage.
 - b. Add a 90-day waiting period for new owners to apply after they have closed on the property.
 - c. Increase the grace period to close out existing reservations from 60 days to 90 days.
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

SUNSET RIDGE, L.L.C
PO Box 800,
Seaside, Oregon 97138
503-780-3671

April 24, 2022

To: Jordan Sprauge
City of Seaside

From: Sunset Ridge, L.L.C.


RE: Vista Ridge Tract "G"
Future Development Area
6.62 Acres
Tax Lot 8100 Tax map 6-10-22-AB

Dear Jordan,

We would like to ask for a continuance for the May 3rd hearing on this project pushing it until the June 7th meeting. This will allow us to submit additional material for review by the commission and the public.

We are also waiving our right to a 120 day decision time frame.

Respectfully,


Sunset Ridge, L.L.C.

Memo



To: Seaside Planning Commission
From: Jeff Flory, Interim Planning Director
Date: April 22, 2022
Re: VRD Policy Changes

On April 19, 2022 the Seaside Planning Commission convened a work session to discuss Vacation Rental Dwelling (VRD) policies. In that meeting the Planning Commission requested a change to three VRD policies.

- Increase the density on ocean front properties from 50% to 100% and decrease the density of the eligible properties in the R-3 zone from 40% to 30%.
- Require a 90-day waiting period after a property is purchased prior to the owner applying for a VRD Conditional Use Permit.
- Extend the grace period property managers and owners have to clear out reservations after a permit has been voided from 60 days to 90 days.

Below are the amendments to the current VRD policies that reflect the above policy changes.

2. VRD SPATIAL DISTRIBUTION:

The Planning Commission will not support the approval of a VRD Conditional Use Permit applications in the R-2 zone if more than 40% of the surrounding properties within 100' of an applicant's property are currently licensed as VRDs. The Planning Commission will not support the approval of a VRD Conditional Use Permit application in the R-3 zone if more than 30% of the surrounding properties within 100' of an applicant's property are currently licensed as VRDs.

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

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

Exceptions:

- I. This percentage does not apply within the Resort Residential (R-R) zone as motels are an outright permitted use in that zoning district.
- II. VRDs within the R-R zone will not be counted in the density analysis for applications for properties that border that zone for the purposes of determining if the surrounding percentage of VRDs exceeds 40%.
- III. The VRD density is increased to ~~100%~~50% for properties in the following areas:
 - a. Properties on the ocean side of Sunset Boulevard from the southern end of the road to The Cove parking lot.
 - b. ~~All properties that abut Sunset Blvd. from the southern boundary of the Cove parking lot to the Sailor's Grave, that abut Sunset Boulevard from The Cove parking lot to the intersection of Sunset Boulevard and Evergreen Drive, then continuing easterly along Sunset Blvd. up to the Sailors Grave.~~
 - c. All properties on the ocean front side of Sunset Blvd. from the Sailors Grave to the R-R Zone at avenue G, the intersection with South Edgewood Drive and along South Edgewood Dr to the intersection of Beach Drive.
 - d. ~~All properties on the ocean side of Beach Drive from the intersection of Beach Drive and South Edgewood Drive north to the R-R zone at Avenue G.~~
 - e.d. Properties at the end of the R-R zone at 12th Avenue along the ocean front area that abut the platted portion of Ocean Avenue to 15th Avenue.
 - e. Properties on the ocean side of North Columbia that abut the platted portion of North Prom to 19th Avenue where it reaches the Open Space Park (OPR) zone.
- IV. The VRD density is increased to 50% in the following locations:
 - a) Properties that abut Sunset Blvd. from the southern end of the road to the southern boundary of the Cove parking lot.
 - b) Properties that abut Sunset Blvd from the Sailor's Grave to the intersection with South Edgewood Dr. and along South Edgewood Dr. to the intersection of Beach Dr.
 - c) Properties on the ocean side of Beach Dr. north to the R-R zone at the intersection of Avenue G except those properties on the ocean front.

6. APPLICATION PROCESS:

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

- I. VRD applications will not be accepted on newly constructed dwellings until all of the building permits have an approved final inspection and the certificate of occupancy is issued by the Building Official.
- II. VRD applications will not be accepted on existing dwellings undergoing a significant remodel that could change the occupancy allowed by current VRD standards. VRD applications can be submitted once all of the building permits have an approved final inspection by the Building Official.
- III. An existing owner of a VRD may apply for a review of their conditional use permit to expand their VRD occupancy prior to the completion of the remodel of their dwelling. The applicant must submit plans for the expansion, and if approval is granted, the final inspection must show the work done to the dwelling substantially matches the plans that were used as the basis for the conditional use permit approval.
- IV. VRD applications will not be accepted pursuant to a purchase contract for a property. The applicant must have owned the property for at least 90 days prior to a VRD application being accepted. ~~The VRD application will be accepted once the purchase contract is final and the applicant has taken possession of the property.~~

9. STANDARD CONDITIONS OF APPROVAL:

17. **Grace Period:** If a currently licensed VRD sells to another party, staff is allowed to grant a temporary grace period of not more than ~~60~~ 90 days in which current bookings can be cleared without being recognized as a violation. The manager or owner must provide staff with a list of the bookings during the grace period and no additional bookings can be taken during that time.

SEASIDE PLANNING COMMISSION WORK SESSION
SUMMARY

CITY HALL COUNCIL CHAMBERS
989 BROADWAY SEASIDE, OR
APRIL 19, 2022 @ 7:00 P.M.

TOPICS & ISSUES FOR DISCUSSION:

Please note this is a general work session and there will be no discussion related to any on-going Public Hearing items.

A. VRD Density: The Commission discussed the prices of housing within the areas that allow VRDs. A recommendation to require a 90 day wait period after sale of a home before a VRD application could be submitted was presented from Commissioner Kraft. The increase of beach front properties from 50% density to 100% and to decrease the density for properties zoned R-3 from 40% to 30% was recommended by Chair Montero. Acting Planning Director Jeff Flory, on behalf of VRD property management companies, recommended an extension of the existing VRD bookings grace period from 60 days to 90 days. The Commission requested Dan Van Theil attend next Planning Commission to discuss these changes in policy.

B. General Rules/Policies

C. Questions & Answers

D. Adjournment

Any questions about the work session may be directed to the Planning Department at 503-738-7100

MINUTES SEASIDE PLANNING COMMISSION April 5, 2022

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman Robin Montero, Vice Chair Kathy Kleczek, Lou Neubecker, Chris Rose, Seth Morrissey, and Brandon Kraft. Staff present: Jeff Flory, Acting Planning Director and Transient Rental Compliance Officer, Jordan Sprague, Administrative Assistant.

APPROVAL OF MINUTES: Commissioner Neubecker stated that the date at the top of the minutes was incorrectly listed as February 1, 2022 and should be changed to March 1, 2022 minutes.

INTRODUCTORY STATEMENTS

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

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

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

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Vice Chair Kleczek, Commissioners Morrissey and Neubecker declared a conflict of interest for project 21-061PDSUB.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Montero:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.
5. Electronic testimony can be submitted via Zoom using the meeting ID of 817-4719-0379.

PUBLIC HEARING

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

has requested a continuance in order to respond to comments that were made at previous Planning Commission hearing. The applicants have requested a continuance to the April 5, 2022 meeting at 6 pm in the Council Chambers and have waived their 120 day timeframe. Commissioner Kraft motioned to continue 21-061PDSUB. Commissioner Rose seconded the motion. The motion passed unanimously with Vice Chair Kleczek, Commissioners Morrissey and Neubecker abstaining.

ORDINANCE ADMINISTRATION

20-021CU – Extension: Jeff Flory, acting Planning Director, stated that the owner, Arthur Worsham III was requesting an extension to his conditional use permit for rebuilding three (3) non-conforming dwellings at 2021 S Downing St. Chair Montero asked if Mr. Worsham III was present at the meeting. Mr. Flory responded that Mr. Worsham III was told that he did not have to attend the meeting but submitted an email to the previous Planning Director with the reasons for the extension request. Vice Chair Kleczek stated that the grace period for his extension was dated for February 20, 2022 but the email was submitted after this date. Commissioner Morrissey stated that he has personal experience with the current construction environment and understands Mr. Worsham's reasoning. Commissioner Morrissey asked for clarification for how far past the grace period Mr. Worsham's request was submitted. Mr. Flory responded that the request was discussed by Mr. Worsham and the previous Planning Director, but recommended the Commission place a continuance on the decision for Mr. Worsham to attend the next meeting. Chair Montero stated that Mr. Worsham's original plan for the units was to have his father occupy two of the units and act as the manager for the third unit, but the father had passed away. Chair Montero added that the application for this project was made during COVID, so the hardship that caused the delay was not a result of COVID. An approval of the property would go with the property, not the owner. Mr. Flory stated that if an extension was approved, the extension would be 6 months from the February 5th date. Chair Montero stated that the previous extension had expired. Commissioner Neubecker motioned to decline the extension request for 20-021CU. Vice Chair Kleczek seconded the motion. The motion passed unanimously.

COMMENTS FROM THE PUBLIC

Sue Coddington, 2152 Cedar St., asked for clarification if 21-061 PDSUB was considered a part of the agenda. Chair Montero responded that it was on the agenda, but the project was continued and public comments for that project were to be put on hold for this meeting.

COMMENTS FROM COMMISSION/STAFF

Commissioner Rose would be absent for the May 3rd meeting. Commissioner Neubecker stated that he would be absent for the June and July meetings. Commissioner Kraft would be absent for the May meeting as well. Vice Chair Kleczek stated that she was looking forward to the hiring of new City staff and the updates to the comprehensive plan. Chair Montero requested a work session for reviewing the density policy for VRDs due to the housing shortage for long term residents. The Commissioner agreed to hold a work session on April 19, 2022 at 7 p.m. in the Council Chambers. Chair Montero requested a map of Seaside that shows the locations of all VRDs and the zoning of the Seaside.

ADJOURNMENT: Adjourned at 6:32 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant.

Seaside, OR
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Submission information

Form: [Public Comment Submission or Registration](#) (1)
Submitted by Anonymous (not verified)
April 29, 2022 - 1:38pm
68.185.2.246

Full Name:

Kathryn Hillenhagen

Full Address (Providing your address is required to offer public comment):

335 Ave. K Seaside, OR

Phone Number:

541-404-9902

E-mail Address:

pw_katiesue@hotmail.com

Confirm E-mail Address:

pw_katiesue@hotmail.com

Is this comment for the City Council or the Planning Commission?

Planning Commission

Meeting Date you will be providing public comment (Council Meets 2nd and 4th Monday of Month, Planning Meetings 1st Tuesday of Month)

May 3, 2022

Select which option you will be using to attend the meeting:

Written Comment

Written comment instructions:

I have read and understand the written comment instructions.

Written Comment:

Dear Commissioners,

I am happy to see that adjustments are being made to the VRD Policy. I live in a neighborhood affected by the ordinance and am glad so see the density being reduced in the R-3 Zone. However, I would also like to see the density similarly reduced in the R-2 Zone. Until very recently my family and I lived in an effected R-2 Zone (we moved a month ago because our long term rental was turned into a short-term rental). I think everyone is aware that it is very difficult to find decent affordable rentals in the City of Seaside, but short-term rentals are not the only reason for this and there are other things to consider when looking at the VRD policy. I believe that it is equally important that we do not give up too much of these neighborhoods to vacation rentals, as doing so negatively affects the sense of community in these areas. Unfortunately, there are very few families or full time residents in areas where short-term rentals are allowed. I am not against short-term rentals all together (I even enjoy staying in them when I travel) and understand that they play an important role in the local economy, however I think that balancing that benefit with the needs of

residents and the livability of the community is essential. Reducing the density in the R-3 and R-2 Zones will help create a better balance.

Thank you for your time and consideration.

Best,
Katie

Is this comment for the general (open) comment period or for a specific agenda item?
Specific Agenda Item

Please list the specific item on the agenda that allows for public comment (Example: Item #11A - Resolution #3994):
VRD Policy Changes

If you would like to submit a photo or other documents along with your comment please upload them here:

Please select one of the following required options:

I am stating that I would like this comment submitted to the City Council prior to its next meeting and included in the council packet. Further, I'm stating that by checking this box, I understand that it will become part of the public record. Comments made without a name and address cannot be added to the public record.

Source URL: <https://www.cityofseaside.us/node/15991/submission/4356>

Links

[1] <https://www.cityofseaside.us/city-council/webforms/public-comment-submission-or-registration>