



CITY OF CANNON BEACH

AGENDA

Meeting: City Council Work Session and Special Meeting
Date: Tuesday, November 14, 2023
Time: 6:00 p.m.
Location: Council Chambers, City Hall

CALL TO ORDER AND APPROVAL OF AGENDA

PUBLIC COMMENT

*The Presiding Officer will call for statements from citizens regarding issues relating to the City.
The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.*

COMMENDATION

- (1) **Lifesaving Commendation to Corporal Joseph Bowman and Officer Rashad Gipson**

DISCUSSIONS

- (2) **Removal of Misdemeanor Language in Municipal Code**
(3) **Short Term Rental Information**

CLOSE WORK SESSION AND OPEN SPECIAL MEETING

- (4) **Tree Removal Permit Application for 51032BC00600**
If Council wishes to approve or deny the application the appropriate motion is in order.
- (5) **Consideration of the Minutes of the**

October 3	Regular Meeting
October 5	CH/PD Community Outreach
October 10	Work Session/Special Meeting
October 16	Joint Code Audit
October 17	CH/PD

- (6) **Good of the Order**

ADJOURNMENT

To join from your computer, tablet or smartphone

Join Zoom Meeting

<https://zoom.us/j/99261084699?pwd=TkpjbGcxS0pCOGIMOCtSbSsxVWFMZz09>

Meeting ID: 992 6108 4699

Password: 365593

To join from your phone:
Phone: 1.669.900.6833
Meeting ID: 992 6108 4699
Password: 365593

View Our Live Stream: View our [Live Stream](#) on YouTube!

Public Comment: If you wish to provide public comment via Zoom for this meeting, you may submit it by **noon**, the day of the meeting, to cityhall@ci.cannon-beach.or.us, or raise your hand using the Zoom feature. Except for a public hearing agenda item, all Public to be Heard comments will be taken at the beginning of the meeting for both Agenda and Non-Agenda items. If you are requesting to speak during a public hearing agenda item, please indicate the specific agenda item number as your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Council. All written comments received by the deadline will be distributed to the City Council and the appropriate staff prior to the start of the meeting. These written comments will be included in the record copy of the meeting.

Please note that agenda items may not be considered in the exact order listed. For questions about the agenda, please contact the City of Cannon Beach at (503) 436.8052. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.

Posted: 2023.11.09



CANNON BEACH CITY COUNCIL

STAFF REPORT

CHIEF SCHERMERHORN PRESENTING LIFESAVING COMMENDATION TO
CORPORAL JOSEPH BOWMAN AND OFFICER RASHAD GIPSON

Agenda Date: November 14, 2023

Prepared by: Jason Schermerhorn, Chief of Police

BACKGROUND

Within (3) three days of each other in September 2023 Corporal Bowman and Officer Gipson administered Narcan to (2) two separate individuals saving their lives.

ACTION

Chief Schermerhorn will present Commendations and Lifesaving Medals to Corporal Joseph Bowman and Officer Rashad Gipson



CANNON BEACH CITY COUNCIL

STAFF REPORT

REMOVAL OF MISDEMEANOR LANGUAGE IN MUNICIPAL CODE

Agenda Date: November 14, 2023

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

At the November 7th, 2023 meeting Council adopted an Ordinance to remove the word misdemeanor from the municipal code under prohibition on attracting and feeding wild animals.

ANALYSIS/INFORMATION

The word misdemeanor is used in other areas of the code and is listed in Attachment A. As the city cannot designate a violation as a misdemeanor, these references are being brought to Council for direction. Staff acknowledges there are other areas in these sections of code that need to be addressed. At this time the focus is on correcting the violation language to be compliant with the state.

RECOMMENDATION

Provide staff direction regarding the amount of the fine. Staff will bring an Ordinance to the January 2nd Council meeting amending this language.

List of Attachments

A Cannon Beach Municipal Code – References to misdemeanor

Cannon Beach Municipal Code – References to misdemeanor

Chapter 4.01 SPECIAL EVENTS

4.01.200 Violations.

A. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute a **misdemeanor** punishable by a fine of up to one million dollars, or by imprisonment in the County Jail for a term not exceeding six months, or by both:

1. To stage, present, or conduct any special event without first having obtained a permit under this chapter;
2. To hamper, obstruct, impede, or interfere with any special event or with any person, vehicle or animal participating or used in the special event;
3. To carry any sign, poster, plaque, or notice, whether or not mounted on a length of material, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material;
4. For any person participating in any special event to carry or possess any length of metal, lumber, wood, or similar material for purposes of displaying a sign, poster, plaque or notice, unless such object is one and one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object may not exceed three-fourths inch in its thickest dimension.

B. Violations of the terms and conditions of any of the following prohibitions in this chapter will constitute an infraction and shall be punished as provided for by law:

1. To participate in a special event for which the person knows a permit has not been granted;
2. To knowingly fail to comply with any condition of the permit;
3. For a participant in or spectator at a special event to knowingly violate any conditions or prohibitions contained in the special events permit;
4. For any driver of a vehicle to drive between the vehicles or persons of a special event when the vehicles or persons are in motion and are conspicuously designated as a special event;
5. The police chief may prohibit or restrict the parking of vehicles along a street constituting a part of a special event if the police chief posts or cause to be posted signs to that effect. It is unlawful for any person to park or leave unattended any vehicle in violation of the posted signs.

C. The police chief may, when reasonably necessary, waive parking regulations along a street constituting a part of a special event. (Ord. 21-04 § 1)

Chapter 5.12 BINGO AND LOTTO

5.12.050 Violation—Penalty.

Any charitable, fraternal or religious organization which violates the provisions of this chapter is guilty of a **misdemeanor** and shall be punished by a fine not to exceed five hundred dollars. Further, a license may be suspended or revoked for repeated violations of the provisions of this chapter by the licensee after conviction in a court of competent jurisdiction. (Ord. 83-7 § 16; Ord. 77-10 § 6)

Chapter 5.14 SOCIAL GAMING

5.14.090 Penalties.

In addition to the suspension or revocation of any license hereunder, any licensee, firm, corporation, association, or person(s) associated with licensee who violates any provision of this chapter, may, upon conviction, be guilty of a **misdemeanor** and be fined in the amount not to exceed five hundred dollars for each violation. Each day that a violation is permitted to occur is considered a separate violation. (Ord. 10-2 § 9)

Chapter 12.28 HAYSTACK ROCK

12.28.040 Violation—Penalty.

Violation of this chapter shall constitute a **misdemeanor** and be punishable on conviction by a fine of not more than five hundred dollars. (Ord. 83-7 § 8; Ord. 68-11 § 2)



CANNON BEACH CITY COUNCIL

STAFF REPORT

SHORT TERM RENTAL INFORMATION

Agenda Date: November 12, 2023

Prepared by: Steve Sokolowski
Community Development Director

BACKGROUND

During the September 12, 2023, Council meeting, the Council discussed several items concerning short term rentals. Specifically, the Council asked staff to gather information from several communities around the area and present that information to the Council for their review.

Staff contacted several communities and is providing this information to Council. The information is from the following communities:

- City of Manzanita
- City of Seaside
- City of Gearhart
- Lincoln City

RECOMMENDATION

Provide directions as determined by the Council.

List of Attachments

- A. Short Term Rental Information



CITY OF MANZANITA

P.O. Box 129, Manzanita, OR 97130-0129
 Phone (503) 812-2514 • Fax (503) 368-4145 • TTY Dial 711
strprogram@ci.manzanita.or.us

Short-term Rental Application Process & Instructions

1. Read all related information, especially the Ordinances and Resolutions. These are available on the Short-Term Rental Department

It is the property owner(s)' responsibility to know and comply with all ordinances, resolutions and regulations that apply to short-term rentals within the City of Manzanita.

2. Complete the application, statement of understanding, and self-inspection form, ensuring that all legal owners sign and initial the forms as directed. Don't forget to mark your property corners and your 9' x 18' parking spaces or to include the required photographs and documents with the self-inspection form. Incomplete submittals will not be accepted.

Do not submit your application packet until you are sure that you will pass all items on the inspection checklist. Failure to complete the Short-Term Rental inspection process within three months of the application submittal date shall result in the expiration of the application.

3. Submit the completed forms along with proof of payment of the application fee. The application fee includes the cost of staff time to process the application and the initial Short-Term Rental inspection. All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees.

The application fee is to be paid via the payment portal on the City's website at this link: https://secure.xpressbillpay.com/portal/payment_forms/?id=MzE1NTQ%3D. Please make sure that you choose "STR New License Application Fee" from the drop-down list so that you pay the correct amount. (If you pay with an e-check, you will not be charged a processing fee. You will be charged a fee to pay with a credit card.) They will send you an email confirming your payment. Save this and include it in your application packet as proof of payment.

The application packet must be emailed as a separate pdf attachment to STRprogram@ci.manzanita.or.us.

4. Upon verification that the application packet is complete, City staff will:
 - a. Verify ownership of the property to ensure that no one involved in the subject property has beneficial interest in another short-term rental property in Manzanita.
 - b. Direct you on how to schedule your short-term rental inspection. (It is required that someone accompany the Building Inspector throughout the inspection process.)
5. If an item on the City's inspection list failed inspection, you will be directed to pay the associated fee before the follow-up inspection can be scheduled once the deficiency has been corrected.

The City of Manzanita is an Equal Opportunity Provider and Employer.

6. After your short-term rental inspection has passed, City staff will email you to let you know the status of your application. (See item 7 and 8.)
7. For homes in zones R-2, R-3, and SRR, if there is a waiting list, City staff will notify you as to your position on the list. No licensing fee is due to the City at this point.
8. If there is no waiting list, or your application is at the top of the waiting list, City staff will notify you by email of the availability of a license.
9. Before an available short-term rental license can be issued, you will be required to submit the following within one week of notification:
 - a. Evidence that the Dwelling Unit receives side yard or walk-up garbage service from the local franchised garbage hauler
 - b. Proof of liability insurance coverage on the Short-Term Rental property
 - c. Your completed Short-Term Rental Owner/Local Agent Registration Contract
 - d. Photos of the required signage showing its content and its location as visible from the street
 - e. Photos of the required parking plan map clearly showing its content and that it is conspicuously posted in the rental
 - f. Payment of your \$850 short-term rental licensing fee which covers the period from your license issuance date through July 31 and is not subject to proration. (All short-term rental licenses are subject to the renewal process and associated fee every August 1st regardless of the date of issuance.)
10. Once the required forms and documents have been received and approved and the license fee has been paid, City staff will email your license activation date, tax payment schedules, and the maximum overnight occupancy allowed for your rental home.
11. Following activation, the short-term rental license certificate will be issued to the local agent (or owner if eligible) for posting in a conspicuous location in the rental unit. This certificate must be posted prior to the rental unit being occupied as a short-term rental.

Please be aware that renting or advertising your home for rent on a short-term basis without a license is in violation of the City of Manzanita's ordinances and subject to penalties as provided for in Manzanita Ordinance No. 15-01 which governs Civil Infractions.

ORDINANCE NO. 10-03
(As amended by Ord. No 16-05, 12/7/16; and Ord. No 21-06, 9/8/21)

**AN ORDINANCE ESTABLISHING RULES AND REGULATIONS RELATING TO
SHORT TERM RENTALS**

WHEREAS, Ordinance 95-4 defines Short Term Rentals as an outright allowed use in residential zones; and,

WHEREAS, the City of Manzanita wishes to establish rules and regulations relating to Short Term Rentals within the City to ensure the safety and convenience of Renters, Owners and neighboring property owners; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

Section 1. Definitions.

a) For the purpose of this Ordinance, words used in the present tense include the future, the singular number includes the plural, the word "shall" is mandatory, and the term "this Ordinance" shall be deemed to include all amendments hereafter made to this Ordinance. [Added by Ord. No. 16-05, 12/7/16]

b) The following words and phrases, as used herein, shall have the following meanings:

Dwelling Unit. Means the definition provided in Section 1.030 of Manzanita Zoning Ordinance 95-4, as amended. [Amended by Ord. No. 21-06, 9/8/21]

Local Agent. Any Person who has been contracted by the Owner and has full authority to act on the Owner's behalf for purposes outlined in Ordinance 10-3 Section 4. [Amended by Ord. No. 16-05, 12/7/16 and by Ord. No. 21-06, 9/8/21]

Owner. Any Person who, alone or jointly, has title to or an ownership interest in any Dwelling Unit to be used as a Short-Term Rental. [Amended by Ord. No. 21-06, 9/8/21]

Person. Every natural Person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

Rent. The full consideration charged, whether or not received by the operator, for the occupancy of the Short-Term Rental valued in money or in goods, labor, credits, property, or other consideration valued in money, without any deduction. Except as otherwise provided in this Ordinance, Rent includes all fees, charges and assessments (including but not limited to processing fees, cleaning fees or fees for maid service and pet fees) charged, assessed or allocated by the operator for the occupancy of the Short-Term Rental, the payment for which is not optional and not refundable. Rent does not include:

1. Any taxes, fees, or assessments levied by any other governmental entity.
2. The sale of any goods or services which are separate and independent from occupancy. [Added by Ord. No. 16-05, 12/7/16]

Serious Fire or Life Safety Risk. A building code or Ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety. [Added by Ord. No. 21-06, 9/8/21]

Short-Term Rental. A Dwelling Unit that is Rented to any Person on a day-to-day basis or for a period of less than thirty (30) consecutive nights. [Amended by Ord. No. 16-05, 12/7/16]

Short-Term Rental License. A permit to operate a Short-Term Rental in accordance with this and all City Ordinances. The licensing year is August 1st to July 31st of the following year and the fee of which is not subject to proration. [Added by Ord. No. 16-05, 12/7/16]

Sleeping Room. A fully-enclosed habitable space with a heat source and an emergency egress or rescue opening meeting the minimum standards of the current Oregon Residential Specialty Code. [Added by Ord. No. 21-06, 9/8/21]

Section 2. License required. A property Owner shall obtain and maintain a license as provided in this Ordinance for any qualified Dwelling Unit that is to be used as a Short-Term Rental. A license shall be obtained prior to using a Dwelling Unit as a Short-Term Rental or advertising in any manner the availability of the Dwelling Unit for Short-Term Rental. A Short-Term Rental License shall be surrendered immediately to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license. [Amended by Ord. No. 16-05, 12/7/16]

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to not immediately surrender a Short-Term Rental License to the City upon sale of the property or cessation of use as a Short-Term Rental at the address named on the license. [Added by Ord. No. 21-06, 9/8/21]

a. Short-Term Rental License. The Short-Term Rental License shall state the address of the Short-Term Rental, the name and phone number of the Owner or Local Agent, the maximum allowable number of overnight occupants, the license number, the expiration date of the license, and any other information required by the City of Manzanita. The license shall be prominently displayed in the Rental so as to be seen and readily noticed by any and all occupants. Such license also will serve as the Manzanita Certificate of Authority (MCA) required by the Manzanita Transient Lodging Tax Ordinance No. 16-03. [Amended by Ord. No. 21-06, 9/8/21]

It is a Class A Civil Infraction as provided in Ordinance No. 15-01 to Rent or make a Dwelling Unit available for Rent as a Short-Term Rental without obtaining the license required by this section or to Rent the property on a short-term basis without the current license posted conspicuously in the Rental property as required above. [Added by Ord. No. 16-05, 12/7/16; amended by Ord. No. 21-06, 9/8/21]

b. Advertising. All advertising soliciting business for a Short-Term Rental shall include the license number issued by the City of Manzanita to the Owner. All advertisements appearing through any medium including any print, electronic, or audio media, including, but not limited to, advertisements appearing in newspapers, magazines, newsletters, flyers, internet sites, bulletin boards, or any other advertising medium, regardless of origin, distribution method, or distribution location of such medium

soliciting reservations or Rental availability shall include the Short-Term Rental License number. Such identification shall appear as "MCA #" (Manzanita Certificate of Authority) followed by the City-issued license number in a readable size and font, and be placed in such location that it is readily noticed as a part of the advertisement.

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to place advertising soliciting business by any means for the Short-Term Rental property without having the Short-Term Rental License number included. [Added by Ord. No. 16-05, 12/7/16]

Section 3. Short-Term Rental License Requirements.

a. Eligibility to apply for license. A property Owner who holds title or a recorded land sale contract to a property with a Dwelling Unit which has passed a final building inspection may apply for a Short-Term Rental License. Applications will be processed in the order received by the City. A license application shall not be accepted nor processed until fines related to any violation of any City Ordinance related to the subject property are paid in full. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

b. Application. An application packet for a Short-Term Rental License shall be completed and submitted to the City by the Owner of the Dwelling Unit on forms provided by the City. The application shall identify and be signed by all Persons shown as Owners or having any beneficial ownership in any form of ownership of the Dwelling Unit on the most recent Tillamook County Assessor's tax records or recorded title. If the Dwelling Unit is owned by a corporation or other entity, legal documentation, acceptable to the City, detailing the names of all Persons with any ownership interest in the entity shall be submitted with the application. Any additional cost incurred by the City in obtaining verification of such information shall be added to the cost of the license. At the time of application, an application fee as determined by resolution of the City Council shall be paid to the City. The fee shall include the cost of staff time to process the application and the initial Short-Term Rental inspection. Incomplete application packets shall not be accepted nor processed. After one resubmittal, all additional resubmittals for the same property shall require payment of additional application fees. Additional inspections, including pre-purchase inspections, are available for a separate fee. A Short-Term Rental applicant must have the initial Short-Term Rental inspection completed and all deficiencies corrected within three months of the application submittal date. Failure to complete the Short-Term Rental inspection process within three months of the application submittal date shall result in the expiration of the application. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

c. Limitations on application. Effective June 4, 2010, a Person holding a Short-Term Rental License or an interest in a property for which a Short-Term Rental License has been issued shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial Ownership, a Short-Term Rental License covering any other property within Manzanita. A Short-Term Rental License may be issued only for a single Dwelling Unit on a single property or for a single Dwelling Unit within a duplex on a single property.

The Short-Term Rental License is issued to the Owner and does not transfer with the sale or conveyance of the property. All Short-Term Rental License holders must report to the City any change of Ownership of their Short-Term Rental, in whatever form, before the conveyance deed is recorded. If the Owner is an entity, then any transfer of fifty percent or more of all ownership interest in the Owner will also constitute

a change of Ownership of the Short-Term Rental. The transfer of the property from (1) a natural Person(s) to a Trust serving the same natural Person(s) or to a family member pursuant to a Trust or (2) the transfer of Ownership pursuant to a will or bequest upon the death of the Owner is not deemed to be a transfer of Ownership for purposes of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

d. Initial inspection. At the time of initial application, the dwelling unit shall be inspected by the City Building Official or designee. The purpose of this Short-Term Rental inspection will be to determine the conformance of the Dwelling Unit with this ordinance and all other standards required by the City. Applicants must correct any identified deficiencies and make corrections consistent with the provisions of the current edition of the Oregon Residential Specialty Code and required City standards prior to issuance of a short-term rental license.

In any case where a property subject to an initial inspection is not approved by the City, the City shall allow thirty (30) days from the date of the initial Short-Term Rental inspection for minor repairs or sixty (60) days from the date of the initial Short-Term Rental inspection for major repairs, at the completion of which the Owner or Local Agent must contact the City of Manzanita for a re-inspection. An additional inspection fee may apply. All re-inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. If the repairs identified in the initial Short-Term Rental inspection are not rectified at the time of re-inspection, the license application shall be invalidated, and the applicant must re-apply and pay the associated application fee. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

e. License issuance. Except as provided in Section 3(f) below, the Owner shall be issued a license for a Short-Term Rental upon completion of all required forms, inspection approval of the Dwelling Unit by the Building Official or designee, and payment of the annual license fee as determined by resolution of the City Council.

f. Waiting list in certain areas. If the Dwelling Unit is located within the area subject to the cap placed on the number of Short-Term Rentals by Section 6.030(3)(a) of Ordinance 95-4 and no licenses are available, the Owner who is otherwise eligible to receive a license will be placed on a waiting list. The City shall notify the applicant, in writing via regular or electronic mail, of the status of the pending license. If at any time the applicant chooses to withdraw their application from consideration, the applicant must do so in writing.

As a license within the capped area becomes available, it will be offered to the Owner whose approved application has been on the list for the longest time. Within one week of notification, the license fee and all forms and documentation required must be submitted to the City. Failure to submit the license fee and required forms and documentation to the City will result in the license being offered to the next applicant on the waiting list. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

g. Hardship license. The City Council at its discretion may approve a special hardship license where it is determined that a medical condition, death of a spouse or other extraordinary financial burden is likely to jeopardize the Owner's ability to maintain Ownership of the designated property. The Council may attach a time limit with a hardship license, and this license shall be revoked upon the sale or conveyance of

the property.

h. Utilization of License Required. Holders of Short-Term Rental Licenses issued after June 4, 2010, including those issued to Owners on the waiting list described in Section 3(f) above as of June 4, 2010, who report no Rental income for a period of nine (9) months from the initial license issuance date shall be considered as having abandoned the license, and the license shall be automatically revoked. This requirement shall apply to subsequent nine (9) month periods. [Amended by Ord. No. 16-05, 12/7/16]

i. License Limitation on Listed Property. A property Owner who holds title or a recorded land sale contract to a property which is a currently licensed Short-Term Rental who lists said property for sale, shall limit the extent of future reservations/bookings to no more than forty-five (45) days from the date the reservation was made. Any and all outstanding reservations/bookings, beyond and including the date of the recording of the deed of sale of that property, shall be cancelled. [Added by Ord. No. 16-05, 12/7/16]

Section 4. Standards. All Short-Term Rentals shall comply with the following standards. Any Owner, Local Agent or Renter who violates any standards, or allows any standards to be violated, is subject to citation and fines in addition to and not in lieu of any other enforcement and penalties contained in this Ordinance or other City Ordinance or State law: [Amended by Ord. No. 21-06, 9/8/21]

- a. House Number. A house number visible from the street must be provided and maintained.
- b. Identification Sign. In addition to the signs permitted by Section 4.070 of Ordinance 95-4 the Owner or Local Agent shall provide and maintain a sign which lists a telephone number for the Owner or Local Agent as required under Section 4(d). Such signage shall be visible from the street and shall be no smaller than 72 square inches nor larger than 90 square inches. Such sign shall include the MCA number for the Dwelling Unit as described in Section 2(b) of this Ordinance. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]
- c. Parking. All Short-Term Rental properties must provide off-street parking spaces for a minimum of 2 vehicles. The maximum number of vehicles allowed off-street at each home shall be the number of bedrooms, plus one. Such spaces shall not be blocked and shall be available to people using the Short-Term Rental. Location and design of parking spaces shall comply with all pertinent City Ordinances, standards, and policies. Off-street parking shall be used if physically available. If a sufficient number of off-street parking spaces are not available for the authorized number of vehicles for overnight parking, then on-street parking shall be limited to one (1) vehicle.

Trailers for boats and all-terrain vehicles may be allowed but shall not exceed the allowable parking for each Short-Term Rental property. Renters may be cited and fined under existing State law or this Ordinance in the event they park illegally.

A parking plan map and notice, identifying the number and location of parking spaces, shall be posted in a conspicuous place within each Short-Term Rental. Language shall be included in the notice that parking shall not, under any circumstances, hinder the path of any emergency vehicle and that renters may be cited and fined if this requirement is not satisfied. The maximum number of parking spaces shall be conveyed to each renter before the visit.

Overnight occupancy or sleeping in a parked vehicle, including recreational vehicles, is not permitted within the Manzanita city limits. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

d. Owner and Local Agent Responsibilities. The Owner or Local Agent shall live within a 10-mile radius of the Short-Term Rental and be able to respond in person within 20-minutes. If the Owner lives outside of a 10-mile radius, the Owner shall contract with a Local Agent.

The Owner or Local Agent shall be available to accept and immediately respond to complaints and other issues on a 24-hour basis at all times and be able to access the Short-Term Rental. Once a complaint or issue is reported, the Owner or Local Agent shall immediately make direct contact with the renter or appropriate entity by phone to resolve the reported problem. If the problem cannot be resolved or an immediate resolution is not achieved by phone, the Owner or Local Agent shall make an in-person visit to the Short-Term Rental to rectify the situation within 20-minutes.

The Owner or Local Agent shall maintain a consistent telephone number and email address by which to be reached 24-hours a day, 7 days a week, year-round.

The Owner or Local Agent shall post the short-term rental license as required in Section 2(a).

The contact information of all Owners and Local Agents shall be kept current with the City of Manzanita at all times. Any change in contact information shall be submitted to the City on a form provided by the City at least 14 days prior to the date changes will take effect. Once processed by the City, the Owner or Local Agent will be issued an updated Short-term Rental License which shall be posted as required in Section 2(a) before the property is occupied again.

The names and contact information for Owners and Local Agents for purposes outlined in this section shall be publishable for use by the public and other entities to address Short-Term Rental complaints and other issues. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

e. Garbage Storage and Removal. During periods of Rental, the Owner shall provide adequate covered and properly secured garbage containers in conformance with all related guidelines established by the City. Before the original license issuance and the annual license renewal, the Owner shall provide the City with evidence that the Dwelling Unit receives side yard or walk-up garbage service from the local franchised garbage hauler. Garbage shall be removed a minimum of one (1) time per week, unless the Short-Term Rental is not being Rented. Information providing directions to community recycling facilities shall also be provided in the Dwelling Unit. The Owner or Local Agent shall notify guests that all garbage must be kept in the secured containers provided for that purpose. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

f. Emergency Information. The Owner shall provide in the Dwelling Unit information and equipment to assist renters in dealing with natural disasters, power outages and other emergencies. The minimum information and equipment to be provided in the short-term rental shall be as determined by resolution of the City Council.

g. Payment of Transient Lodging Tax. Proper reporting and payment of transient lodging taxes due to the City under Transient Lodging Tax Ordinance 16-03 shall be made by the last day of the month following the preceding calendar quarter (or by the last day of the month following the preceding month if mandated by the Tax Administrator). Late tax reports or payments are subject to a minimum fine,

plus interest and penalties as set out in Transient Lodging Tax Ordinance 16-03, even if there was zero Rent to report. Failure to submit timely reports and make timely payment of Short-Term Rental taxes due may result in revocation of the Owner's Short-Term Rental License. This provision applies to all Persons responsible for transient lodging tax reporting and payment for a given Short-Term Rental. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

h. Occupancy Capacity. The maximum allowable overnight occupancy for each Short-Term Rental Dwelling Unit shall be calculated on the basis of two (2) people per Sleeping Room plus an additional four (4) people.

The maximum allowable overnight occupancy of a Short-Term Rental shall be determined at the time a Short-Term Rental License is issued or renewed and shall be posted in a conspicuous location within the Short-Term Rental. That capacity shall not be increased by construction of any addition to the structure covered by the license or by construction of any other structure located on the property. Exceeding the posted overnight occupancy at any time for sleeping purposes is prohibited.

No sleeping area that fails to satisfy the requirements of a Sleeping Room may be used by any Person, or made available by any Owner, for sleeping, and such noncompliant areas shall be equipped with a door that remains locked at all times when the Dwelling Unit is being used as a Short-Term Rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation for the Short-Term Rental. The Owner or the Owner's agent shall notify every Renter, in writing or electronically, that the non-compliant sleeping area may not be used for sleeping. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

i. Outdoor Lighting. To minimize light pollution, glare, light trespass and to protect the dark skies:

1. Outdoor light fixtures shall be fully shielded by opaque side and top covers or frosted glass and the bulb pointed in a downward direction so that light does not radiate from the sides or top of the fixture.
 2. Bulbs shall be "warm" rather than daylight, and either amber or lower emission LED (less than 3000k).
 3. Lights shall be turned off when not in use and shall not be left on for more than 12 hours. As an alternative, porch lights may be fitted with motion detectors.
 4. Security (flood) lights shall be on motion detectors and must not shine on adjacent houses.
- [Added by Ord. No. 21-06, 9/8/21]

j. Proof of Liability Insurance. Before the original license issuance and the annual license renewal, the Owner shall provide the City with proof of liability insurance coverage on the Short-Term Rental property. This liability insurance coverage shall remain active and in effect during the entire time that the property is licensed as a Short-Term Rental. [Added by Ord. No. 21-06, 9/8/21]

k. Noise. No person shall create, permit, or continue unreasonable noise. The hours of 10:00 pm until 7:00 am the next day is a required quiet time and there shall be no noise exceeding 55 dBA. Noise levels shall be measured from the public rights-of way where the alleged offense is occurring. Despite the requirements under this Section 4(k), (1) properties located within LC and C-1 zones are limited to no more

than 70 dBA during the hours of 10 pm to 12 am, and (2) sanitation and refuse collection are exempt from the requirements of Section 4(k). All Short-Term Rentals shall also comply with City Noise Ordinance 94-6. [Added by Ord. No. 21-06, 9/8/21]

It is a Class C Civil Infraction as provided in Ordinance No. 15-01 to violate any of the standards outlined in this section. [Amended by Ord. No. 16-05, 12/7/16]

Section 5. License Renewals and Re-inspections.

a. Renewal Fee. All Short-Term Rental Licenses shall be renewed annually for the period of August 1 of the current year to July 31 of the following year provided all requirements in this Ordinance and Transient Lodging Tax Ordinance No.16-03 continue to be met. If the Owner is out of compliance with the provisions of this Ordinance or any other City Ordinance, regulation or requirement, the City will not renew the license, and the property shall no longer be used as a Short-Term Rental. A license shall not be renewed if fines related to a violation of any City Ordinance or Transient Lodging Taxes related to the subject property are outstanding.

Failure to pay the required license renewal fee, determined by resolution of the City Council, or to submit any form or document required for renewal by the annual August 1 due date shall result in the assessment of a late fee as determined by resolution of the City Council. Failure to pay the required license renewal fee or to submit any form or document required for renewal within thirty (30) days following the annual August 1 due date shall be considered abandonment of the Short-Term Rental License and the license shall expire. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

b. Periodic Re-inspection. Every Short-Term Rental License shall be subject to re-inspection of the Dwelling Unit by the City Building Official or designee at the City's discretion, but no less than every three (3) years. The purpose of this inspection will be to determine the conformance of the Dwelling Unit with the State of Oregon Residential Specialty Code regulations which may be directly related to potential safety issues, and with all other standards required by the City. The City reserves the right to modify inspection requirements to ensure compliance with any standards required by the City. The City shall notify the Owner of required re-inspections at least six (6) months prior to the renewal date of the Short-Term Rental License. The Owner shall pay a fee as determined by resolution of the City Council and arrange for a re-inspection by the City Building Official or designee and must correct any identified deficiencies. All follow-up inspections due to failed items on the City-published inspection list will be subject to additional inspection fees. Failure to arrange for the re-inspection and complete correction of all identified deficiencies by the annual August 1 renewal due date for the Short-Term Rental License shall be considered abandonment of the Short-Term Rental License and the license shall expire. [Amended by Ord. No. 16-05, 12/7/16; and by Ord. No. 21-06, 9/8/21]

c. The Owner of a Short-Term Rental shall be required to schedule and pass a Short-Term Rental inspection when there has been a fire, flood or other event that has caused substantial damage to the structure or when there has been an addition or substantial modification to the structure holding the Dwelling Unit. [Added by Ord. No. 16-05, 12/7/16; amended by Ord. No. 21-06, 9/8/21]

d. Upon notification that a licensed Short-Term Rental is noncompliant with a City Ordinance, law, regulation, or there is a health and safety concern, a re-inspection shall be conducted by

the City Building Official or designee. [Added by Ord. No. 16-05, 12/7/16; and amended by Ord. No. 21-06, 9/8/21]

Section 6. Violations and Penalties.

a. Each day in which a property is used in violation of any part of this Ordinance shall be considered a separate violation. [Added by Ord. No. 16-05, 12/7/16]

b. Revocation of license. In addition to the penalties specified in this Ordinance, the City may determine that an appropriate penalty is the revocation of the Short-Term Rental License. The City Council shall hold a hearing on a proposed revocation of a Short-Term Rental License. At the conclusion of the hearing, based on the evidence presented, the Council may: Take no action on the request for the revocation of the license; attach conditions to the existing license; or revoke the license. Should a license be revoked, the Owner may re-apply for a new license one (1) year after the date of revocation. Revocation of a Short-Term Rental License shall not constitute a waiver of Short-Term Rental fees and taxes due at the time of revocation.

1. Violating any provision in this Ordinance, as well as non-compliance with any term or condition of a Short-Term Rental License, violating Manzanita Ordinance 16-03, or violating any City or State law, may result in revocation of a license, denial of an application to renew a license, and enforcement and penalties as outlined in this Ordinance and in Manzanita Ordinance 15-01. Licenses that are terminated for non-renewal, non-payment, expiration or abandonment shall not be considered a revocation of a license.

2. In the sole discretion of the City Building Official, where a Building Code or Ordinance violation exists at a Short-Term Rental that presents an immediate Serious Fire or Life Safety Risk, the City Building Official may immediately revoke the Short-Term Rental License as an emergency revocation. The City Building Official shall provide written documentation (in layman's terms) of the violation and reason for revocation prior to leaving the inspection site.

3. Upon an emergency revocation, the Short-Term Rental shall not be Rented or used as a Short-Term Rental.

4. At any time following the emergency revocation of a Short-Term Rental License pursuant to this subsection, the City Building Official may reinstate the license upon a re-inspection by the City Building Official verifying that the subject Building Code or Ordinance violation has been corrected.

[Amended by Ord. No. 21-06, 9/8/21]

c. Compliance. Three (3) or more violations of this Ordinance related to the same Short-Term Rental within one (1) year or if there have been three (3) or more violations of other City Ordinances related to the same Short-Term Rental within one (1) year, may result in revocation of the license or the denial of an application to renew a license. Violations include but are not limited to non-compliance with the requirements of this Ordinance. Failure to comply with Transient Lodging Tax Ordinance 16-03 shall (1) result in an immediate violation and (2) provide grounds for immediate revocation of the Owner's Short-Term Rental License. [Added by Ord. No. 21-06, 9/8/21]

Section 7. Severability. The separate provisions of this Ordinance are hereby declared to be independent from one another; and if any cause, sentence, paragraph, section or part of this Ordinance shall for any reason

be adjudged invalid by any court of competent jurisdiction, all remaining parts shall remain in full force and effect.

ORDINANCE NO. 10-03

PASSED FIRST READING by the Council this 7th day of April, 2010.

PASSED SECOND READING by the Council this 5th day of May, 2010.

APPROVED by the Mayor this 5th day of May, 2010.

ORDINANCE NO. 16-05

PASSED FIRST READING by the Council this 9th day of November, 2016.

PASSED SECOND READING by the Council this 7th day of December, 2016.

APPROVED by the Mayor this 7th day of December, 2016.

ORDINANCE NO. 21-06

PASSED FIRST READING by the Council this 4th day of August, 2021.

PASSED SECOND READING by the Council this 8th day of September, 2021.

APPROVED by the Mayor this 8th day of September, 2021.

Michael Scott, Mayor

ATTEST:

Leila Aman City Manager/Recorder



Published on *Seaside, OR* (<https://www.cityofseaside.us>)

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Vacation Rental Application and Information



The City of Seaside requires all owners of Vacation Rental Dwellings (VRDs) to go through a land use application process to use their homes as a short term rental (rentals less than 30 days). Not all homes in Seaside will qualify to be used as a VRD. The policies set by the Seaside Planning Commission, the Seaside City Council, and the Seaside Zoning Ordinance determine the eligibility requirements for properties within the City of Seaside boundary. If you have any questions regarding VRD compliance or permitting please contact [Jordan Sprague](#) at 503-738-7100.

[Download the Vacation Rental Dwelling Application](#)

[Download the Vacation Rental Dwelling Informational Packet](#)

[Download the Vacation Rental Condo Application](#)

VRD Supported Areas

[View this map to see where the VRD supported area is located.](#) VRDs are a conditionally permitted use in the R-2, R-3, and R-R zones in the area from the red line west to the ocean.

Spatial Distribution

Currently the City of Seaside does not have a cap on the number of VRDs allowed in the city. The current policies set certain density requirements for spatial distribution depending on the zone where the applicant property is located. [Learn more about VRD Spatial Distribution.](#)

Accessory Use

The VRD conditional use permit is issued by the Planning Commission or the Planning Director as an accessory use for the property. The primary use should be the applicant's personal residence, second home, or other primary residential uses. The current policy of the Planning Commission is to only support the approval of one VRD conditional use permit per owner or ownership.

Waiting Period

New applications for a VRD conditional use permit may be subject to a waiting period. A waiting period of 90 days after a property is sold prior to an application being accepted for a conditional use permit is required unless the property was previously licensed as a VRD and that license was valid at the time of the sale. A waiting period will not apply to those properties located in an area where the density threshold is 100%. A two (2) year waiting period is required after a property is issued a certificate of occupancy by the Building Official for all new construction.

Site Inspections

VRDs should be in substantial compliance with building codes. All new VRD conditional use permits require annual compliance inspections. [Learn more about VRD site inspections.](#)

Parking Requirements

All VRDs are required to meet the minimum off-street parking requirements set by the Seaside Zoning Ordinance. A minimum of two off-street parking spaces are required plus one additional off-street parking space for each bedroom over two bedrooms. [Learn more about VRD Parking requirements.](#)

Occupancy

The occupancy for a VRD is calculated by multiplying the number of bedrooms by 3. Additional criteria could factor in during the review of an application that could further restrict the occupancy of a VRD. [Learn more about VRD Occupancy](#).

Local Contact

A Local Contact who permanently resides in Clatsop County must be named for each Vacation Rental Dwelling. The Local Contact is required to respond to complaints or issues at the vacation rental within 2 hours. Once a Local Contact is established, the VRD owner may list a Preferred Contact that is listed along with the Local Contact as the preferred point of contact should there be any issues. Unlike the Local Contact, the Preferred Contact is not required to reside in Clatsop County. The Preferred Contact does not replace the requirement to maintain an active Local Contact. Download the [Preferred Contact Acknowledgement](#) form or the [Local Contact Acknowledgement](#) form for more information.

Required Postings

All VRDs are required to have [Vacation Rental Good Neighbor Guidelines](#) or [Vacation Rental Condo Good Neighbor Guidelines](#), a [Tsunami Evacuation Map](#), and a Parking Map posted inside the dwelling in a conspicuous place. Additional postings for a [Fire Pit](#) and a [Hot Tub](#) will also be required if those amenities are offered by the VRD owner or property manager.

Application and Annual Business License Fees

Transient Room Tax Information

Source URL: <https://www.cityofseaside.us/planning-department/pages/vacation-rental-application-and-information>

Vacation Rental Dwelling Application



Welcome to Seaside! In 1992 the City of Seaside implemented a Vacation Rental Dwelling (VRD) Conditional Use Permit process. The implementation of this process helps the City of Seaside collect Transient Occupancy Tax from guests staying in Vacation Rentals. The city collects a 10% tax from guests staying in any of the various forms of short-term lodging (30 days or less) in Seaside.

The Transient Occupancy Tax that is collected helps fund the Seaside Convention Center, The Seaside Visitors Bureau, Public Safety, Seaside Life Guards, Public Works, the Capital Improvement Fund, the Prom Improvement Fund, and many other programs that our guests enjoy.

The VRD application fees are based on the density of VRDs surrounding your property. If more than 20% of the properties within 100 ft. are already permitted VRDs, a public hearing is required at a Seaside Planning Commission meeting. VRD applications that require a public hearing are assessed a fee of \$670.00. Applications not requiring a public hearing are assessed a fee of \$430.00.

Once your review is complete and your application is approved, you will need to purchase a City of Seaside Business License at Seaside City Hall. The City of Seaside's annual business license fees for Vacation Rentals are on a tiered system based on your occupancy (1-5 occupants is \$475.00, 6-10 occupants is \$500.00 and 11+ occupants is \$550.00). A one time \$20.00 filing fee will apply. Each VRD must obtain an annual business license in order for their conditional use permit to remain active.

This packet contains information on what is required for your property to qualify as a VRD. Please read this packet in its entirety and ensure your property meets the standards set forth by the Seaside Planning Commission, Planning Director, and Building Official. Information regarding VRD standards and qualifications can be found at www.cityofseaside.us/vrd.

The VRD Application Checklist will help guide you through all of the required documentation needed for your application to be reviewed. Please ensure your application is legible and all of the required information is filled out completely. Incomplete applications will not be accepted and will cause a delay in getting your application reviewed and processed.

Please ensure all of your drawings are to scale, labeled, and complete. The application and drawings will be reviewed by the Planning Director or the Planning Commission. Incomplete submittals or drawings that are not drawn to scale could cause a delay in the review of your application.

Once you complete your application please submit the entire packet to the Seaside Planning Department at 1387 Avenue U. Applications may be mailed to City Hall at 989 Broadway Seaside, OR 97138 or applications can be submitted via e-mail to cdadmin@cityofseaside.us. Once your application is accepted as complete you will be contacted to pay the appropriate fee.

If you have any questions regarding the requirements in this application please call the Planning Department at 503-738-7100 or e-mail cdadmin@cityofseaside.us.

Vacation Rental Dwelling Application Checklist

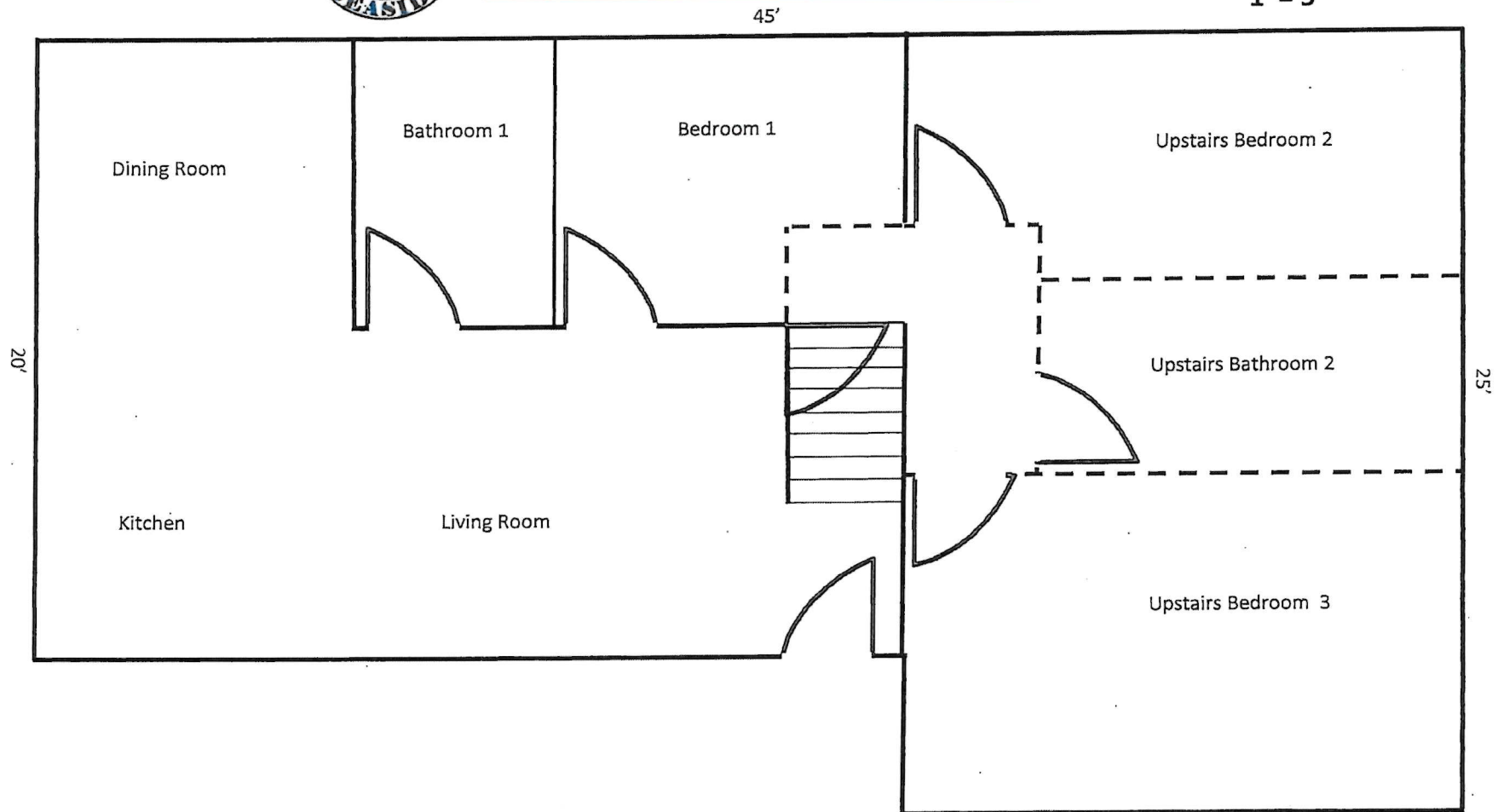


- ☐ Complete the attached Seaside Planning Department Land Use Application.
- ☐ Complete the Vacation Rental Dwelling Applicant Information sheet.
- ☐ Ensure your property meets the Vacation Rental Dwelling Qualifications. The requirements for a property to obtain a VRD conditional use permit can be found at www.cityofseaside.us/vrd.
- ☐ Attach a site plan that is drawn to scale that includes:
 - The actual shape and dimensions of the lot.
 - The size and locations of all of the buildings and structures on the property.
 - The locations and dimensions of existing and proposed 9'x 18' parking spaces, driveways, or parking lots.
- ☐ Attach a parking map that that is drawn to scale and clearly shows the 9ft x 18ft off-street parking spaces that will be utilized by your guests. The required parking map shall state "ON-STREET PARKING CANNOT BE USED BY RENTERS, PLEASE USE THE OFF-STREET SPACES PROVIDED"
- ☐ Attach a floor plan for the dwelling that is drawn to scale and shows the intended use of all areas of the structure. The floor plan should show the locations of the kitchen, bedrooms, living rooms, and storage areas.
- ☐ Ensure you and your local contact understand the [VRD Local Contact Acknowledgement](#). Your local contact will need to sign this form once they have read and understand your conditional use permit.



Sample Floor Plan

Scale:
1" = 5'





West Property Line

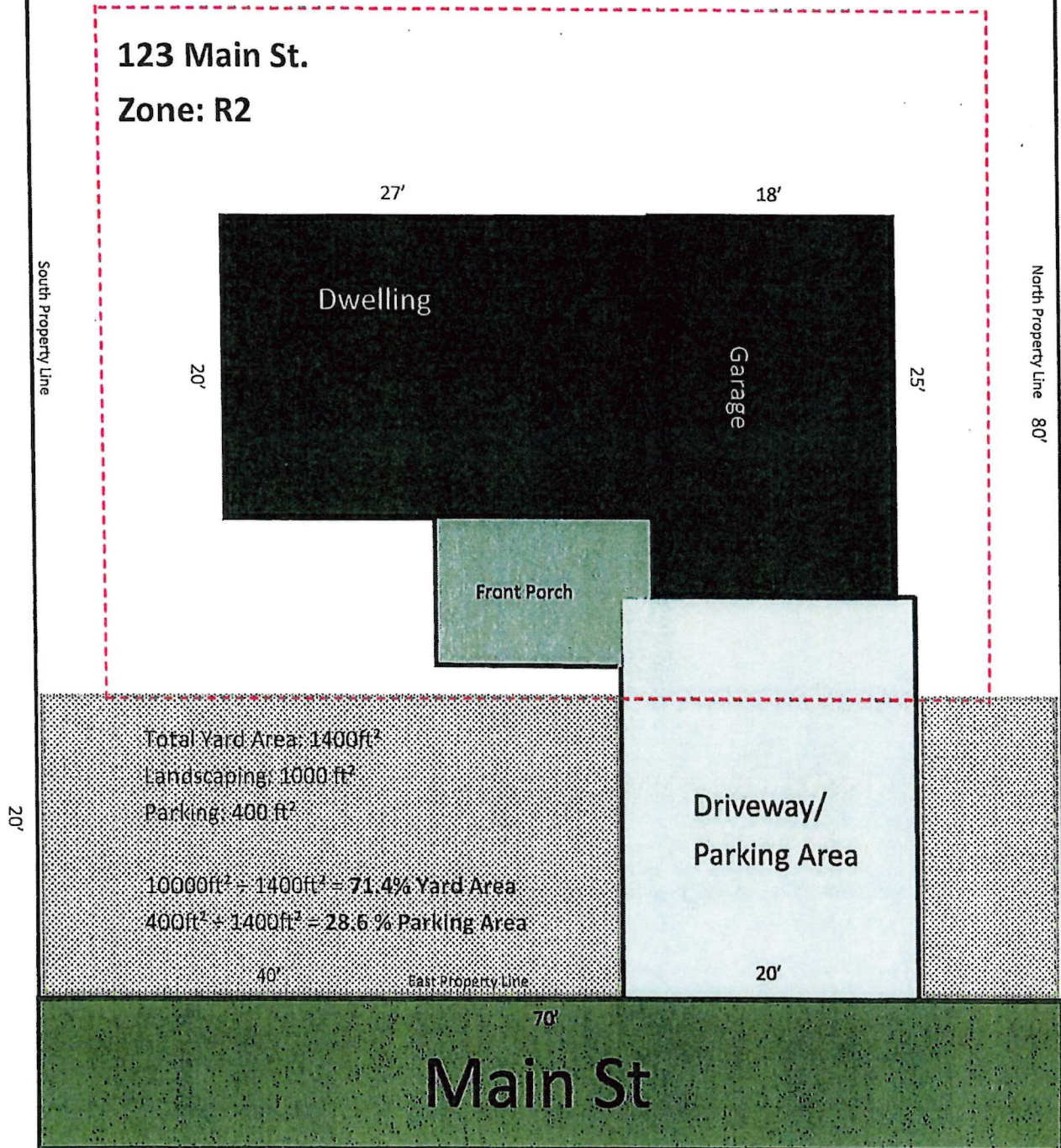
Required Yard Area Calculation

Scale:
1" = 10'



123 Main St.

Zone: R2



West Property Line

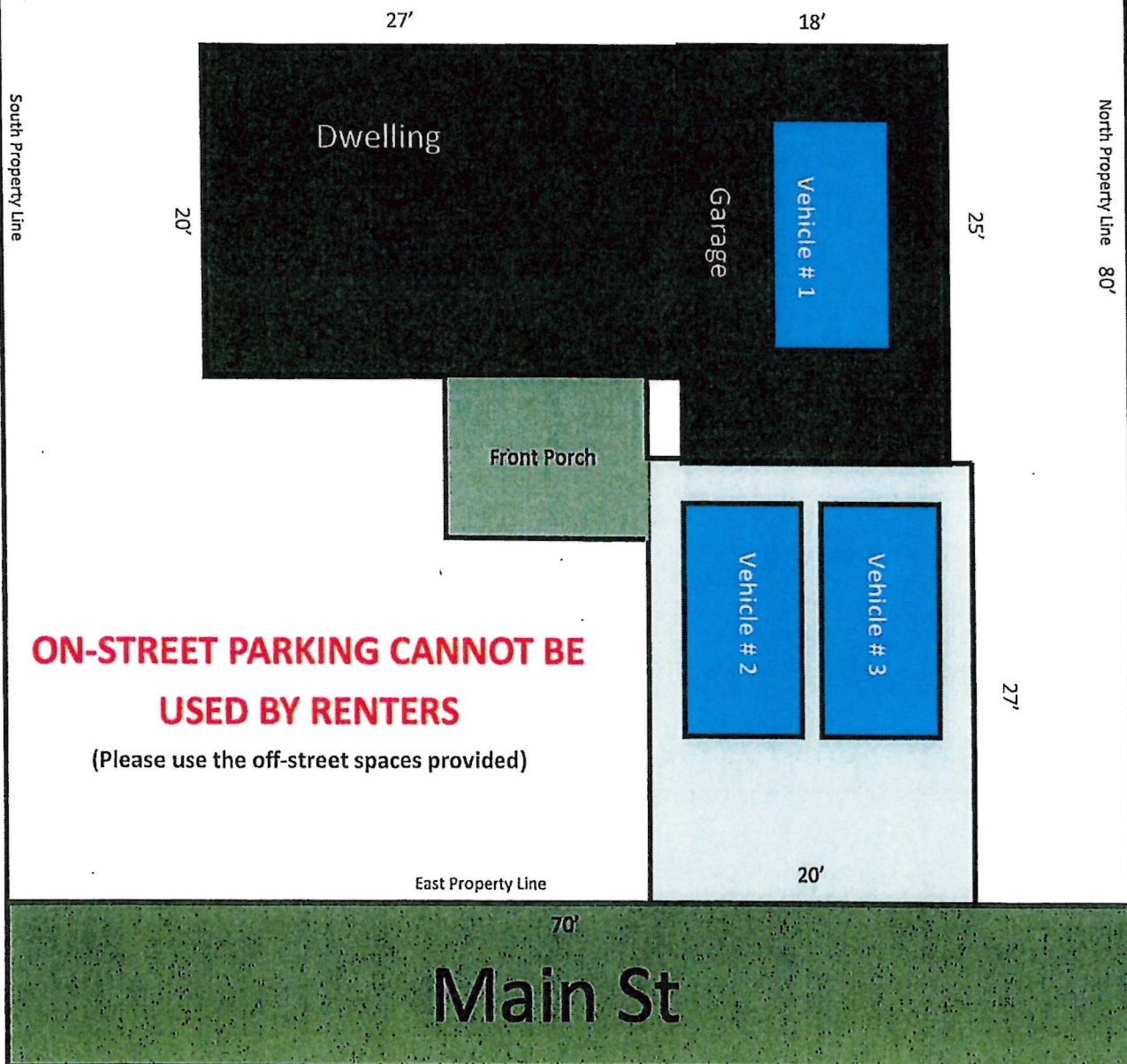


Sample Parking Map



Scale:
1" = 10'

123 Main St.





West Property Line

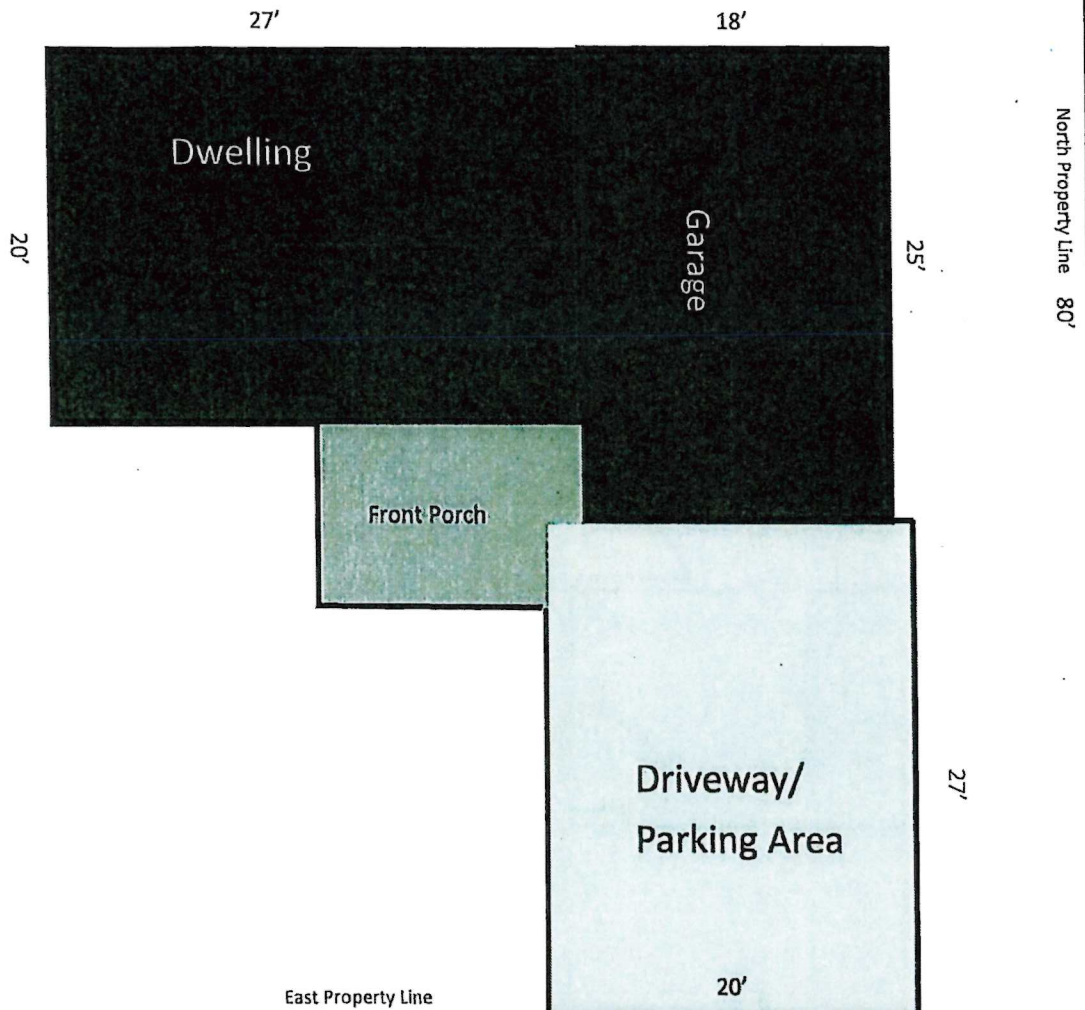
Sample Site Plan



123 Main St.

Scale:
1" = 10'

South Property Line



East Property Line

Main St



Site Plan Instructions

Community Development
503-738-7100

A drawn to scale, accurate, site plan is required for most applications. An accurate site plan gives staff the critical information needed to process your application quickly. For many applications a professionally drawn site plan is not necessary and a simple site plan that can be drawn by using graph paper will be sufficient.

Step 1

Using graph paper, choose a scale of measurement for the plan drawing. To ensure all information will fit on the page and be easy to read please choose a scale that allows sufficient detail to fit within the property boundaries. If you do not have access to an architect or engineers scale you can use graph paper. Make one square on the graph paper equal to 1'x1' or 5'x5', which ever allows sufficient detail for your drawing. If graph paper is used, the boxes have to represent a "typical scale" such as 1/16 or 1/8 inch per foot. Be sure to include your scale on your drawing.

Step 2

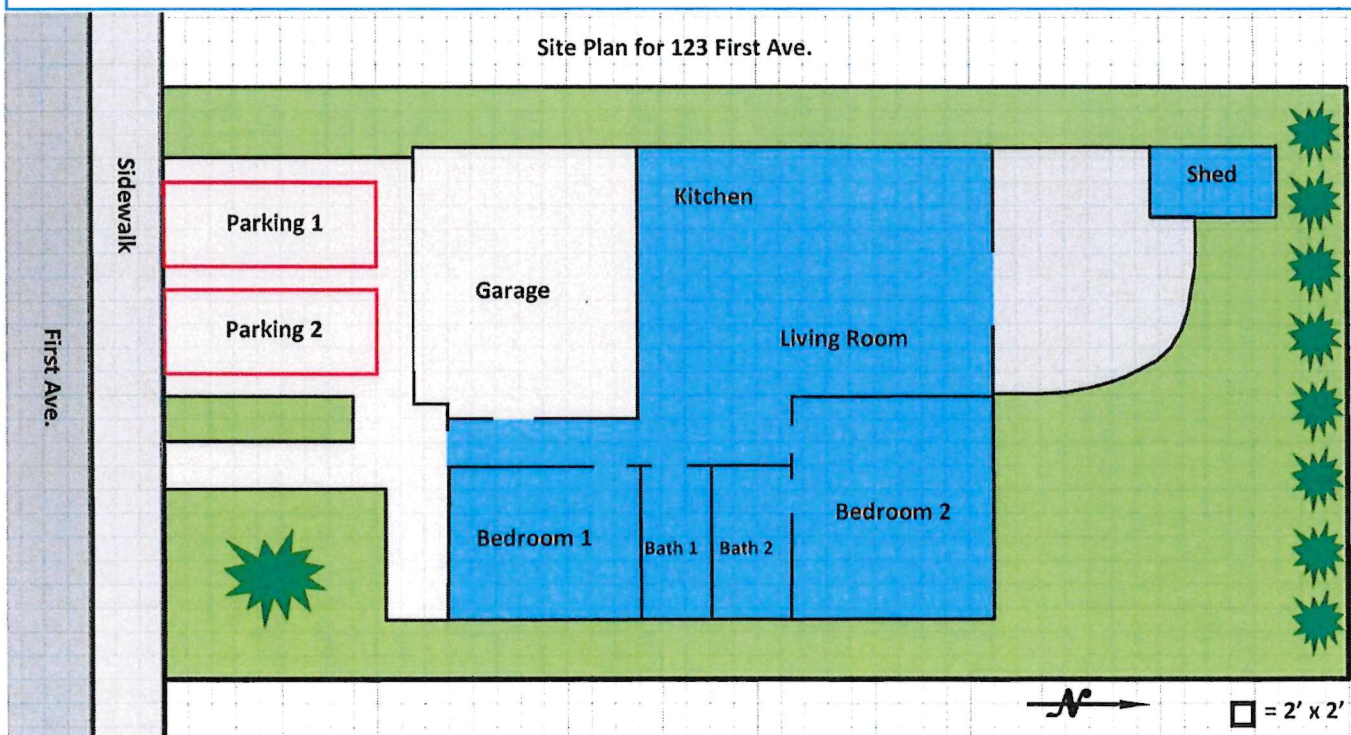
Draw your property boundaries. Property boundary measurements can often be found using the tax assessors information on Clatsop County Webmaps. Be sure to label any abutting streets or public rights of way. Include a directional indicator that labels North.

Step 3

Draw the foot print of your dwelling and any accessory structures. Be sure to include any decks, patios, driveways, parking areas, or other prominent landscape features of your property. Be sure the drawing remains to the scale you chose in step 1.

Step 4

Draw the floor plan of the interior of the dwelling and accessory structures. The floor plan should include all sleeping areas, storage areas, living room, bathrooms, garage, and basements. The floor plan can be drawn separate from the



Instructions for Vacation Rental Dwelling (VRD) Land Use Application

1. Please read all of these instructions through to the end BEFORE proceeding.
2. All submittals are done electronically through email to vrd@lincolncity.org
3. Complete the attached application, local representative form, and checklists in their entirety making sure every blank is completed. If not applicable, write NA on the blank.
4. Every individual listed on the current recorded deed as a property owner for the subject site must sign and date the application. If the current recorded deed lists an entity, then the authorized person from the entity as shown by the Oregon Secretary of State's website must sign.
5. If a contract purchase, in addition to all individuals and entities listed on the current recorded deed, every individual listed as a contract purchaser on the purchase contract must sign and date the application AND a copy of the purchase contract must be included with the submittal.
6. All items listed on the application as requirements to be shown on the site plan, must be shown on the submitted site plan. (Refer to the **example site plan** as a guide.)
7. For an application to be accepted by Planning and Community Development, **all of the following must be contained in the submittal as a PDF package:**
 - Completed application and checklist with ALL current property owner signatures as shown on the current recorded deed (and ALL contract purchasers if under contract)
 - Completed Local Representative Form, with all of its required attachments
 - Completed VRD Site Inspection List
 - Site Plan showing all required items
 - Current property owner must provide proof of account with North Lincoln Sanitary whether or not in process of selling. Before a license will be issued to the contract purchaser, the sale must be complete and the contract purchaser must obtain an account with North Lincoln /Sanitary and provide proof of such account.
8. As a SEPARATE PDF, the completed "Online Direct Pay Authorization Agreement For Credit/Debit Cards" for \$590.00 must be included in the submittal.
9. Applications will NOT be accepted for processing until ALL items noted above are attached in one complete email to vrd@lincolncity.org
10. Once accepted, a case file number will be assigned and the application will be reviewed for compliance with Title 17 of the Lincoln City Municipal Code.
11. "VRD Site Inspection List"
 - Prior to issuing approval of the land use application, an inspection of the site must be requested **and passed.**
 - **MAKE SURE ALL ITEMS LISTED ON THE "VRD SITE INSPECTION LIST" ARE COMPLETE AND READY FOR INSPECTION.**
 - To schedule the required inspection, complete the requested inspection date and time on the "VRD Site Inspection List" form.



- The cost of the inspection is included in the initial land use application fee. If the inspection fails, a re-inspection fee of \$100.00 must be paid at the time of scheduling each and every subsequent inspection.
12. Once the inspection is passed and the land use approval is issued, there is a 20-day appeal period.
 13. If no appeals are filed, staff will email the VRD licensing packet with instructions for completing and submitting.
 14. The VRD licensing processing is the second step. VRD land use approval does NOT give the authorization to rent the dwelling as a VRD or advertise it for use as a VRD.
 15. **THE DWELLING MAY NOT BE USED FOR RENT OR ADVERTISED FOR RENT UNTIL THE VRD LICENSE is ISSUED, EVEN THOUGH LAND USE APPROVAL HAS BEEN OBTAINED.**
 16. Land use approval is valid for one year. If the VRD license hasn't been issued within one year of the land use approval date, the land use approval becomes NULL AND VOID and a new land use application package and inspection shall be required.

Vacation Rental Dwelling LAND USE Application

Please provide the following information for EACH AND EVERY current property owner listed on the current recorded deed, as well as all contract purchasers if the site is in the process of being sold, and provide a copy of the purchase contract. *Attach additional sheets as necessary to provide a full and accurate current ownership and contract purchase list.**

*****CURRENT PROPERTY OWNER (as listed on current recorded deed):**

NAME: _____
ADDRESS: _____

PHONE: _____
E-MAIL: _____

*****CURRENT PROPERTY OWNER (as listed on current recorded deed):**

NAME: _____
ADDRESS: _____

PHONE: _____
E-MAIL: _____

*****CONTRACT PURCHASER (as listed on purchase contract):**

NAME: _____
ADDRESS: _____

PHONE: _____
E-MAIL: _____

LOCAL REPRESENTATIVE (also complete the Local Representative Form):

NAME: _____
COMPANY: _____
ADDRESS: _____

DAY PHONE: _____ EVENING PHONE: _____
E-MAIL: _____

List the address of any other properties in Lincoln City being used as a Vacation Rental Dwelling in which any of the property owners/contract purchasers own an interest. If none, write "none" on the line: _____

SITE INFORMATION:

TAX MAP AND LOT: _____

SITE ADDRESS: _____

SQUARE FOOTAGE OF LOT: _____

ZONING DISTRICT: ☐ R-1-5 (accessory or permitted)** ☐ NBD (permitted)
☐ R-1-7.5 (accessory) ☐ NBMU (permitted)
☐ R-1-10 (accessory) ☐ TVC (permitted)
☐ R-1-RE (accessory or permitted)** ☐ OP OF (permitted)
☐ R-M (accessory) ☐ OP IM (permitted)
☐ R-R (accessory) ☐ OP MSH (permitted)
☐ VR (permitted)
☐ RC (permitted)
☐ GC (permitted)

****If R-1-5 or R-1-RE zoning, PRIOR TO SUBMITTING THIS APPLICATION you must check with Planning and Community Development for accessory or permitted use and check the correct box:**

☐ Accessory Use (30 nights per calendar year or fewer)
☐ Permitted Use (no limit on the number of nights per calendar year)

Does the site have a HOT TUB? ☐ Yes ☐ No
Is the structure a DUPLEX? ☐ Yes ☐ No

OFF-STREET PARKING:

NUMBER OF BEDROOMS OFFERED FOR RENTAL: _____

One off-street parking space must be provided for each bedroom. In no case shall less than two off-street parking spaces be provided for each dwelling unit.

NUMBER OF OFF-STREET PARKING SPACES PROVIDED: _____

#1 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House
#2 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House
#3 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House
#4 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House
#5 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House
#6 Circle Size: 9' x 20' or 8' x 16'	Circle Location: Driveway or Garage or Side/Front/Rear of House

NOTE: 50% OF THE SPACES MUST BE 9' x 20' IN SIZE.

If any or all of the required off-street parking spaces are not on the site, please explain where they are located:

SOLID WASTE:

The current property owner must provide securable receptacles of sufficient size for the deposit of solid waste generated by the vacation rental dwelling use and subscribe to a solid waste collection service for service sufficient for the vacation rental dwelling during all months the dwelling is used for vacation rental. No dumpsters are allowed.

What is the name of the solid waste collection service for the property? _____

How many solid waste receptacles are being provided? _____

What size are the receptacles? _____

What is the collection day for the site? _____

Where will the receptacles be stored on all days other than the collection day? _____

Who is responsible for placing the receptacles at the curb on collection day? _____

Who is responsible for removing the receptacles from the curb after collection? _____

Who is responsible for policing the site for litter? _____

LANDSCAPING:

How many trees are on the site? _____

How many shrubs are on the site? _____

Describe what kind of ground cover is on the site: _____

What is the square footage of the front yard? _____

What percentage of the front yard is landscaped and what comprises this landscaping? (Note that at least 50% of the front yard must be landscaped for sites in the R-1-5, R-1-7.5, R-1-10, R-1-RE, R-M, RR, and VR zones and 25% for any other zone.) _____

Describe the landscaping on the sides and rear of the dwelling. _____

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information is true, complete, and accurate. All current property owners and all contract purchasers must sign the application. I (We) have read and fully understand, and agree to meet, the criteria for a vacation rental dwelling use as outlined in 17.80.050 of Lincoln City Municipal Code and reflected in this application. I (We) further certify that, if the subject site is in a residentially-zoned district, no person or entity listed on this application owns an interest in other property in Lincoln City that is used as a vacation rental dwelling or is approved by Lincoln City for vacation rental dwelling use. I (We) hereby grant permission to staff members of the Lincoln City Planning and Community Development Department to enter both the site and the dwelling for purposes of inspections and other items related to the vacation rental dwelling.

I (We) acknowledge that providing false information in the application shall be a violation and grounds to deny the application, void the approval, enjoin the use, and revoke a vacation rental dwelling license issued for the dwelling under Chapter 5.14 LCMC.

SIGNATURES:

Current Property Owner (signature required)

Date

Current Property Owner (signature required)

Date

Contract Purchaser (signature required)

Date

- *Each and every current property owner listed on the current recorded deed must sign the application.*
- *Each and every contract purchases listed on the purchase contract must sign the application.*
- *If contract purchasers are individuals other than the current property owners shown on the current recorded deed, all current property owners listed on the current recorded deed as well as all contract purchasers listed on the purchase contract must sign the application.*
- ***APPLICATIONS WILL NOT BE ACCEPTED THAT DO NOT CONTAIN THE NAME, INFORMATION, AND SIGNATURE OF EVERY CURRENT PROPERTY OWNER SHOWN ON THE CURRENT RECORDED DEED AND EVERY PERSON LISTED ON THE PURCHASE CONTRACT AS A PROSPECTIVE PURCHASER.***

NOTE: THE APPROVED USE OF THE VACATION RENTAL DWELLING IS IN THE NAME OF THE CURRENT PROPERTY OWNER(S) AND THE APPROVAL, INCLUDING ANY LICENSE, IS NOT TRANSERABLE. WHEN THE CURRENT PROPERTY OWNER SELLS OR TRANSFERS THE PROPERTY, THE APPROVAL FOR A VACATION RENTAL DWELLING CEASES.

CHECKLIST FOR VACATION RENTAL DWELLING LAND USE APPLICATION (Complete and submit with application)

Initial each line indicating the item has been included in the submittal.

ATTACHMENTS:

Owner/Contract Purchaser

- _____ Completed and signed Vacation Rental Dwelling Land Use Application
- _____ Purchase Contract (if applicable; if not applicable indicate with "NA" instead of initials)
- _____ Proof of Solid Waste Collection Service through North Lincoln Sanitary or explanation as to why it's not present and that it will be forthcoming and when
- _____ Land Use Application Fee via the completed and attached "Online Direct Pay Authorization Form For Credit/Debit Cards"
- _____ This completed Checklist for Vacation Rental Dwelling Land Use Application
- _____ Site Plan containing all required elements listed in this checklist (see attached example)
- _____ Completed and signed Local Representative Form, with required documentation listed on the form

The application will NOT be accepted unless ALL of the above-listed items are attached to the email submittal in one complete email to vrd@lincolncity.org

Initial each line signifying acknowledgement of the requirement or item.

ACKNOWLEDGMENTS: *Current*

Property Owners AND Contract Purchasers

- _____ I acknowledge that I am providing **ONE OFF-STREET PARKING SPACE FOR EACH BEDROOM, BUT IN NO EVENT LESS THAN TWO SPACES.**
- _____ I acknowledge that the off-street parking spaces are **COMPLETELY WITHIN THE PROPERTY LINES AND NO PORTION OF ANY OFF-STREET PARKING SPACE IS IN THE RIGHT-OF-WAY.**
- _____ I acknowledge that at least **HALF THE OFF-STREET PARKING SPACES ARE 9 FEET BY 20 AND THE OTHER HALF MAY BE 8 FEET BY 16 FEET IN SIZE.**
- _____ I acknowledge **THAT NO VEHICLES SHALL BE PARKED ON THE PROPERTY OTHER THAN IN THE DESIGNATED OFF-STREET PARKING SPACES.**
- _____ I acknowledge that **NO VARIANCE FROM THE PARKING STANDARDS IS ALLOWED.**
- _____ I acknowledge that, if I cannot provide the required number of OFF-STREET parking spaces, then I **MUST** reduce the permitted occupancy of the dwelling to conform to the available amount of off-street parking.
- _____ I acknowledge that, if I am a contract purchaser, I will provide proof of garbage service as soon as possible after closing on the property and prior to receipt of my license authorizing use of the dwelling for vacation rentals.
- _____ I acknowledge that signage on the property is limited to only what is allowed by city code. It is my responsibility to determine signage allowances before placing ANY signage on the site.
- _____ I acknowledge that I have read and shall comply with the requirements of Chapter 3.04 LCMC.
- _____ I acknowledge that prior to making this vacation rental dwelling available for use, including advertising by any means or otherwise offering it for use, I shall obtain a valid vacation rental dwelling license as provided in Chapter 5.14 LCMC.
- _____ I acknowledge I have read the "Health & Safety Standards for Vacation Rental Dwellings" handout and that the dwelling meets applicable requirements listed in the handout.
- _____ I have measured all required off-street parking spaces, installed all required landscaping, and installed all required health and safety items **PRIOR TO SUBMITTING THIS APPLICATION.**

- _____ If I don't pass the first inspection, I acknowledge all subsequent inspections after the first inspection shall require me to pay an additional inspection fee before the inspection will be scheduled or conducted.
- _____ My/our initials indicate my/our permission for city staff to enter the site and the dwelling for inspections necessary for the vacation rental dwelling.

Initial each line signifying the item is shown on the submitted site plan.

ITEMS INCLUDED ON SITE PLAN:

Owner/Contract Purchaser

- _____ Minimum size of 8 ½" x 11"
- _____ Property lines and dimensions
- _____ Building footprint
- _____ Driveway location and dimensions
- _____ Locations of all landscaping, with square footage of the front landscaping area
- _____ Identification of types of landscaping (tree, grass, shrub, ground cover, lawn)
- _____ Dimensions and numbering of off-street parking spaces
- _____ Label adjacent street(s)
- _____ North arrow
- _____ Address of the property
- _____ Name of the property owner(s)
- _____ Note indicating total square footage of landscaped area on the site
- _____ Note indicating total number of off-street parking spaces
- _____ Note indicating number of bedrooms being offered for use in the vacation rental dwelling

The application will not be accepted unless the submitted site plan includes all of the above-required information.

LOCAL REPRESENTATIVE FORM

The local representative is the person/company who is contacted by Lincoln City residents and/or city staff to promptly address and resolve potential complaints and violations that arise from the renting of the vacation rental dwelling being represented.

My/our Local Representative is:

_____ A property management company
_____ An individual

COMPLETE BELOW IF A PROPERTY MANAGEMENT COMPANY IS THE LOCAL REPRESENTATIVE

Name of Company: _____
Address: _____
Phone: _____
Email address: _____

Printed Name of Property Owner being represented

Physical Address of Vacation Rental Dwelling being represented

Signature of Agent from Property Manager Company

COMPLETE BELOW IF AN INDIVIDUAL IS THE LOCAL REPRESENTATIVE

If the Local Representative is NOT A MANAGEMENT COMPANY, the following is a list of what is expected of the Local Representative who is an individual:

1. The local representative must provide the Lincoln City Planning and Community Development Department (Department) with a daytime phone number, evening/weekend phone number, and an email address where the local representative may be reached 24 hours a day, seven days a week. The phone numbers and email address will be distributed to the neighboring residents so that they may contact the local representative when issues or code violations arise.
2. The local representative **MUST**:
 - Police the site for solid waste (garbage and recyclables) to ensure all such items are always contained in a solid waste receptacle and never on the property, adjacent properties, or right-of-way.
 - Promptly resolve parking violations by contacting the renters immediately and directly by phone, or in person if the issue isn't resolved immediately by phone.
 - Promptly resolve noise violations (such as late-night disturbances) by contacting renters immediately and directly by phone, or in person if the issue isn't resolved immediately by phone.
 - Promptly resolve any other time-sensitive issues.
3. The local representative **MUST** be willing to resolve the above-listed items immediately, regardless of day or time.



- The local representative is not expected to directly intervene in matters where police involvement is most appropriate, such as situations involving physical violence.
4. The local representative must be a PERMANENT resident, residing in or within ten miles of Lincoln City's urban growth boundary or an employee of a property management company with a physical office in or within ten miles of Lincoln City's urban growth boundary. The local representative must provide documentation to the Department that demonstrates compliance with the residency requirement. Acceptable documents are:
- A valid Oregon driver's license or identification card listing the local representative's current physical address
 - A valid tribal identification listing the local representative's current physical address
 - A valid voter registration card listing the local representative's current physical address
 - A long-term (one year or more) rental agreement for property in or within ten miles of Lincoln City's urban growth boundary

Your signature below indicates that you have read, understand, and agree to perform the above-stated duties.

Printed Name of Local Representative

Printed Name of Property Owner being represented

Local Representative's Current Physical Address

Physical Address of Vacation Rental Dwelling being represented

Primary Phone Number of Local Representative

Secondary Phone Number of Local Representative

Email Address of Local Representative

Signature of Local Representative

Date



VRD Site Inspection List

Write “yes” in the blank when the item is complete.

- _____ Landscaping as required by Lincoln City Municipal Code Title 17.
- _____ Measured out the required dimensions for the required off-street parking spaces in accordance with the submitted site plan.
- _____ Trash receptacles are located on the site.

Health & Safety Standards (see pamphlet for minimum requirements):

1. Bedroom Egress – describe the method of egress (window or door) and list the width and height of the opening AND the height from floor level to the bottom of the window sill.
 - Bedroom #1 Egress _____
 - Bedroom #2 Egress _____
 - Bedroom #3 Egress _____
 - Bedroom #4 Egress _____
 - Bedroom #5 Egress _____

2. Hand & Guard Rails “Yes” when complete or “NA” if Not Applicable
 - Hand rails meets the required minimum standards _____
 - Guard rails meet the required minimum standards _____

3. Circuit Breaker/Fuse Box _____
 - Access to the box is unobstructed and safe _____
 - All circuits labeled _____
 - All empty breaker spaces plugged _____

4. Electrical Outlets & Switches _____
 - All outlets and switches have faceplates _____
 - Kitchen outlets tied to or installed with GFCI _____
 - Bathroom outlets tied to or installed with GFCI _____
 - Outdoor outlets tied to or installed with GFCI _____

5. Carbon Monoxide (CO) Detectors _____
 - One for each level with sleeping areas _____
 - Outside each bedroom or within 15 feet outside of each sleeping area. One CO Detector can service multiple bedrooms. _____



6. Smoke Detectors (SDs)
 - One on each floor _____
 - One in Bedroom #1 _____
 - One in Bedroom #2 _____
 - One in Bedroom #3 _____
 - One in Bedroom #4 _____
 - One in Bedroom #5 _____
 - One directly outside each bedroom or in hallways connecting multiple bedrooms per standards _____
7. Any work done was completed with a permit if/as required _____
8. Tripping Hazards
 - All obvious tripping hazards inside the house have been eliminated _____
9. House Numbers
 - Clearly visible from the street _____
 - Reflective or illuminated _____
10. Tsunami Evacuation Map
 - Evacuation Map is posted inside the house _____

I/We hereby certify that the site and dwelling is ready for the required vacation rental dwelling inspection. I/we acknowledge that we are requesting an inspection only because I/we feel we have completed all requirements to the best of our ability. I/we understand that additional inspection fees must be paid if subsequent inspections are required should the original inspection fail.

Current Property Owner (signature required) Date

Current Property Owner (signature required) Date

Contract Purchaser (signature required) Date

Inspections are performed on Wednesdays, Thursdays, or Fridays. Inspections require a minimum 24-hour notice. Please list your top 3 preferred dates and times for the inspection.

Inspection Date and Time Preference #1 _____

Inspection Date and Time Preference #2 _____

Inspection Date and Time Preference #3 _____

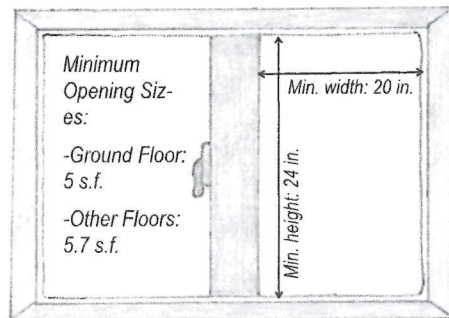


Health & Safety Standards for Vacation Rental Dwellings

Your dwelling CANNOT be approved as a vacation rental dwelling unless the dwelling meets the standards contained within this pamphlet.

You are expected to address each of these items BEFORE requesting the required inspection.

1. Bedroom Egress - Bedrooms must have either a door or window accessing the outside so that occupants can escape in case of fire in the house. If existing conditions lack sufficient egress, owners must reduce the occupancy of the VRD or bring the egress into compliance*.
*Enlarging windows requires a building permit.



Windows must meet both minimum dimensions and opening size requirements.

Max height: 44 in.

Floor level

Opening size or height may be reduced in limited circumstances..

2. Hand & Guard Rails - These rules apply to staircases, lofts, platforms, decks, and porches both in the house and outside on the property*.

Handrails shall have at least 1.5" of clearance around them and be of a dimension that is easily graspable (as described in the Oregon Residential Specialty Code).

Maximum distance between railings is based on building code in effect at time of construction, though never more than 9". (Current building code states max. 4")

Railings need to be secure, not loose or wobbly.

Minimum guard-rail height on stairs is 34". Handrail height shall be between 30" and 38". Both measurements made from toe of stair.

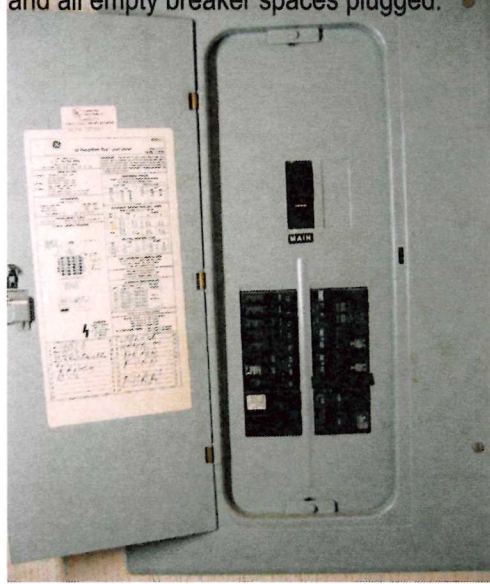
Minimum guardrail height: 36" (except on stairs).

Guardrails required if rise from floor or ground higher than 30"

Handrails required if there are four or more risers (i.e. steps, stairs, etc.)

*Stairs that are deemed as landscaping and not part of a required means of egress are exempt from these requirements.

3. Circuit Breaker/ Fuse Box - Access to the box must be unobstructed and safe. All circuits must be labeled and all empty breaker spaces plugged.



5. Carbon Monoxide (CO) Detectors - CO alarms are often similar in appearance to a smoke detector. They must be installed in all houses that have a CO source inside. Sources include woodstoves, natural gas stoves and heaters, and attached garages (exhaust fumes from vehicles contain CO). According to the State Fire Marshal, they should be installed:

- On each level of your house with sleeping areas.
- In each bedroom or within 15 feet outside of each sleeping area.
- As directed by manufacturer's instructions.

For more information, visit the State Fire Marshal's website:
www.oregon.gov/OSP/sfm/Pages/commed_co_program.aspx

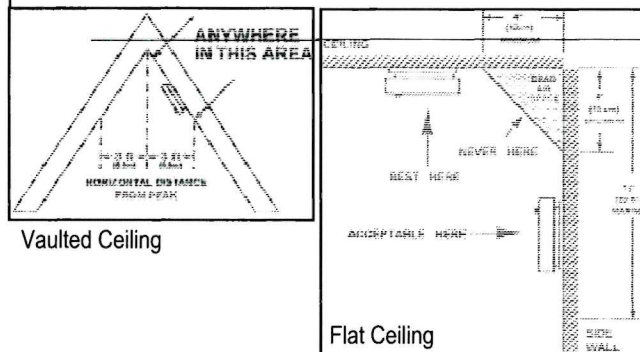
8. Tripping Hazards - There can't be any obvious tripping hazards in the house. Examples would be extension cords across floors, loose stairs, broken flooring, etc.

9. House Numbers - House numbers need to be clearly visible from the street and either reflective or illuminated to facilitate police or ambulance response.



Example of back-lit, solar-powered house numbers.

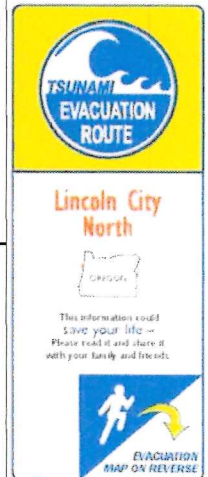
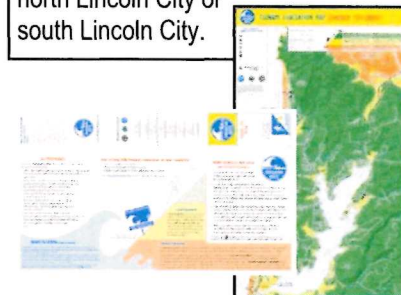
6. Smoke Detectors (SDs) - SDs must be located on each floor (even if there isn't a bedroom on the floor, it still needs a SD), in each bedroom, and directly outside each bedroom. In hallways connecting multiple bedrooms, one smoke detector can serve multiple bedrooms within a clear line of sight and less than 20 feet from the bedroom door. Below are diagrams from a SD manufacturer showing proper placement of common models on walls and ceilings. Refer to the manufacturer specifications for your particular model to confirm.



Vaulted Ceiling

Flat Ceiling

10. Tsunami Evacuation Maps
 VRDs must post the official Oregon State Dept. of Geology and Mineral Industries Tsunami Evacuation Map appropriate for its location, either north Lincoln City or south Lincoln City.



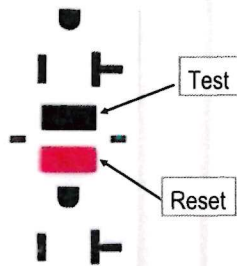
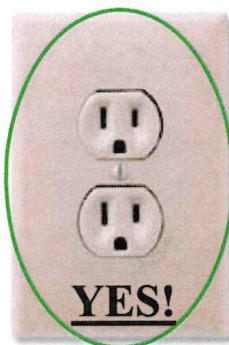
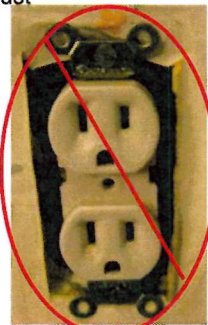
For more information on vacation rental dwelling regulations, contact Austin Hull at (541) 996-1227 or ahull@lincolncity.org

For more information on building codes, contact Brandon Zipser, Building Office/Plans Examiner/Building Inspector, at 541-556-8771 or brandonz@nwcodepros.com

4. Electrical Outlets & Switches -

- a. Outlets located outdoors, in kitchens, or bathrooms must be tied to or installed with an outlet with a built-in breaker called a GFCI to protect against shock in wet or humid conditions.
All work must be done by a licensed electrician

b. All outlets & switches must have faceplates.



GFCI - Ground Fault Circuit Interrupter

7. Compliance with building code - Any improvements to the house need to comply with the building code in effect when the improvements were made. Any work done without a required permit will be in violation of this standard.

Name:
Address:
Lot dimensions: 50x100
Total Planted area: 1800

Street name →

Property Line →

Grass

21ft

9x20

③

9x20

④

Garage 24x27

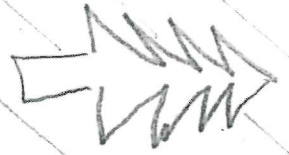
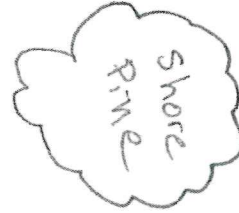
8x16

①

8x16

②

20ft

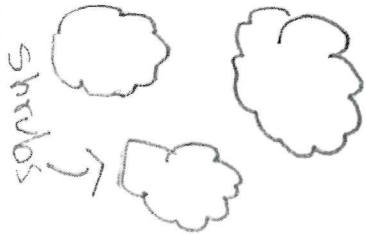


Native Land scape

North Arrow



scale → 1 inch = 10 feet



Shrubs

Front Yard

Front Yard
1050 sqft

Plant area
in front
yard: 630 sqft

ARTICLE 7 VACATION RENTAL STANDARDS AND PROCEDURES

SECTION 7.010 PURPOSE

The purpose of these provisions is to control, manage and limit vacation rentals primarily in single-family dwellings. Because of their location in residential zones, their specific characteristics and potential impacts, vacation rentals in dwellings in Gearhart require special consideration so they properly operate with respect to the Comprehensive Plan and the objectives of the underlying zone districts.

SECTION 7.020 SPECIAL STANDARDS GOVERNING VACATION RENTALS

1. Neighborhood Exemptions.

The Palisades, the Highlands and the East Pine Street neighborhoods are exempt from these provisions because they are not located in the Gearhart city limits

2. R-A, R-1, R-2 and RCPD Zones.

Vacation rental dwellings are similar to a commercial business use and therefore are not a permitted use in the R-A, R-1, R-2 and RCPD zones.

3. R-3 Zone.

A vacation rental in a multi-family dwelling that is zoned R-3 where the multi-family dwelling has 24-hour on-site management is exempt from these provisions. Multi-family dwellings (including condominiums) without 24-hour on-site management and single-family dwellings shall obtain a permit from the city in accordance with these provisions. In either case, vacation rentals are permitted and the number of permits in the R-3 zone is unlimited.

4. Limited Permit Offering to obtain a Vacation Rental Permit

Upon the effective date established by City Council Ordinance there will be a one-time 60-day period in which a property owner may file an application for a vacation rental permit from the City of Gearhart. At the time of application, the applicant shall provide proof that city lodging taxes were paid on the subject property prior to the end of the 60-day application period.

When the one-time 60-day application period expires there shall be no new permit opportunities. The permit application must be deemed complete within 180 days of submittal.

During the permit offering a duplex or multi family structure in a R-2 zone is allowed one (1) vacation rental dwelling permit per dwelling unit.

Ownership Transfer of a Permit: A vacation rental permit is transferable only by inheritance. A natural person (owner or his/her representative) shall provide the name change to the city for verification and permit renewal. It is the intent that the sale of homes with a rental permit will result in gradual attrition of the total number of dwellings with a vacation rental permit in the city. See Section 8 below.

SECTION 7.030 VACATION RENTAL PERMIT STANDARDS AND PROCEDURES

1. Maximum Occupancy Calculation

a. Occupancy of the rental will be calculated using the three criteria below. Final occupancy will be set by the most limiting criterion. In accordance with the provisions of Article 9 Variances, an applicant may file an application for a Variance to the Maximum Occupancy Calculation standards.

- 1) Bedrooms/Occupancy – The maximum occupancy for a vacation rental dwelling shall be two persons over the age of 2 years old per bedroom. Occupancy includes occupants sleeping on the property.
- 2) Off-Street Parking – One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.
- 3) Septic System Capacity – Septic systems must be inspected and the inspection must be reviewed and approved by the Clatsop County Public Health Department. Cesspools are prohibited for use with transient rentals.

b. Notice of Occupancy

- 1) The maximum occupancy, the approved parking diagram, the approved designated representative and city good neighbor policies will be listed on the operating permit, which must be in the rental agreement/contract and posted in a prominent location inside the dwelling within four (4) feet of the entry door.
- 2) For occupancy verification, the owner shall provide a guest registry with instructions to the renter, or some other method of occupancy verification for the City to inspect.

2. 24-Hour Representative and Neighbor Notice

- a. 24-hour Representative: The vacation rental owner and designated representative's name, physical address, email address and phone number must be provided to the City upon permit application and renewal. The information shall be kept current at all times. The owner or representative shall be available by phone (24 hours a day, seven days a week) to ensure a response to complaints regarding emergencies and the condition, operation, or conduct of the occupants. A 24-hour representative must be able to physically respond to the vacation rental site within 30 minutes, and if requested they must respond. If there is a change in the designated representative the property owner must submit to the City the name of the new representative.

- b. Neighbor Notice: The City shall provide an annual mailing, email or otherwise distribute by hand a flier to neighbors within a 200-foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and the city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

3. Residential Appearance

The property occupied by a vacation rental must maintain a residential appearance whereby at least 50% of each surrounding yard on the parcel shall be landscaped with trees, shrubs, flowers or grass so that parking will not dominate any yard.

Signage: is limited to one 12" x 12" unlit sign in accordance with Article 6 Section 6.040 Signs.

4. Off Street Parking Requirements

a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.030(1) (a)(2) above, and are not required to be paved.

b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street parking means within private property boundaries.

5. Garbage Service

a. Weekly solid waste collection shall be provided by the owner during all months that the dwelling is available for vacation rental occupancy. Side yard pickup shall be required.

b. A wind latch must be installed by the garbage provider on all outdoor garbage and recycling receptacles.

6. Fire/Safety/Health Inspection

a. Initial Inspection: At the time of initial application the vacation rental shall be inspected by the Building Official or designee. The purpose of this inspection is to assure conformance of the dwelling unit with the State of Oregon Residential Specialty Code, the Uniform Housing Code and the Uniform Fire Code regulations related to potential safety issues and to establish maximum occupancy, including but not limited to an approved means of egress from every bedroom. The applicant is responsible for obtaining DEQ sanitary septic approval from the Clatsop County Environmental Health Department and providing said documentation to the City.

An initial inspection fee of \$125.00 will be charged. Applicants must correct any identified deficiencies within 180- days before a vacation rental permit is issued. A follow-up inspection is included in the initial fee. Any further inspections will cost \$50.00 each.

b. Re-inspections: Commencing January 2019, a randomly selected re-inspection of 20% of the dwellings that have vacation rental permits will be conducted so that over a five-year period all dwellings that have a vacation rental permit will have been re-inspected.

A re-inspection fee of \$50.00 will be charged. At re-inspection applicants must obtain a current sanitary sewer approval from the Clatsop County Environmental Health Department, and correct any identified deficiencies before a vacation rental permit is renewed. Failure to complete the necessary alterations within 30 days of the Building Inspector's notification of required alterations may result in the revocation of the permit.

7. Tsunami Preparedness

Vacation rentals must post the Gearhart Tsunami Evacuation Map in the dwelling. It is also recommended that the dwelling have the following items accessible in their homes with directions in the rental agreement: a "go bag", supplies, and a NOAA weather radio.

8. Permit Limitations

a. Vacation rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.

b. If the subject dwelling is on property that has a Homeowners Association (HOA) at the time of permitting, the owner of the dwelling shall provide the City with an affidavit of proof that the HOA allows for vacation rental of their dwelling. If not allowed, then the application will be denied.

9. Vacation Rental Permit Issuance and Annual Renewal

The owner shall be issued a permit for a vacation rental dwelling by the City upon completion of all required forms, approval of the dwelling unit by the Building Official or designee, and payment of the initial and annual permit fee of \$600 (nonrefundable), with a \$100 fee reduction if standard tsunami go-bags are provided in the dwelling.

City vacation rental taxes must be paid quarterly on an annual basis for the permit to remain valid, as verified by a City Vacation Rental Tax registration form. Upon notice by the City, if an owner has not paid vacation rental taxes to the city annually (July 1 – June 30), and no proof of payment is provided the vacation rental permit will not be renewed.

10. Violations

The vacation rental permit holder shall be compliant with these standards at all times. Failure to comply will result in revocation of the permit in accordance with Gearhart Zoning Code Article 15 Remedies.

First reading by CC on 08/03/16 with edits

ORDINANCE NO. 901

AN ORDINANCE REGULATING VACATION RENTAL DWELLINGS AND AMENDING THE CITY OF GEARHART ZONE ORDINANCE

WHEREAS, the City Council finds there is a need to limit the level of tourist development in order to maintain the predominantly residential character of Gearhart; and

WHEREAS, based on extensive public meetings and public hearings by the Planning Commission and City Council, the City Council finds there is a need to develop Zone Code provisions and procedures for managing vacation rentals; and

WHEREAS, the vacation rental provisions are in compliance with the Gearhart Comprehensive Plan as described in the City Staff Report dated May 17, 2016;

NOW, THEREFORE the City of Gearhart ordains the Gearhart Zone Ordinance shall be modified as follows:

1. Add to Section 1.050 Definitions:

Vacation Rental Dwelling. Any structure, or any portion of any structure, which is occupied or offered or designed for transient occupancy for less than 30 days for dwelling, lodging or sleeping purposes; and includes houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy, provided such occupancy is for less than a 30-day period.

2. Add a new Article 7 to the Zone Code as follows:

Article 7 Vacation Rental Standards and Procedures

Section 7.010 Purpose

The purpose of these provisions is to control, manage and limit vacation rentals primarily in single-family dwellings. Because of their location in residential zones, their specific characteristics and potential impacts, vacation rentals in dwellings in Gearhart require special consideration so they properly operate with respect to the Comprehensive Plan and the objectives of the underlying zone districts.

Section 7.020 Special Standards Governing Vacation Rentals

1. Neighborhood Exemptions. The Palisades, the Highlands and the East Pine Street neighborhoods are exempt from these provisions because they are not located in the Gearhart city limits. ~~The Breakaway Lodge and the Lodge at Little Beach are also exempt because they are not dwellings and they have historic multiple-unit and multi-use characteristics.~~
2. R-A, R-1, R-2 and RCPD Zones.
Vacation rental dwellings are similar to a commercial business use and therefore are not a permitted use in the R-A, R-1, R-2 and RCPD zones.
3. R-3 Zone. A vacation rental in a multi-family dwelling that is zoned R-3 where the multi-family dwelling has 24-hour on-site management is exempt from these provisions. Multi-family dwellings (including condominiums) without 24-hour on-site management and single family dwellings shall obtain a permit from the city in accordance with these provisions. In either case, vacation rentals are permitted and the number of permits in the R-3 zone is unlimited.
4. Limited Permit Offering to obtain a Vacation Rental Permit
Upon the effective date established by City Council Ordinance there will be a one-time 60-day period in which a property owner may file an application for a vacation rental permit from the City of Gearhart. At the time of application the applicant shall provide proof that city lodging taxes were paid on the subject property prior to the end of the 60-day application period. When the one-time 60-day application period expires there shall be no new permit opportunities. The permit application must be deemed complete within 180 days of submittal.

During the permit offering a duplex or multi family structure in a R-2 zone is allowed one (1) vacation rental dwelling permit per ~~tax lot~~ dwelling unit.

Ownership Transfer of a Permit: A vacation rental permit is transferable only by inheritance. A natural person (owner or his/her representative) shall provide the name change to the city for verification and permit renewal. It is the intent that the sale of homes with a rental permit will result in gradual attrition of the total number of dwellings with a vacation rental permit in the city. See Section 8 below.

Section 7.030 Vacation Rental Permit Standards and Procedures

1. Maximum Occupancy Calculation
 - a. Occupancy of the rental will be calculated using the three criteria below. Final occupancy will be set by the most limiting criterion. In accordance with the

provisions of Article 8 Variances, an applicant may file an application for a Variance to the Maximum Occupancy Calculation standards.

- 1) Bedrooms/Occupancy - The maximum occupancy for a vacation rental dwelling shall be two persons over the age of 2 years old per bedroom. Occupancy includes occupants sleeping on the property.
- 2) Off-Street Parking - One outside parking space per bedroom is required. A standard parking space shall be a minimum of 9' x 18', except that a 9' x 15' space is permitted for existing structures where the structure is only 15' from the property line. For uses requiring four or more spaces, up to fifty percent of the spaces may be compact in size. A compact space shall be a minimum of 8' x 16', or 15' in depth where the structure is only 15' from the property line. Residential parking spaces are not required to be marked.
- 3) Septic System Capacity - Septic systems must be inspected and the inspection must be reviewed and approved by the Clatsop County Public Health Department. Cesspools are prohibited for use with transient rentals.

b. Notice of Occupancy

- 1) The maximum occupancy, the approved parking diagram, the approved designated representative and city good neighbor policies will be listed on the operating permit, which must be in the rental agreement/contract and posted in a prominent location inside the dwelling within four (4) feet of the entry door.
- 2) For occupancy verification the owner shall provide a guest registry with instructions to the renter, or some other method of occupancy verification for the City to inspect.

2. 24-Hour Representative and Neighbor Notice

- a. 24-hour Representative: The vacation rental owner and designated representative's name, physical address, email address and phone number must be provided to the City upon permit application and renewal. The information shall be kept current at all times. The owner or representative shall be available by phone (24 hours a day, seven days a week) to ensure a

response to complaints regarding emergencies and the condition, operation, or conduct of the occupants. A 24-hour representative must be able to physically respond to the vacation rental site within 30 minutes, and if requested they must respond. If there is a change in the designated representative the property owner must submit to the City the name of the new representative.

- b. Neighbor Notice: The City shall provide an annual mailing, email or otherwise distribute by hand a flier to neighbors within a 200 foot radius of the vacation rental property address. The notice shall contain the owner and representative contact information, a parking plan, and the city website address where the information is also posted. The neighbors and the city shall be informed whenever there is a change in contact information.

3. Residential Appearance

The property occupied by a vacation rental must maintain a residential appearance whereby at least 50% of each surrounding yard on the parcel shall be landscaped with trees, shrubs, flowers or grass so that parking will not dominate any yard.

Signage: is limited to one 12" x 12" unlit sign in accordance with Article 6 Section 6.040 Signs.

4. Off Street Parking Requirements

a. The approved off-street parking spaces must remain available for renters. A parking diagram of the approved parking spaces must be provided to renters and be available in a prominent location within the dwelling. Parking stalls shall meet the minimum standards of Section 7.0301. a. 2) above, and are not required to be paved.

b. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Off-street parking means within private property boundaries.

5. Garbage Service

a. Weekly solid waste collection shall be provided by the owner during all months that the dwelling is available for vacation rental occupancy. Side yard pickup shall be required.

b. A wind latch must be installed by the garbage provider on all outdoor garbage and recycling receptacles.

6. Fire/Safety/Health Inspection

a. Initial Inspection: At the time of initial application the vacation rental shall be inspected by the Building Official or designee. The purpose of this inspection is to assure conformance of the dwelling unit with the State of Oregon Residential Specialty Code, the Uniform Housing Code and the Uniform Fire Code regulations related to potential safety issues and to establish maximum occupancy, including but not limited to an approved means of egress from every bedroom. The applicant is responsible for obtaining DEQ sanitary ~~sewer~~ septic approval from the Clatsop County Environmental Health Department and providing said documentation to the City.

An initial inspection fee of \$125.00 will be charged. Applicants must correct any identified deficiencies within 180- days before a vacation rental permit is issued. A follow-up inspection is included in the initial fee. Any further inspections will cost \$50.00 each.

b. Re-inspections: Commencing January 2019, a randomly selected re-inspection of 20% of the dwellings that have vacation rental permits will be conducted so that over a five-year period all dwellings that have a vacation rental permit will have been re-inspected.

A re-inspection fee of \$50.00 will be charged. At re-inspection applicants must obtain a current sanitary sewer approval from the Clatsop County Environmental Health Department, and correct any identified deficiencies before a vacation rental permit is renewed. Failure to complete the necessary alterations within 30 days of the Building Inspector's notification of required alterations may result in the revocation of the permit.

7. Tsunami Preparedness

Vacation rentals must post the Gearhart Tsunami Evacuation Map in the dwelling. It is also recommended that the dwelling have the following items accessible in their homes with directions in the rental agreement: a "go bag", supplies, and a NOAA weather radio.

8. Permit Limitations

a. Vacation rental permits are transferable only by inheritance to a natural person as directed in a will or trust. The permit is not transferable upon the sale of the property.

b. If the subject dwelling is on property that has a Homeowners Association (HOA) at the time of permitting, the owner of the dwelling shall provide the City with an affidavit of proof that the HOA allows for vacation rental of their dwelling. If not allowed, then the application will be denied.

9. Vacation Rental Permit Issuance and Annual Renewal

The owner shall be issued a permit for a vacation rental dwelling by the City upon completion of all required forms, approval of the dwelling unit by the Building Official or designee, and payment of the initial and annual permit fee of \$600 (nonrefundable), with a \$100 fee reduction if standard tsunami go-bags are provided in the dwelling.

City vacation rental taxes must be paid quarterly on an annual basis for the permit to remain valid, as verified by a City Vacation Rental Tax registration form. Upon notice by the City, if an owner has not paid vacation rental taxes to the city annually (July 1 – June 30), and no proof of payment is provided the vacation rental permit will not be renewed.

10. Violations

The vacation rental permit holder shall be compliant with these standards at all times. Failure to comply will result in revocation of the permit in accordance with Gearhart Zoning Code Article 14 Remedies.

(End of amendments)

Other Pending Action: City Council to develop “Good Neighbor” Policies

The City will develop and adopt by resolution as citywide policy “Good Neighbor Policies and Guidelines”. These shall be included in the rental agreement for a vacation rental. Policies may include:

- General respect for neighbors
- City Noise ordinance parameters
- Garbage disposal service and parking regulations

- Pets
- Tenant/Guest Responsibilities
- City of Gearhart Recycling program
- Tsunami Preparedness information

Passed by the Common Council of the City of Gearhart this 7th day of
Sept. 2016.

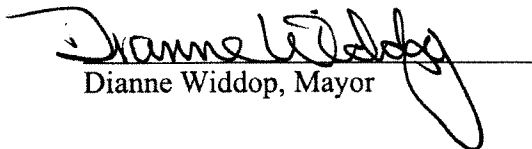
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NAYS: 0

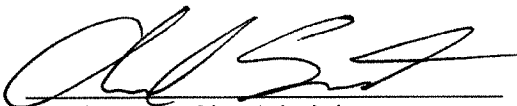
ABSENT: 0

ABSTAIN: 0

Signed and approved by the Mayor of the City of Gearhart this 7th day of
Sept. 2016.


Dianne Widdop, Mayor

ATTEST:


Chad Sweet, City Administrator
ZO.Amend.doc



STAFF REPORT:

JAY ORLOFF, OF TOLOVANA ARCHITECTS, ON BEHALF OF OWNER PAUL WHITE, REQUEST FOR A TREE REMOVAL PERMIT TO REMOVE A 50 INCH SPRUCE TREE AS PART OF THE DEVELOPMENT. THIS WAS A CONDITION OF APPROVAL BY THE CITY COUNCIL FOR THE CONSTRUCTION OF AN ACCESSORY DWELLING UNIT (ADU) IN CONJUNCTION WITH A NEW SINGLE-FAMILY DWELLING ON E. TANANA AVENUE (TAXLOT00600, MAP51032BC).

Agenda Date: November 14, 2023

Prepared By: Steve Sokolowski
Community Development Director

BACKGROUND

The proposed project was the construction of an accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on an undeveloped parcel, Taxlot 600, on E. Tanana Ave. The applicant was proposing to construct an ADU on the second floor of a detached garage located behind the single-family dwelling. This proposal was brought before the Design Review Board as new dwellings that contain an accessory dwelling are subject to the design review requirements [CBMC 17.54.080(C)].

The subject property is an undeveloped 7,000 square foot parcel measuring 50 x 140 and zoned R1 Residential Moderate Density. Adjacent neighborhood uses are primarily residential. The proposed accessory dwelling would be located above a two-car garage behind the primary dwelling and would provide 576 square feet of living area. Additional parking would be provided by two 9 x 18-foot parking spaces in the driveway adjacent to the west side of the home that would be accessible from E. Tanana Avenue.

The City Council rendered a decision to approve, with conditions, the construction of the accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on E. Tanana Avenue (TAXLOT00600, MAP51032BC), APP#23-06, at its October 3, 2023, regularly scheduled City Council meeting.

During the appeal hearing, the City Council has concerns that the landscape plan as submitted requires the removal of multiple Sitka Spruce trees of varying diameter to accommodate the proposed development. The Council wanted the applicant to see what can be done to save the existing tree located at the northeast corner of the property adjacent to the driveway access near the street, labelled as tree "S-1" on the site plan attached to this decision. The Council approved the appeal with the following condition:

Prior to issuance of a building permit, if the applicant seeks to remove the tree labelled S-1 on the attached site plan, the tree removal application shall be reviewed by the City Council to determine whether removal of S-1 would be consistent with the requirements of Chapter 17.44 of the City Code.

Per the condition above, the Council is now reviewing the tree removal permit for subject tree S-1 on the site plan which is a 50-inch Spruce tree located in the front yard between the proposed home to be constructed and Tanana Avenue.

The applicant states they would like to pursue the removal of the 50" Sitka Spruce (S-1) that was discussed at our City Council appeal last month. The owner would like it removed as it is part of the nurse log that is source of all the trees in the center of the lot of which are to be removed. There is concern that there will be future unforeseen issues with the tree itself and/or its proximity to the structure. We will follow the recommendation of our Arborist to replant with a 2:1 ratio of new large conifer trees to include Redwood and medium deciduous trees.

APPLICABLE CRITERIA

17.70 – Tree Removal and Protection

Section 17.70.020(D) which states:

17.70.020 Permit Issuance – Criteria

The city shall issue a tree removal permit if the applicant demonstrates that one of the following criteria is met:

- D. Removal of a tree(s) in order to construct a structure of development approved or allowed pursuant to the Cannon Beach Municipal Code, including required vehicular and utility access, subject to the requirements in Section 17.70.030(B) and (Q).*

The requirements from 17.70.30 are below:

17.70.030 Additional Requirements

- B. For actions which require the issuance of a building permit, tree removal shall occur only after a building permit has been issued for the structure requiring the removal of the tree(s).*
- Q. An application for a tree removal permit under Section 17.70.020(D), submitted under the direction of a certified tree arborist for removal of a tree(s) to construct a structure or development, must include the following:*
 - 1. A site plan showing the location of the tree(s) proposed for removal, the location of the proposed structure of development, and the location of any other trees six-inch DBH or larger on the subject property or off site (in the adjoining right-of-way or on adjacent property) whose root structure might be impacted by excavation associated with the proposed structure, or by soil compaction caused by vehicular traffic or storage of materials.*
 - 2. Measures to be taken to avoid damaging trees not proposed for removal, both on the subject property and off site (in the adjoining right-of-way or on adjacent property).*
 - 3. The area where a tree's root structure might be impacted by excavation, or where soil compaction caused by vehicular traffic or storage of materials might affect a tree's health, shall be known as a tree protection zone (TPZ).*
 - 4. Prior to construction, the TPZ shall be delineated by hi-visibility fencing a minimum of three and one-half feet tall which shall be retained in place until completion of construction. Vehicular traffic, excavation and storage of materials shall be prohibited within the TPZ.*

DECISION AND CONDITIONS

Motion: Having considered the evidence in the record, based on a motion by Councilor (Name) seconded by Councilor (Name), the Cannon Beach City Council moved to (approve, deny, or modify in whole or part) the tree removal permit for the 50” Sitka Spruce (S-1) at Tax Lot 00600, with regards to the Paul White Accessory Dwelling Unit appeal, App#23-06, as discussed.

ATTACHMENTS

Attachment A: APP 23-06 Order and Findings

Attachment B: DRB Exhibit A-3 Topographic Survey

Attachment C: DRB Exhibit A-4 Sheet AS1.0 Site Plan

Attachment D: DRB Exhibit A-7 Sheet A2.1 Elevations

Attachment E: DRB Exhibit A-9 Sheet LS1.0 Landscape Plan

Attachment F: DRB Exhibit A-10 Tree Removal Application

Attachment G: DRB Exhibit C-2 Arborist Review

Attachment H: A. Wieneke Email, November 3, 2023

Attachment I: Tree Site Plan

Attachment J: Redwood Photograph



CANNON BEACH CITY COUNCIL

BEFORE THE CITY COUNCIL OF THE CITY OF CANNON BEACH

IN THE MATTER OF AN APPEAL OF A DESIGN REVIEW BOARD DECISION REGARDING CONSTRUCTION AN ACCESSORY DWELLING UNIT (ADU) IN CONJUNCTION WITH A NEW SINGLE-FAMILY DWELLING ON THE FOLLOWING PROPERTY:

Paul White Appeal of a Design Review Board Decision Regarding APP# 23-06 for construction of an accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on E. Tanana Avenue (Taxlot 51032BC00600)

FINDINGS OF FACT, CONCLUSIONS AND ORDER NUMBER – SR#23-05

Applicant: Paul White
P.O. Box 726
Cannon Beach, OR, 97110

Zone: Residential Moderate Density (R1) Zone

The above-named applicant applied to the city for the construction of an accessory dwelling unit (ADU) in conjunction with a new single-family dwelling. The property is referred to as Tax lot # 51032BC00600 which is an undeveloped parcel on E. Tanana Avenue. The property is owned by Paul White

The proposed ADU was reviewed against the criteria of the Municipal Code, Section 17.54.080, Accessory Dwelling and Section 17.44, Design Review Standards.

The public hearing on the above-entitled matters was opened before the Design Review Board (DRB) on August 17, 2023; the Design Review Board closed the public hearing at the August 17, 2023, meeting and concluded that the ADU be denied. The applicant sought review of the Design Review Board's decision by the City Council.

The City Council held a Scope of Review meeting as a non-public hearing item on September 12, 2023, and determined that the appeal will be heard on the record of the decision made by the Design Review Board, according to Section 17.88.160 of the Cannon Beach Municipal Code, according to Section 17.88.160 of the Cannon Beach Municipal Code.

The public hearing on the appeal was opened before the City Council on October 3, 2023; the City Council closed the public hearing at the October 3, 2023, meeting and approved with conditions the construction of the ADU.

THE CITY COUNCIL HEREBY ORDERS that the proposed ADU is APPROVED and adopts the findings of fact, conclusions and conditions contained in Exhibit "A." The effective date of this ORDER is 21 days following the signing of this order, subject to the findings contained in Exhibit "A."

This decision may be appealed to the State of Oregon Land Use Board of Appeals (LUBA) by an affected party by filing a notice of intent to appeal a land use decision within 21 days after the date of the decision sought to be reviewed becomes final.

All information submitted to and utilized by the Design Review Board and City Council to make this decision are adopted by reference (including but not limited to applications, plans, documentation, written and oral testimony, exhibits, etc.).

The complete case, including the final order is available for review at the city.

CANNON BEACH CITY COUNCIL

Mayor Barb Knop

Date



CANNON BEACH CITY COUNCIL

FINDINGS OF FACT AND CONCLUSIONS OF LAW – APP# 23-06

JAY ORLOFF, OF TOLOVANA ARCHITECTS, ON BEHALF OF OWNER PAUL WHITE, APPEAL OF A DESIGN REVIEW BOARD DECISION TO DENY CONSTRUCTION AN ACCESSORY DWELLING UNIT (ADU) IN CONJUNCTION WITH A NEW SINGLE-FAMILY DWELLING ON E. TANANA AVENUE (TAXLOT00600, MAP51032BC).

Agenda Date: November 7, 2023

Prepared by: Steve Sokolowski,
Community Development Director

SUMMARY & BACKGROUND

In DRB 23-08 Tolovana Architects, on behalf of owner Paul White, requested approval for the construction of an accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on an undeveloped parcel, Taxlot 600, on E. Tanana Ave. The applicant is proposing to construct an ADU on the second floor of a detached garage located behind the single-family dwelling. This proposal is brought before the Design Review Board as accessory dwelling units that require exterior modifications to an existing dwelling are subject to review [CMBC 17.54.080(C)].

The City of Cannon Beach Design Review Board (DRB) rendered a decision to deny the construction of the accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on E. Tanana Avenue (TAXLOT00600, MAP51032BC), DRB 23-08, at its August 17, 2023, regularly scheduled Design Review Board meeting.

Jay Orloff of Tolovana Architects, on the behalf of owner Paul White, requested a review of the decision, in an application received September 1, 2023, within the 14-day appeal period, from the date the final order was signed for DRB #23-08 on August 22, 2023.

The City Council held a Scope of Review meeting as a non-public hearing item on September 12, 2023, and determined that the appeal will be heard on the record of the decision made by the Design Review Board, according to Section 17.88.160 of the Cannon Beach Municipal Code, according to Section 17.88.160 of the Cannon Beach Municipal Code.

The City Council rendered a decision to approve, with conditions, the construction of the accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on E. Tanana Avenue (TAXLOT00600, MAP51032BC), APP#23-06, at its October 3, 2023, regularly scheduled City Council meeting.

APPLICABLE CRITERIA

Approval criteria are in the Design Review Standards (17.44) sections of the Municipal Code: These are excerpted below.

17.44.080 Site Design Evaluation Criteria

The City Council finds that the site plan does meet the applicable evaluation criteria, specifically items A, B, C, F which state:

Attachment A: APP 23-06 Order and Findings

- A. *The arrangement of all functions, uses, and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.*
- B. *In terms of setback from the street or sidewalk, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.*
- C. *The design incorporates existing features such as streams, rocks, slopes, vegetation (i.e., making use of a small stream rather than placing it in a culvert).*
- F. *The arrangement of improvements on the site do not unreasonably degrade the scenic values of the surrounding area.*

Findings:

The location and design of the proposed house and garage/ADU are proposed to be located on the most buildable portions of the lot because there is a significant slope along the southeast corner of the property. The Council is concerned about the removal of several trees on the property but understands the slope does dictate the available footprint for the house, garage/ADU. The improvements proposed are similar to other homes/properties in this residential neighborhood but the construction of the new house and garage/ADU will impact some of the existing scenic value of the surrounding area. The Council raised concerns about the function of the on-site and off-street parking, but the applicant is meeting the parking requirements. In addition, the Council is concerned about the number of trees that are proposed to be removed as part of this development and whether it will harmonize with the natural characteristics and limitations of the site, as well as whether the improvements on the site could be rearranged to save one of the trees. Accordingly, as discussed further below, the Council is placing a condition on the approval that requires Council review of the tree removal permit.

17.44.090 Architectural Design Evaluation Criteria

The City Council finds that the architectural plans meet the applicable evaluation criteria, specifically items B, C, D, G, H, O which states:

- B. The size, shape and scale of the structure(s) are architecturally compatible with the site and with the surrounding neighborhood. The structure is sufficiently modest in scale to enhance the village character of the community.*
- C. The proposed materials and colors are compatible with the character and coastal setting of the city.*
- D. The design avoids monotony and provides visual interest and charm by giving sufficient attention to architectural details and to such design elements as texture, pattern and color.*
- G. The height of the structure(s) is architecturally compatible with the site and the surrounding neighborhood. The height of the structures contributes to the village scale.*
- H. The height of the structure(s) is such that it does not unreasonably destroy or degrade the scenic values of the surrounding area.*
- O. The design of the project ensures continued privacy for the occupants of adjacent structures.*

Findings:

The home and garage/ADU proposed are similar to the design, colors, materials, heights, etc. of the other homes/properties in this residential neighborhood but the construction of the new house and garage/ADU will impact some of the existing scenic value of the surrounding area.

Attachment A: APP 23-06 Order and Findings

There were concerns expressed regarding short term rental of the new home. CBMC 17.54.080 provides regulations regarding accessory dwelling units and restricts their use as a short-term rental. Item J of this section states:

The property owner shall annually submit a notarized sworn statement that the accessory dwelling has been rented for periods of thirty calendar days or more.

The City Council found that the proposed ADU is not available for short term rental use and that it does address some of the affordable housing issues the City of Cannon Beach is trying to address.

17.44.100 Landscape Design Evaluation Criteria

The City Council finds that the landscape plan meets the applicable evaluation criteria, specifically item A, and B which states:

- A. *The design substantially complements the natural environment of Cannon Beach and the character of the site.*
- B. The design harmonizes with and enhances the architectural design.

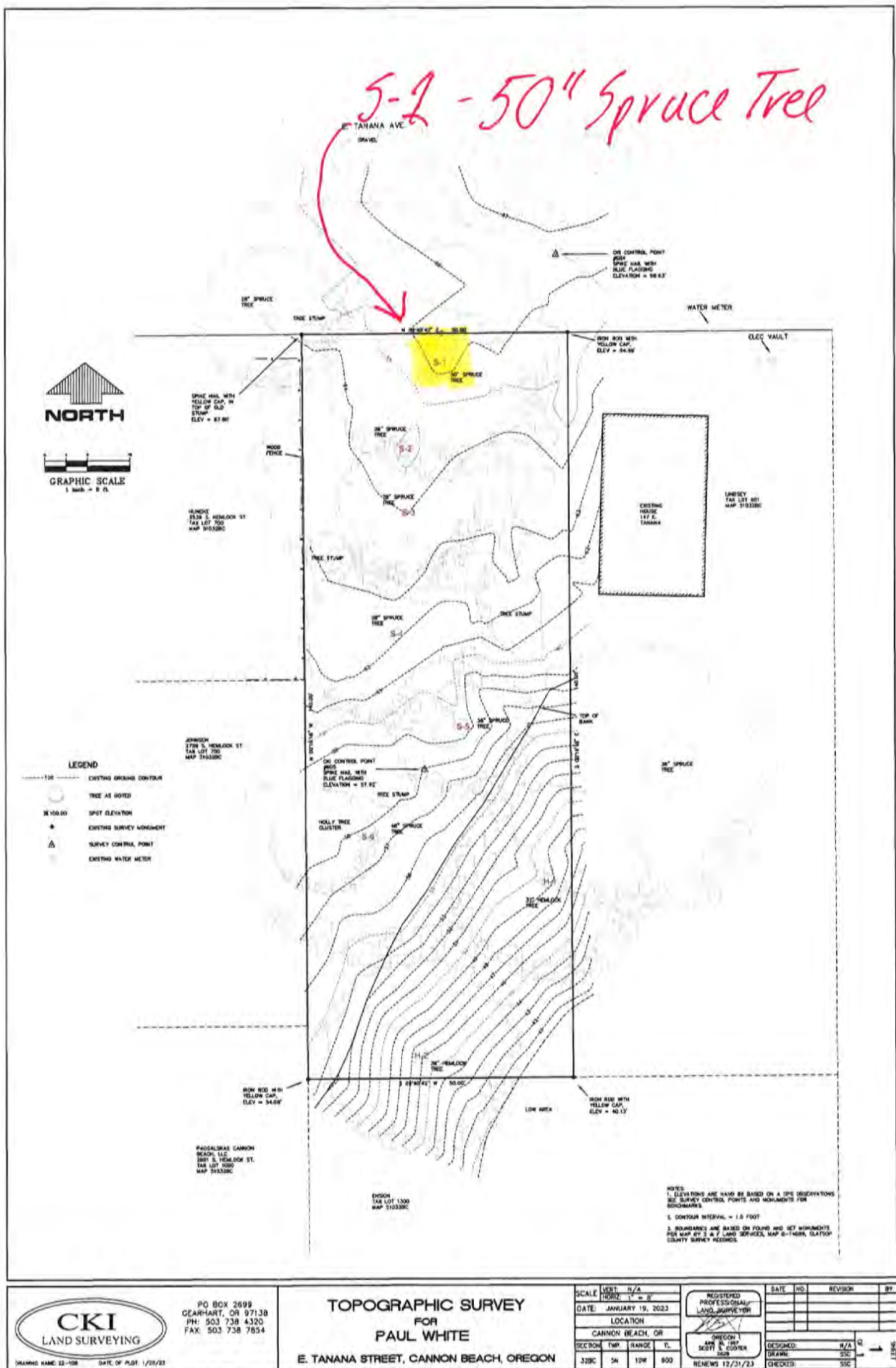
Findings:

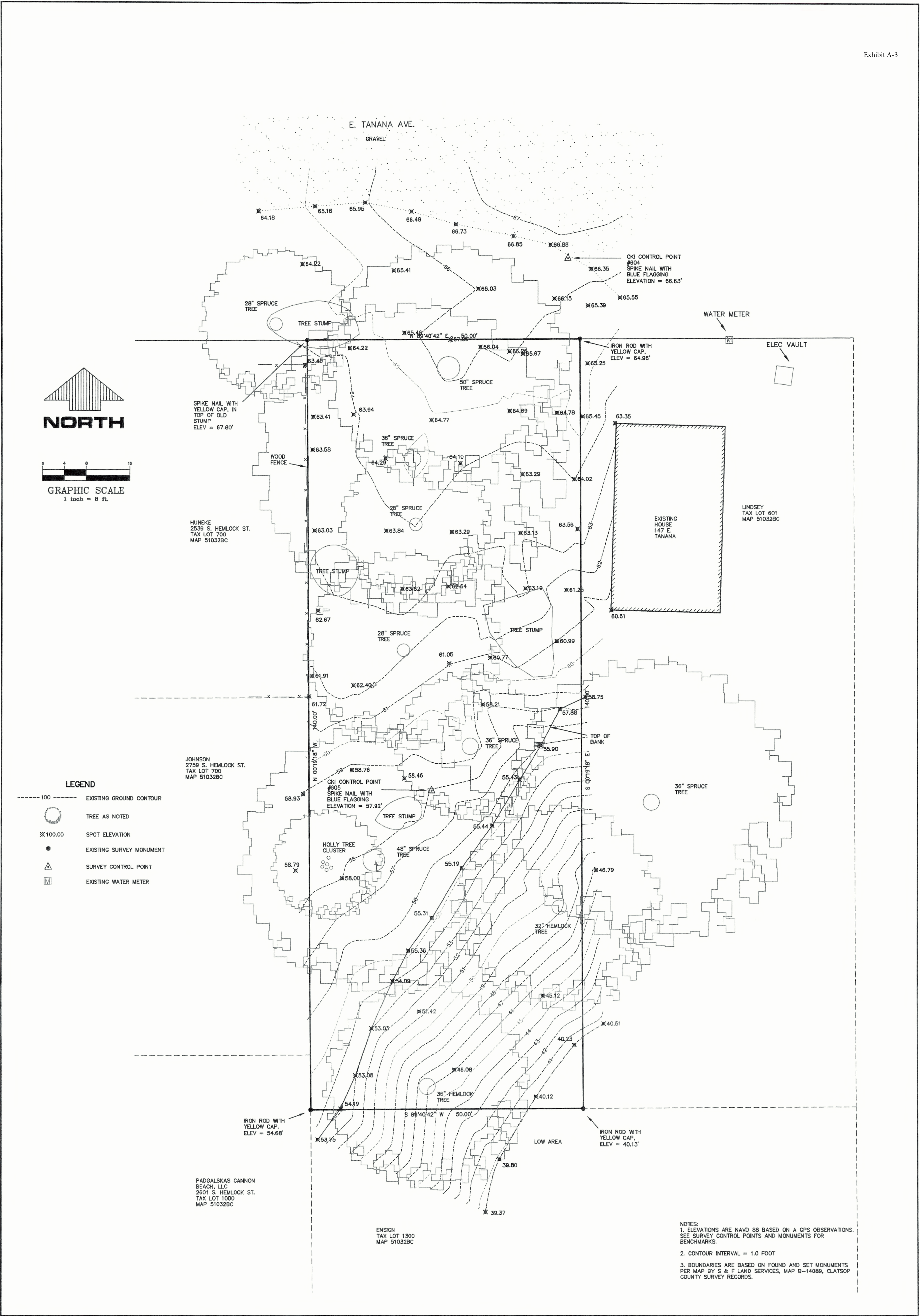
As noted above, the City Council has concerns that the landscape plan as submitted requires the removal of multiple Sitka Spruce trees of varying diameter to accommodate the proposed development. Two (2) existing Hemlock trees would be retained at the southern portion of the property and two (2) new Vine Maples would be planted on the northern portion of the property. Additional understory vegetation would be planted in the front yard area between the house and vine maples. In addition, the Council wanted the applicant to see what can be done to save the existing tree located at the northeast corner of the property adjacent to the driveway access near the street, labelled as tree “S-1” on the site plan attached to this decision. The Council is requiring a condition of approval that the Tree Removal Permit is reviewed by the City Council and not just staff.

DECISION AND CONDITIONS

Motion: Having considered the evidence in the record, based on a motion by Councilor Hayes seconded by Councilor McCarthy, the Cannon Beach City Council unanimously moved to approve with conditions the Paul White application to construct an accessory dwelling unit (ADU) in conjunction with a new single-family dwelling on E. Tanana Avenue (taxlot00600, map51032bc), **APP# 23-06**, as discussed at this public hearing subject to the following condition:

1. Prior to issuance of a building permit, if the applicant seeks to remove the tree labelled S-1 on the attached site plan, the tree removal application shall be reviewed by the City Council to determine whether removal of S-1 would be consistent with the requirements of Chapter 17.44 of the City Code.





PO BOX 2699
GEARHART, OR 97138
PH: 503 738 4320
FAX: 503 738 7854

TOPOGRAPHIC SURVEY
FOR
PAUL WHITE
E. TANANA STREET, CANNON BEACH, OREGON

SCALE	VERT: N/A HORIZ: 1" = 8'		
DATE:	JANUARY 19, 2023		
LOCATION:	CANNON BEACH, OR		
SECTION	TWP.	RANGE	TL
32BC	5N	10W	600

REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON
JUNE 30, 1997
SCOTT S. COOTER
2829
RENEWS 12/31/23

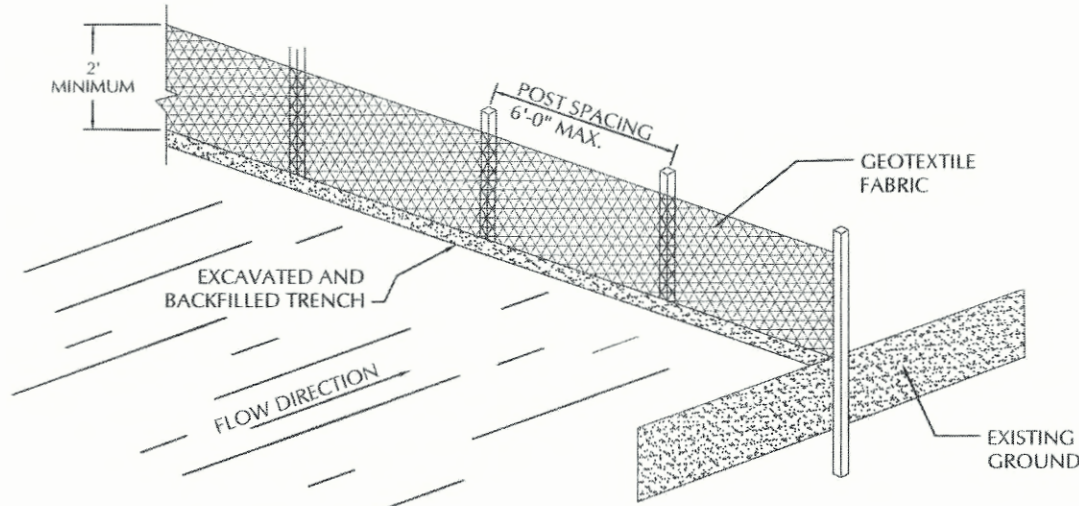
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DESIGNED: N/A
DRAWN: SSC
CHECKED: SSC

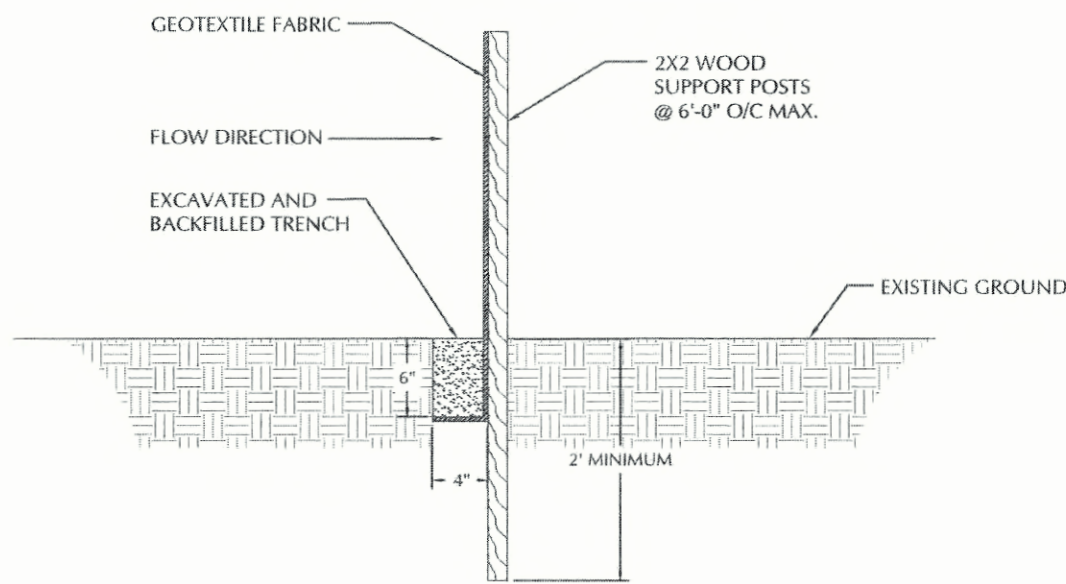
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DATE OF PLOT: 1/20/23

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SHEET

Plotted on: Jul 19, 2023 - 1:04pm
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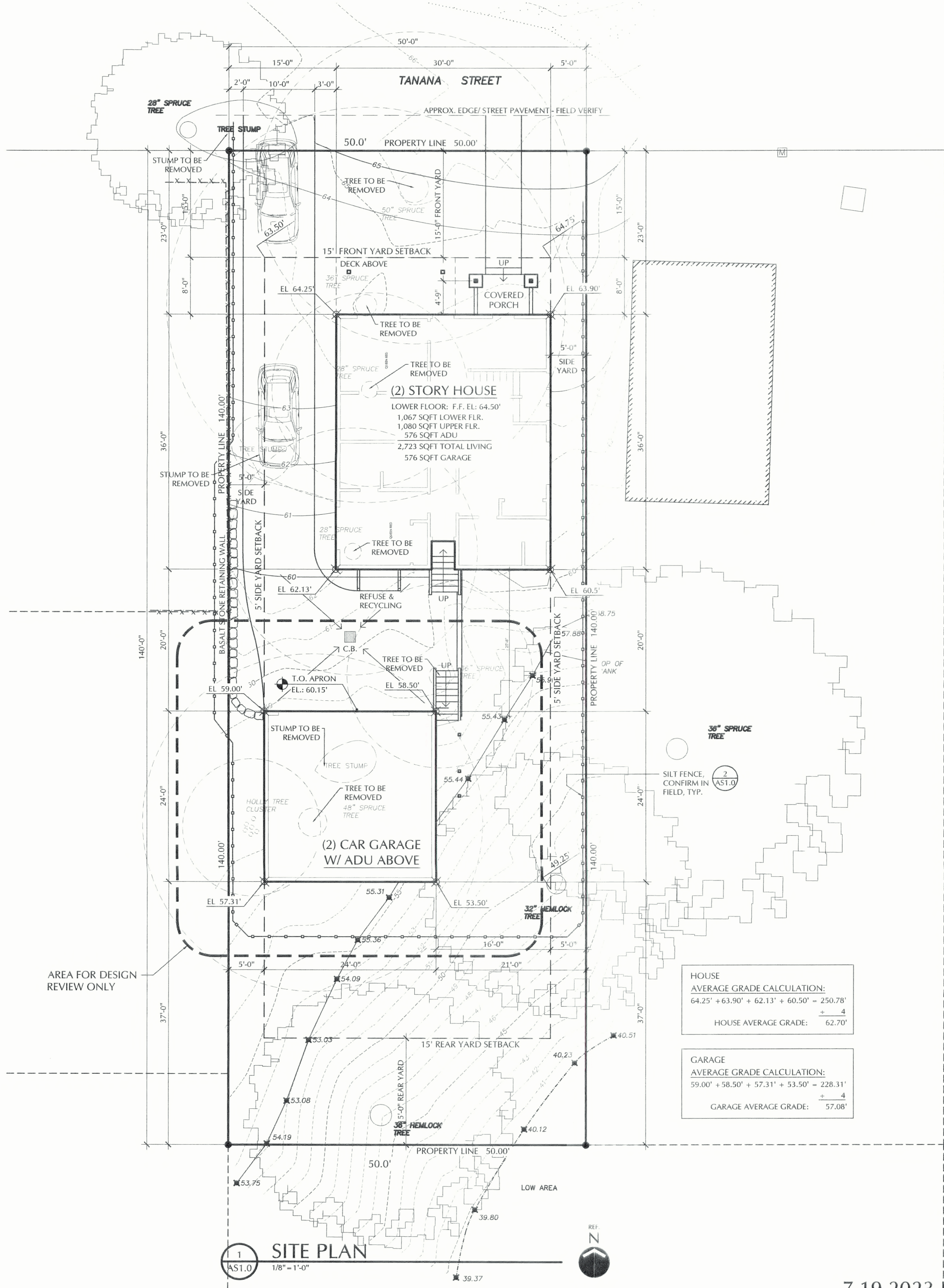


ISOMETRIC VIEW



TYPICAL SECTION

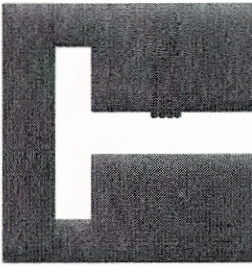
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NO SCALE



7-19-2023 DRB REVIEW



Tolovana Architect LLC
P.O. Box 648
Tolovana Park, Oregon 97145



DRB REVIEW

ADU / GARAGE PLANS FOR
WHITE RESIDENCE

E. TANANA AVENUE
CANNON BEACH, OREGON 97110

MARK	DATE	DESCRIPTION

DATE: 7-19-2023
JOB:
FILE:
DRAWN: XX
CHECKED:

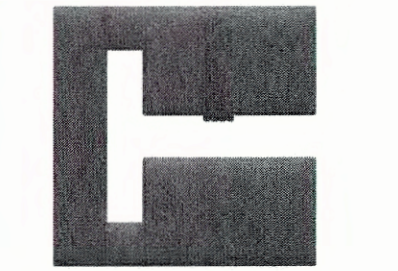
COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

SITE PLAN

AS1.0



Tolovana Architect LLC
P.O. Box 648
Tolovana Park, Oregon 97145



DRB REVIEW

ADU / GARAGE PLANS FOR
WHITE RESIDENCE
E. TANANA AVENUE
CANNON BEACH, OREGON 97110

MARK	DATE	DESCRIPTION

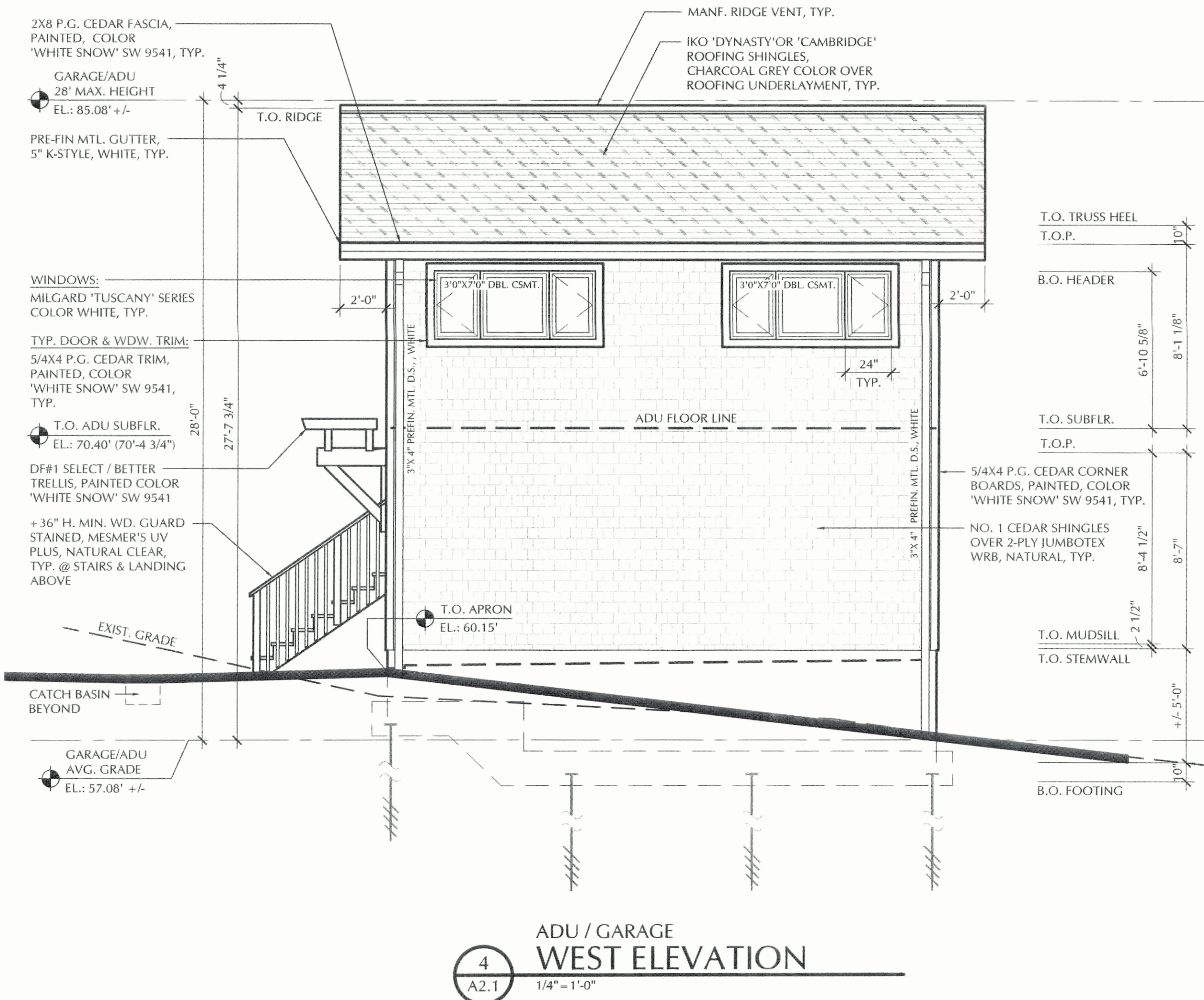
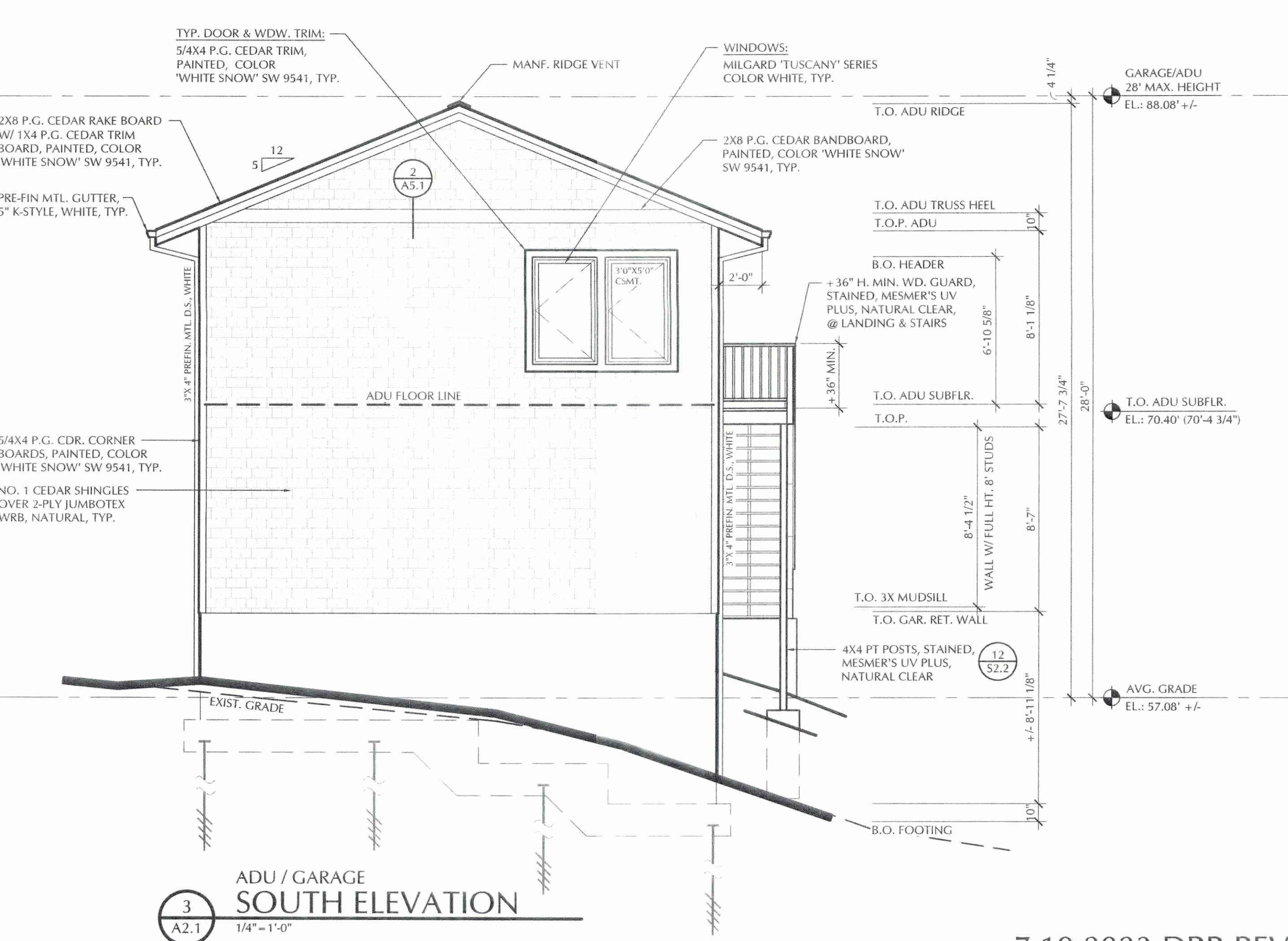
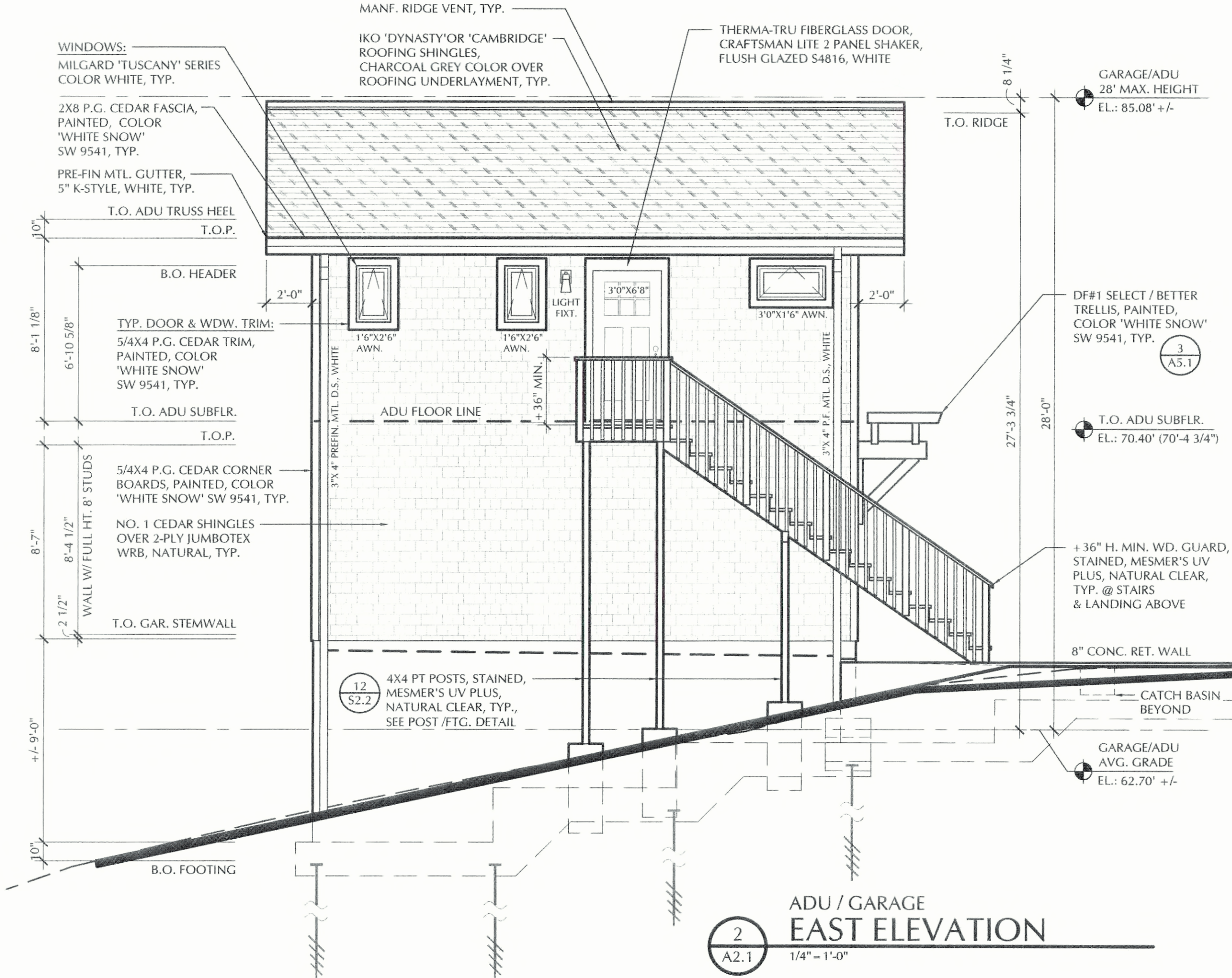
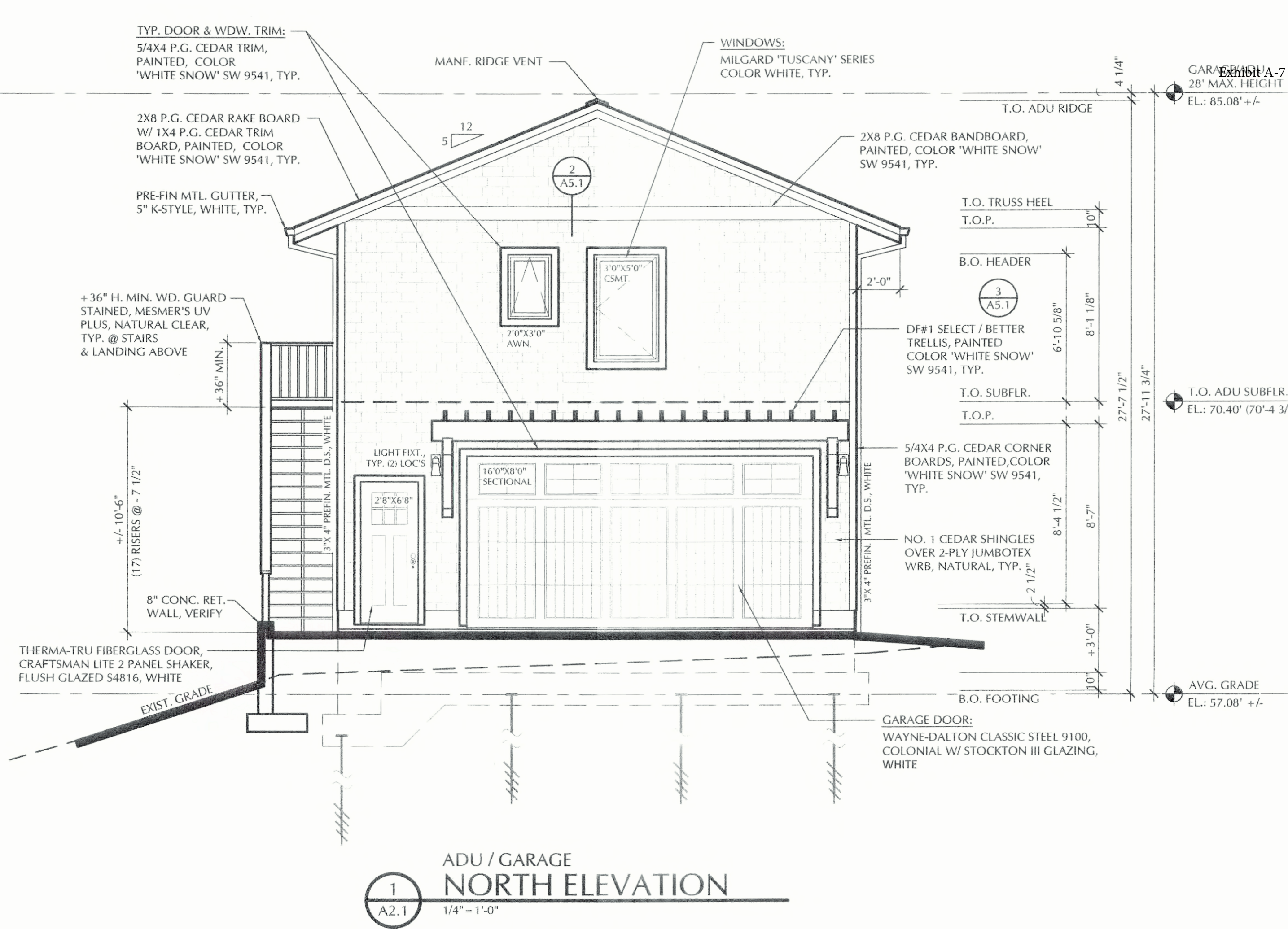
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COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

ADU / GARAGE
ELEVATIONS

A2.1

7-19-2023 DRB REVIEW



Plotted: 09-Jul-2023 1:06pm
Xrefs: XR_24x36 TITLE BLOCK.DWG, DIV_STAMP, XR_SITE PLAN-LANDSCAPE, XR_FP-1 XR_SURVEY LANDSCAPE
C:\Users\jny\Tolovana Architects Dropbox\Projects\Active\White Tanana Street\ACAD\SET\DRB\

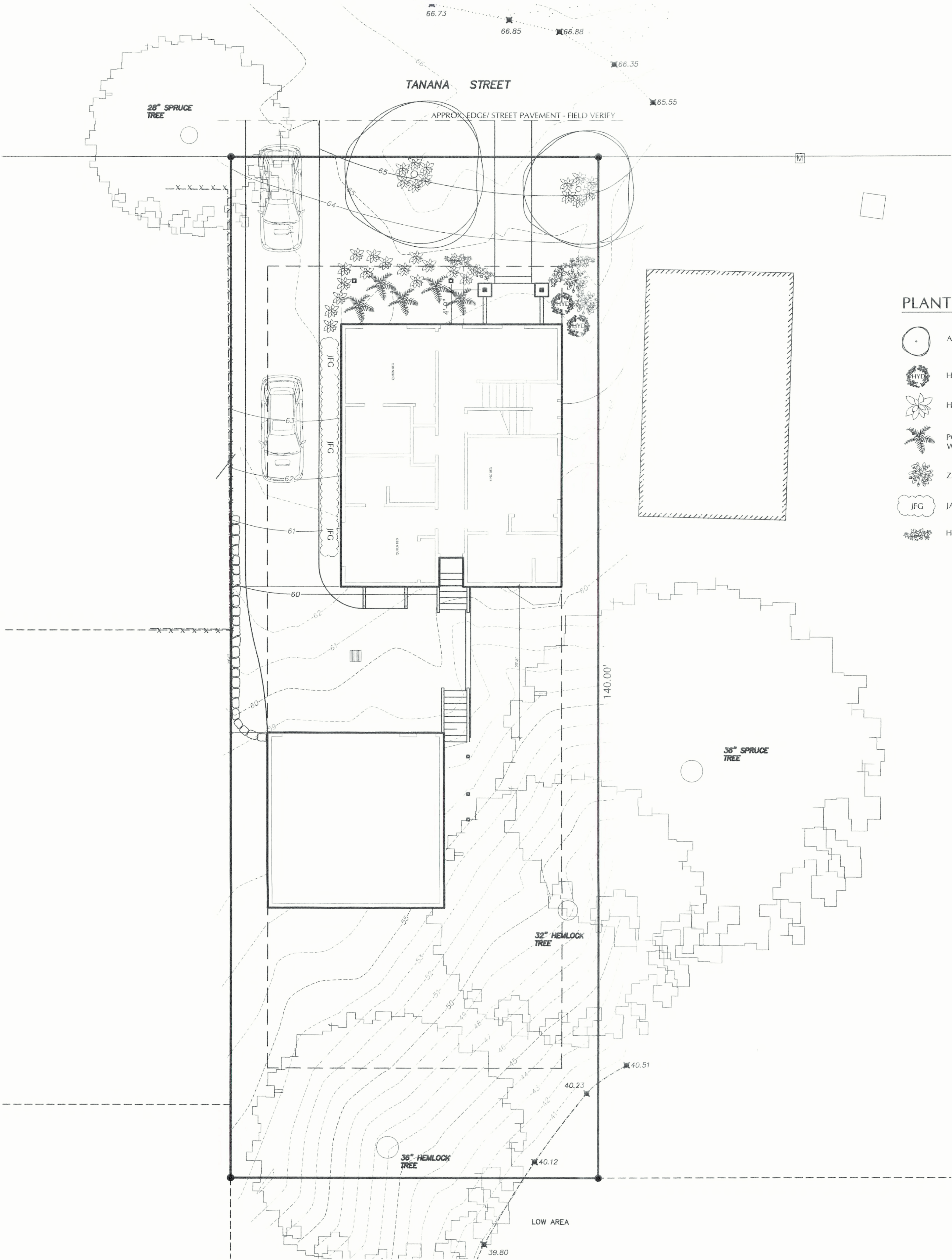
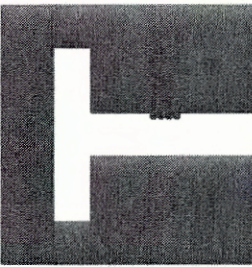


Exhibit A-9

7-19-2023 DRB REVIEW



Tolovana Architect LLC
P.O. Box 648
Tolovana Park, Oregon 97145



DRB REVIEW

ADU / GARAGE PLANS FOR
WHITE RESIDENCE

E. TANANA AVENUE
CANNON BEACH, OREGON 97110

MARK	DATE	DESCRIPTION

DATE: 7-19-2023
JOB:
FILE:
DRAWN: XX
CHECKED:

COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

LANDSCAPE
PLAN

LS1.0

City of Cannon Beach Tree Removal Application

Please fill out this form completely. Please type or print.

Applicant Name: JAY OKLOFF DBA TOLOVANA ARCHITECTS
Mailing Address: P.O. BOX 563, CANNON BEACH, OR 97110
Phone: 503-436-0519 **Email:** JAY@TOLOVANAARCHITECTS.COM
Property Owner Name: PAUL WHITE
Mailing Address: P.O. BOX 726, CANNON BEACH, OR 97110
Phone: 503.781.7566 **Email:** PW412010@GMAIL.COM
Property Location: 51032BC **Map/Tax Lot Number:** 00600

The city shall issue a tree removal permit if one of the following criteria is met. Please circle the letter of the criteria that applies.

These criteria require a Tree Removal Report from an International Society of Arboriculture (ISA) Certified Arborist:

- A. You are constructing a structure or development approved and allowed by pursuant to Cannon Beach Municipal Code 17.70.030, which involves any form of ground disturbance; including required vehicular and utility access. **SEE ATTACHMENT A – Removing Trees Because of Construction.**
- B. Removal of a tree for the health and vigor of surrounding trees.

These criteria require an ISA Tree Hazard Evaluation Form prepared by an ISA Certified Arborist:

- C. The tree presents a safety hazard, where:
 - 1. The condition or location of the tree presents either a foreseeable danger to public safety, or a foreseeable danger of property damage to an existing structure; and,
 - 2. Such hazard or danger cannot reasonably be alleviated by pruning or treatment of the tree.
- D. The tree was damaged by storm, fire or other injury, which cannot be saved by pruning.

You must submit a tree removal permit with a reason if:

- E. The tree is dead.
- F. Tree removal is necessary to provide solar access to a solar energy system where pruning will not provide adequate solar access:
 - 1. The city may require documentation that a device qualifies for Oregon Department of Energy Solar Tax Credit, or other incentive for installation of solar devices offered by a utility.
 - 2. No tree measuring more than 24 inches in diameter shall be removed for solar access.
- G. Tree removal is for landscaping purposes, subject to the following conditions:
 - 1. The tree cannot exceed 10 inches in diameter.
 - 2. A landscape plan for the affected area must be submitted and approved by the City.
 - 3. The landscape plan must incorporate replacement trees for the trees removed. The replacement trees must be at least six feet in height or have a two-inch caliper; and,
 - 4. The City shall inspect the property one year after the approval of the permit to insure the landscape plan has been implemented.

If your tree presents an immediate danger of collapse and if such potential collapse represents a clear and present hazard to persons or property, **please contact the Community Development Director (CDD)**. If it is determined by the CDD that there is an immediate danger, then a tree removal permit is not required prior to tree removal. However, within seven days after the tree removal, the tree owner shall make application for an after-the-fact permit. Where a tree presents an immediate danger of collapse, a complete ISA Tree Hazard Evaluation Form prepared by a certified arborist is not required. Where a safety hazard exists, as defined by this subsection, the city may require the tree's removal. If the tree has not been removed after forty-eight hours, the city may remove the tree and charge the costs to the owner.

Last edited 9/8/2021

Attachment F: DRB Exhibit A-10 Tree Removal Application

Attach a site plan showing the location and type of all trees on the property, including the trees to be removed. Indicate the location of replacement trees and the type. SEE ATTACHMENT B – Site Plan. Attach photos of the trees to be removed and mark the trees with ribbon.

Explain how the request meets one or more of the applicable criteria. Include the number and type of trees requested for removal. If appropriate, explain why pruning would not accomplish the same goal as tree removal.

.....
Application fee: \$50.00 for 1-4 trees; \$100 for 5 or more trees

Note: The application fee is a **nonrefundable** fee that is due upon receipt of application, whether the removal request is approved or denied.

Applicant Signature  TELOVONA ARCHITECTS Date: 2023-07-20

If the applicant is other than the owner, the owner hereby grants permission for the applicant to act in their behalf.

Property Owner Signature: _____ Date: _____

Please attach the name, address, phone number and signature of any additional property owners.

I understand, as property owner, that I am responsible if an approved tree removal permit is violated in any way. As property owner, my signature or an authorized applicant's signature, allows any duly authorized employee of the City to enter upon all properties affected by this permit, for the purpose of follow-up inspection, observation or measurement.

Date: _____ Fee Paid: \$ _____ Receipt Number: _____ Permit #: _____

Application is:

_____ Approved _____ Denied

_____ Approved - Tree replacement required per Cannon Beach Municipal Code 17.70.040, Tree Replacement Policy.

_____ Approved with comments:

By: _____ Date: _____

Decisions on the issuance of a tree removal permit may be appealed to the Planning Commission in accordance with Section 17.88.140 a, of the Municipal Code.

Balden & Associates Arboriculture Services

Joe Balden
Consulting Arborist **PN0736**

41500 Anderson Road
Nehalem, OR 97131
503.368.7807 office
503.801.3762 cell
joebalden70@gmail.com

March 28, 2023

Paul White
Pw412010@gmail.com

Project: New construction E. Tanana St. Cannon Beach

2/17/23
Initial site review with client.

2/22/23
Received site plan with building layout.

Tree inventory: 6 Sitka spruce. DBH 2x28", 2x36", 1x45", 1x50"
2 Western hemlock DBH 32", 36"

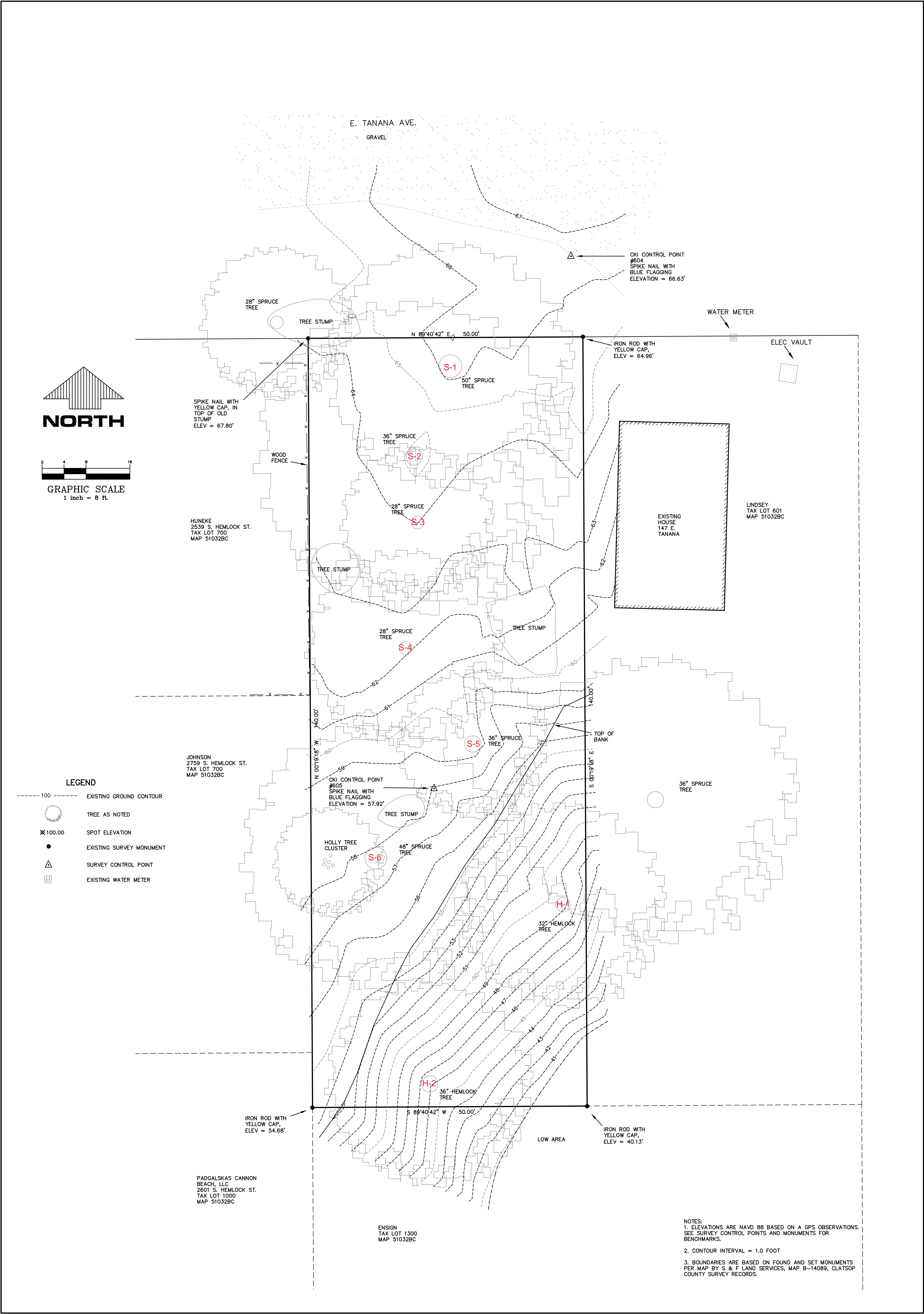
Site plan review with tree locations in or near building footprint:
3 Sitka spruce 28-36" DBH

S-1, S-5, S-6 (see plan for location)
These trees are outside building footprint that are too close to retain.
Noted; that these Spruce trees have a common root system due to growth on a nurse log. Root distribution is not in a normal spread whereby a large percentage of structural roots are not in adequate alignment for structural stability.

Trees outside building footprint to be retained.
H-1, H-2

Submitted by

Joe Balden
Enclosure: Site plan





DRAWING NAME: 22-108 DATE OF PLOT: 1/20/23


PO BOX 2699
GEARHART, OR 97138
PH: 503 738 4320
FAX: 503 738 7854

TOPOGRAPHIC SURVEY FOR PAUL WHITE

E. TANANA STREET, CANNON BEACH, OREGON

SCALE	VERT: N/A HORIZ: 1" = 8'
DATE: JANUARY 19, 2023	
LOCATION	
CANNON BEACH, OR	
SECTION	TWP. RANGE TL
32BC	5N 10W 600

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JUNE 30, 1997
SCOTT S. COOTER
2829

RENEWS 12/31/23

DATE	NO.	REVISION	BY

DESIGNED:	N/A
DRAWN:	SSC
CHECKED:	SSC

OF 1
1
SHEET



2
AS1.0

SILT FENCE DETAIL

NO SCALE



SITE PLAN

$$1/8'' = 1'-0''$$

**PADGALSKAS CANNON
BEACH, LLC
2801 S. HEMLOCK ST.
TAX LOT 1000
MAP 51032BC**

REF.



HOUSE
AVERAGE GRADE CALCULATION:
 $64.25' + 63.90' + 62.13' + 60.50' = 250.78'$
HOUSE AVERAGE GRADE: $\frac{250.78'}{4} = 62.70'$

GARAGE
AVERAGE GRADE CALCULATION:
 $59.00' + 58.50' + 57.31' + 53.50' = 228.31'$

$\div 4$

GARAGE AVERAGE GRADE: 57.08'

7-19-2023 PERMIT SET



PERMIT SET

HOUSE PLANS FOR
WHITE RESIDENCE

E. TANANA AVENUE
CANNON BEACH, OREGON 97110

[illegible]

DATE:	7-19-2023
JOB:	
FILE:	
DRAWN:	XX
CHECKED:	

COPYRIGHT
TOLOVANA ARCHITECTS, LLC
2023

SITE PLAN

AS1.0



Treescaples Northwest
Jeff Gerhardt, Consulting Arborist
ISA Certified Arborist #PN-5541A



City of Cannon Beach, Planning Department

Attn: Robert St. Clair
stclair@ci.cannon-beach.or.us
(503) 436-8053

August 9, 2023

Tree Removal Permit Application Review - E Tanana St Lot

In order to accommodate new construction planned for a vacant lot, a tree removal application was submitted by Jay Orloff. I reviewed the materials provided and made a site inspection on August 8th, 2023. The proposed project would result in a significant loss of tree canopy in this forested neighborhood. I recommend alternative plans that allow for the safe preservation of more trees be pursued.

The permit application requests the removal of 6 large in diameter Sitka spruce trees (50, 45, 36, 36, 28 and 28" DBH). These 6 trees represent all of the Sitka spruce trees on the property (photo attached). It is of my opinion that if removed, adverse impacts will extend onto neighboring properties. Adjacent trees will have an increased exposure to onshore winds, root stability will be compromised, and soil erosion will occur. I recommend alternative site plans be considered that strive to retain and protect a portion of the Sitka spruce trees on the property. Additionally, a report from a Certified Arborist outlining tree protection measures during construction should be drafted and followed.

Best regards,

A handwritten signature in black ink, appearing to read "J Gerhardt".

Jeff Gerhardt

Treescaples Northwest
P.O. Box 52
Manzanita, OR 97130

CCB# 236534
Cell: 503-453-5571
www.treescaplesnorthwest.com



Treescaples Northwest

P.O. Box 52

Manzanita, OR 97130

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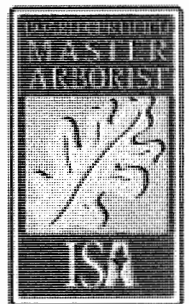
Jay Orloff

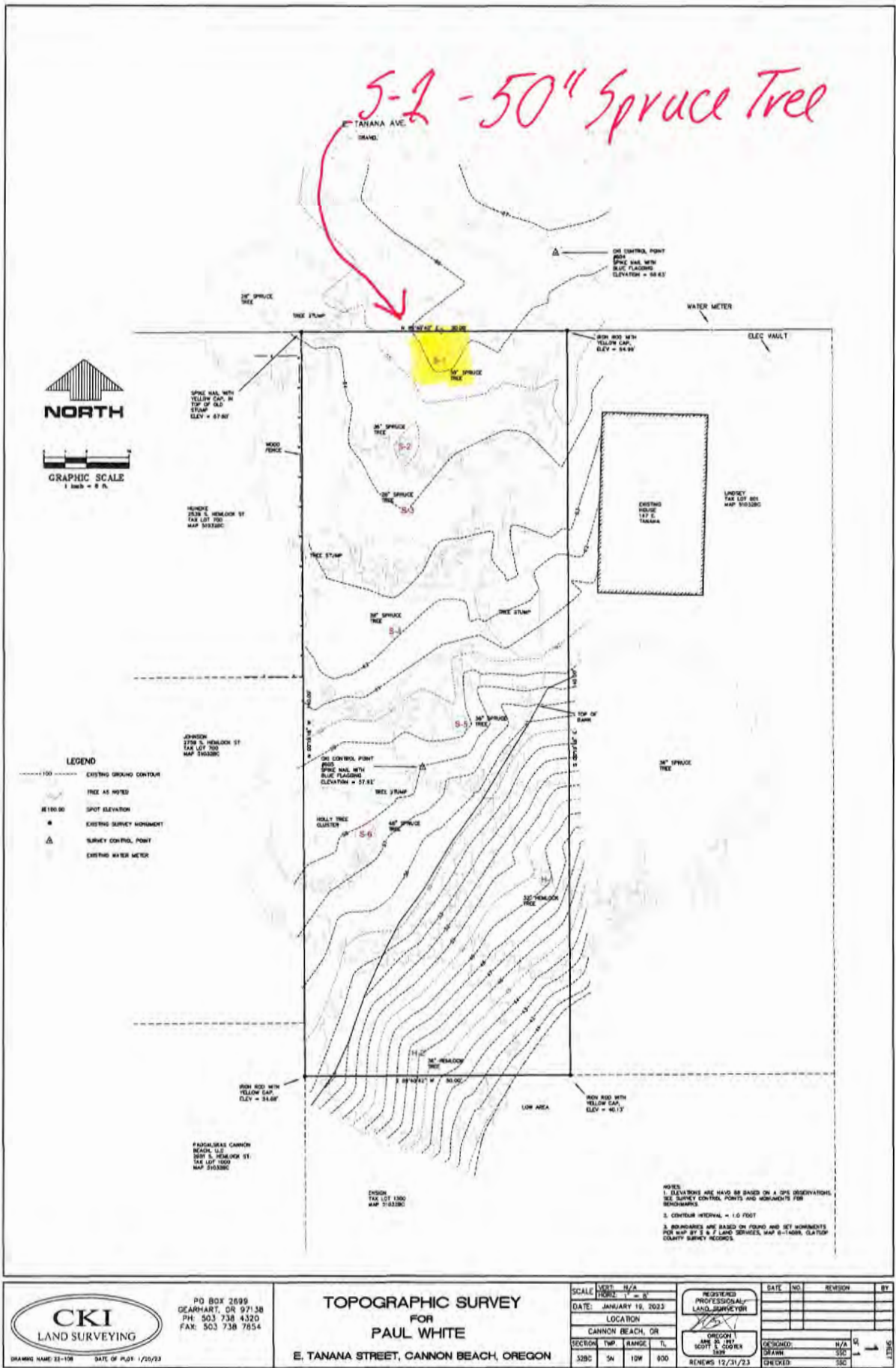
From: Austin Wienecke <austin@arborcarenw.com>
Sent: Friday, November 3, 2023 11:06 AM
To: 'Jay Orloff'
Subject: RE: Tanana - Removal and Replant
Attachments: SKM_C25823110114300.pdf; IMG_4164.jpg

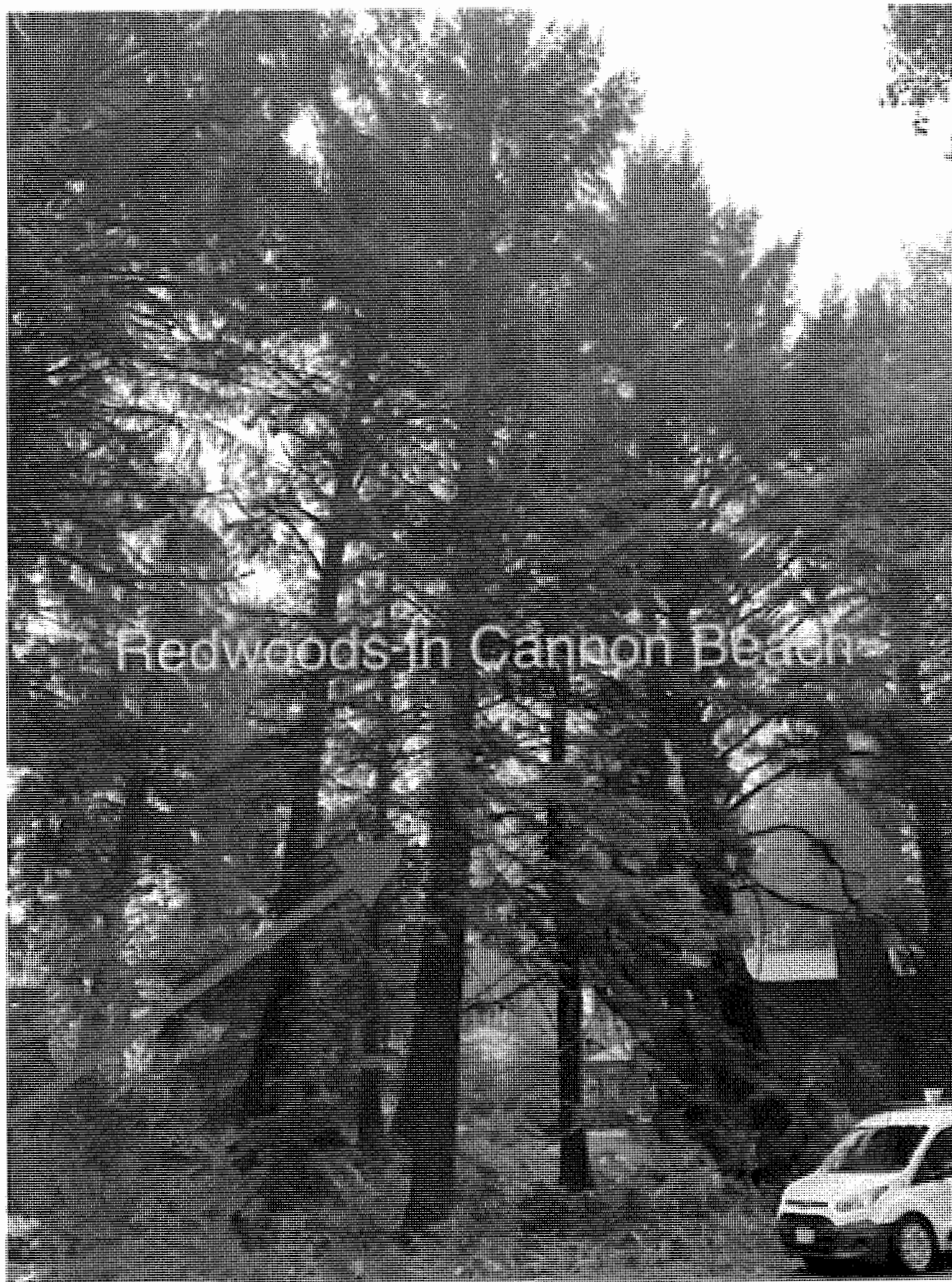
To replant the White property on Tanana I recommend a replant ratio of 2 trees planted for every 1 tree removed. This may seem excessive but it is planning for the mortality of some trees which don't survive the next 5 years. I also recommend planting a minimum of 3 Coastal redwoods on site. These trees are not on the city's planting list but it is only because the list has not been updated in some time. The redwood is a historically native tree and is more drought tolerant and disease resistant than the other large tree options on the list. See attached photo for an example from Ross Lane where redwoods are thriving amongst Sitka spruce. One of the three redwoods should be planted in front of the house in the event that the large Sitka there is removed.

Austin Wienecke

ISA Board Certified Master Arborist PN-5890B
Certified Tree Climber Trainer USFS
ISA Tree Risk Assessment trained
General Manager: Arbor Care Tree Specialists Inc.
503-791-0853 austin@arborcarenw.com







Minutes of the
CANNON BEACH CITY COUNCIL
Tuesday, October 3, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Gary Hayes and Lisa Kerr

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Recorder Jennifer Barrett, Chief of Police Jason Schermerhorn, Community Development Director Steve Sokolowski

Other: Special Counsel Bill Kabeiseman

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Knop called the meeting to order at 6:01 p.m.

Motion: Ogilvie moved to approve the agenda; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried. The agenda was approved.

CONSENT AGENDA

(1) Consideration of the Minutes will be on the October 10th meeting.

PUBLIC COMMENT

Knop said please be respectful and kind and keep it under 3 minutes.

- Jan Siebert-Wahrmund and Wes Wahrmund PO Box 778 - thanked the city staff who worked on the water report and aided in better accessing information.
- Deb Atiyeh PO Box 1426 – spoke of the rising of current discontent in the community and being supportive and not dragging each other down.

PROCLAMATION

(2) Proclamation No. 23-11, proclaiming October 2023 as Domestic Violence Awareness Month in Cannon Beach

Schermerhorn introduced Mia Matias from The Harbor. Matias discussed the impacts and statistics of domestic violence, and the services The Harbor provides. Schermerhorn noted I forwarded an email about the purple light project which include ways you can help.

Motion: Hayes moved to adopt Proclamation 23-11, proclaiming October 2023 as Domestic Violence Awareness Month in Cannon Beach; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Schermerhorn read the Proclamation. Mayor thanked Jason and Mia.

RESOLUTIONS

(3) Resolution 23-20 for the Purpose of approving changes to the FY 2023-2024 budget by increasing appropriations in the general fund to allow for a specific purpose grant from Oregon Department of Transportation

St. Denis summarized the staff report, and read the Resolution, noting we will be able to replace the two wheelchairs. Kerr added it's a great program.

Motion: Kerr moved to adopt Resolution 23-20 for the Purpose of approving changes to the FY 2023-2024 budget by increasing appropriations in the general fund to allow for a specific purpose grant from Oregon Department of Transportation; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(4) Resolution 23-21 to adopt the Commemorative Plaque and Tree Policy as presented by the Parks and Community Services Committee

St. Denis introduced the Parks and Community Services chair, Stacy Benefield, noting the Parks Committee was delegated to creating the policy. Benefield gave an overview of the review process used for this item, adding we determined that adding a naming or renaming policy would open up a can of worms. Benefield noted Karen La Bonte spoke with other municipalities who said they are moving away from naming. Kerr said for tree policy there are no markings. Benefield replied correct, they would be told where the tree was planted. McCarthy said there wouldn't be any plaque at all, Benefield replied correct. Knop noted they can do a commemorative plaque, and added I am hoping that further down the line the plaques won't be at the bandstand. McCarthy said I love the idea of a tree but like to see them being honored. La Bonte added this is something I asked a long time ago and was given an explanation of why we don't do the plaque at the tree, so the bandstand was a great compromise to be able to do that. It surfaced again during this discussion and the committee felt the same and staff supported the decision. Kerr said if they did a tree they can also do a plaque to honor them. McCarthy said I can see why you wouldn't put a plaque on a tree. Hayes asked will trees be planted in ODOT ROW at sunset, St. Denis replied that has become available to use recently, Hayes asked are there other sites, Benefield replied all over the city where trees are needed, that wouldn't get in the way of power lines or sewer lines.

Motion: Hayes moved to adopt Resolution 23-21 to adopt the Commemorative Plaque and Tree Policy as presented by the Parks and Community Services Committee; Ogilvie seconded the motion.

McCarthy said do we need to say anything in the resolution that a plaque with their name on it will be posted in the bandstand. Kerr added I think whatever the cost is of the plaque they will pay for the cost of the plaque through the policy. McCarthy asked but should it be in the resolution? Hayes replied I don't think there are details in there either, but they can be presented with options. Knop added if you want a plaque there is an application and fee. La Bonte added when people say they want to donate a tree they paid for we let them know about the plaque policy. Knop said I don't see the need to put it in the policy, but if you do, you can put it in the resolution. I don't feel it at this time, and we can always make a change at a future time. Kerr replied I think it would be good

to be put in the policy. J Barrett will add language to exhibit A.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(5) Resolution 23-22 for the Purpose of Repealing Resolution 23-09 the Cannon Beach Elementary School Rejuvenation Research Advisory Committee to add a Member Of The Clatsop Nehalem Tribe

St. Denis summarized the staff report. Kerr said I am glad we are doing this.

Motion: Ogilvie moved to adopt Resolution 23-22 for the Purpose of Repealing Resolution 23-09 the Cannon Beach Elementary School Rejuvenation Research Advisory Committee to add a Member of The Clatsop Nehalem Tribe; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

PUBLIC HEARING

(6) APP 23-06, Appeal of Design Review Board's denial of DRB 23-08, Jay Orloff of Tolovana Architects, applicant on behalf of Paul White for the building of a new accessory dwelling unit above a new garage.

Knop stated this is a hearing regarding the appeal requested by Jay Orloff of Tolovana Architects, applicant on behalf of Paul White for the building of a new accessory dwelling unit above a new garage.

Knop asked does anyone object to the jurisdiction of the City Council to hear this appeal at this time?
No.

Does any Councilor believe he or she has a personal bias to declare? No.

Does any Councilor believe he or she has a conflict of interest? No.

Has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Is there any additional correspondence? Sokolowski said there was a letter from Michelle Johnson that was forwarded.

Knop requested the staff report. Sokolowski read the staff report.

Knop stated the appeal will be reviewed against the criteria of Municipal Code, Chapter 17.44.080-17.44.100, Design Review Criteria. The hearing will be held on the record and no new evidence will be allowed into record. The pertinent criteria to be considered are noted in the staff reports; Testimony, arguments and evidence must be directed toward those criteria or other criteria in the Comprehensive Plan or Municipal Code which the person testifying believes to apply to the decision; 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 based on that issue. In addition, failure of the applicant to raise constitutional or other issues related to proposed conditions of approval will preclude an action for damages in circuit court; Persons who testify shall first receive recognition from the Mayor, state their full name and mailing address, and if appearing in a representative capacity, identify

whom they represent. Testimony is limited to matters which were raised at the Design Review Board hearing in writing or orally.

Knop asked is there a presentation by the applicant?

Jay Orloff from Tolovana Architects, PO Box 563, and Paul White, PO Box 726

Orloff said I hope you listened to the DRB meeting and reviewed my narrative. Steve gave a clear definition of the project, adding the DRB was only for the ADU and not the home. Orloff read through the DRB criteria, noting the site has trees on it, and all trees are located in the center, and any development allowed would be located in the tree area which would require removal. White added all the trees are coming off a nurse log and an arborist told me if one came down, they all would which would create a disaster. These are not trees with value on their own. Orloff added we will retain two large Spruce on the site. Regarding values, Lindsey is the only one affected by views and it would not be the ADU that impacts the views, it would be the house. Regarding the architect design, the ADU is allowed use in R1, but seems to be confusion with multifamily and ADU. With an ADU the owner is required to sign a sworn statement that it is not a short term rental (STR) and only rental for 30 days or more as a long-term rental (LTR). Regarding parking, there is confusion on parking and public use of the ROW. Requirements are two for residential and one for the ADU. Orloff gave an overview of parking, adding a similar layout was recently done on Ocean. For the landscape criteria, we proposed planting two additional trees, giving overview. The ADU is on the backside and heavy landscape would be irrelevant as there is no street value. We concentrated on north side at the front and side of house, and preserving two large Hemlocks on site. The ADU is in the back of site and rather than driving up and seeing a garage the site is presented to see the house first. I was taken a bit back by DRB and supported by some of the comments, but understand what they are trying to do, preserve trees and natural environment, but we presented a nice plan that accomplishes this. There are not clean flat lots available, these are the sites that are left. What we presented to DRB was appropriate for this site.

Kerr said you said the owner wants to have a home in Cannon Beach. It doesn't sound like it will be used as a home in Cannon Beach, sounds like the owner already has a home in Cannon Beach and the home would be a STR with the ADU as long term. The argument doesn't resonate very well, they want a STR not a home. A reason the rule of ADU being a LTR is to encourage LTR in the community and other is you don't want one property with people coming in and out with a constant turn over of people. This is an accessory to a STR, it's a little disingenuous. I don't understand how parking will work. You have a garage for one car and other two behind. Orloff replied there are two in the garage and one off to the side and clear access in and out on the property line. You were on the board to approved 663 Ocean with the similar situation. R Barrett pulled up plan and Orloff pointed out parking locations. Orloff answered councils questions on the stie plan about parking. Orloff added people are concerned about parking on the street, but we have the required spots. McCarthy said will you show the trees to be preserved and removed, Orloff pointed them out, adding the removals are all in the building footprint. The one one the top is being removed as it is in the footprint of the building and driveway which would case root damage, but proposed adding two more. McCarthy asked is there way to preserve the tree and not harm it, Orloff replied I can talk to the arborist but our arborist recommended the removal. Orloff reviewed the landscape plan, giving an overview of what would be planted. Kerr asked how many feet from stream corridor, Orloff replied a couple hundred feet, the property is completely outside the stream corridor. Orloff noted there is a neighbor that doesn't stay in the house because of these trees. Hayes asked if there was no ADU would you still remove the trees, Orloff replied yes because of the garage. Hayes asked what arborist recommended the removal of trees, White replied Joe Balden. White added I never told anyone what my intentions are with the property and that is not a requirement of the permit. Kerr replied several people have informed us of that, whether true or not. And there is nothing in the

code to prohibit it, but the intent of the code is to prevent that situation on one lot to avoid a STR and LTR.

Knop asked are there presentations by proponents?

There were none

Knop asked are there presentations by opponents?

Jan Siebert-Wahrmund PO box 778 - The proposed project would result in a significant loss of tree canopy in this forested neighborhood. I recommend alternative plans that allow for the safe preservation of more trees pursued. The permit application requests the removal of six large in diameter Sitka spruce trees. These six trees represent all of the Sitka spruce trees on the property. It is of my opinion that if removed adverse impacts will extend onto neighboring properties adjacent trees will have an increased exposure to onshore winds root stability will be compromised and soil erosion will occur. I recommend alternative site plans be considered that strive to retain and protect a portion of the Sitka spruce trees on the property. Additionally, a report from a certified Arborist outlining the protection measures during any construction should be drafted and followed.

Pete Lindsey PO Box 454 – I lived next door to the lot and from my many years of experience the trees in discussion are on the west boundary of the property and Jonathan on the other side. I am quite concerned because in the 2007 storm with 130MPH gusts a tree limb speared through my kitchen. I am concerned with removal of trees to provide access to garage on the west side of the property. It may dramatically alter the wind patterns are they come in from various directions and trees might start falling on my and Jonathan's property.

Andrew Tonry PO Box 664 –I thought I was going to say I am all for the ADU. But there is a loophole that needs to be closed. Whatever the truth is, it shouldn't be a possibility or a concern of ours. We all want it and it should be fast tracked. McCarthy replied will you explain what you are talking about, what do you want fast track? Tonry replied you are afraid someone can move into a ADU and STR the house, you cant do it reverse, but you can in this way. There should be no STR of the two.

Knop asked is there a staff response?

Sokoloski said regardless of the ADU and home the tree permit would be applied for and is something that could be appealed at some time. It will also be reviewed by staff.

Knop asked does the applicant wish to make additional statements? There was none.

Knop stated I will lose the public hearing and move to consideration.

Kerr the intent of renting ADU as LTR includes the idea that the main house is not a STR, but that is not explicit in the code. My biggest issues is the trees and what Joe Balden said in his report. We also got letters indicated that this project would negatively impact the scenic value of the surrounding neighborhood and the parking thing doesn't make any sense to me. People are going to park on the street, they are not going to move every time someone wants to get in and out of the garage. Architects are clever and creative and can figure out a way to preserve more trees on the property. Hayes added I want to address STR. We can deny this and the house would be built and it can be a STR and then we have no ADU. It is not a huge victory. We can address it in the code audit. We can deny the ADU but

the trees will still be removed. I don't understand why the one tree so far from the footprint needs to be removed. Kerr said what about the parking, Hayes replied the parking is not ideal but probably workable. Ogilvie added that may be in fact what happens. Hayes added I don't think we can rely on what people are imaging as the worst case scenario and need to rely on code. Ogilvie asked am I correct that the code allows this parking configuration, Sokolowski replied that is correct. It's not the function, it's whether they are meeting the requirements. In addition to garage there is a long driveway which is used in other homes to meet the requirement. I see your functional concerns, but from a code requirement they are meeting it. Hayes said what you said about tree removal permits to follow, Sokolowski replied, yes they have to be reviewed and if approved there is a 14 day review period which could be appealed. Kerr said we received a letter from neighbor to the west saying they were concerned about the scenic value of their property. Kerr said it should be developed in a way that doesn't remove every single tree. I realize to build a house on the property there is no one to do it without some trees coming down, but it could be minimized to prevent the wind corridor that could impact other homes. Not sure how to wrap my head around this, but there is a letter from the city arborist saying it could cause a problem. Kerr asked what the degree of the slope is, Sokolowski gave a rough overview, adding its fairly significant. There are no wetlands in this area or property, a creek a little southeast but nothing on this street. McCarthy asked do you see any way that there could be an alternate plan and alternate design to reduce the number of trees or prevent the wind situation that might occur if the trees removed. Sokolowski replied that's a difficult question to ask I would look to the architect, the house and garage not as high as the tree canopy but there are going to be structure there that are going to impact the winds themselves as far as the garage and the homes structure you basically replacing the trees with the homes and the garage. The other thing that Joe Balden said in his report is that these spruce trees have a common root system due to growth on a nurse log root distribution is not a normal spread whereby a large percentage of the structural roots are not in adequate alignment for structural stability so you do have two arborist saying different things. One for the person building and one objective in terms for city response. It's not a question I think I should have to answer. Hayes asked is there anything in the code about wind patterns, Sokolowski replied I don't believe I have anything that specifically addresses that. Kerr added I feel our code is inadequate for a situation like this and so is our tree code. Knop replied but that's what we have to work with. Ogilvie said we are asked to make a decision and the fact remains, if we deny the ADU they can still build a garage in the same location. Knop added and the trees will be gone. Hayes replied make a decision based on the code we have not the code we want.

Knop said a modification we can make would be to save the one tree. Kerr replied I would like to see that. Ogilvie asked is it true that the DRB asked for no modification of the proposal, Sokolowski replied I don't know that a redesign of the project was discussed. Ogilvie asked there were no conditions, Sokolowski replied yes no formal conditions but there was discussion. Kerr asked if the council approves this because we have no choice based on code, can we put a previous that the tree on northern most edge of property be preserved? Can we do that? Is it within our ability? Kabeiseman replied this is one of the toughest questions about redesigning on the fly, sometimes it's a simple answer and sometimes has significant ramifications at this level. What you are doing is making a decision based on application in front of you. A redesign or pushing something back could cause repercussions we don't know about. A redesign may have ramifications so it's difficult to tell. McCarthy asked can we make condition that permit of trees be reviewed by the Council? Kabeiseman replied any condition has be tied to a criteria so I think you can make a condition like that. Knop asked so reviewed and approved? Kerr said if we can do that, that would be good. McCarthy added at least let us look at it.

Motion: Hayes moved to tentatively approve the requested design and direct staff to prepare findings and support of approval and bring them back to the city council on November 7

2023 for a final decision on the basis the council approves the tree removal permits.

McCarthy said after review, does that allow us to approve or deny? Hayes said we can add language that the tree removal application come before Council for review before reviewed or denied. McCarthy said are we are allowing the ADU but the tree removal permit comes to council, how does it tie together?

Kerr replied you review together. Sokoloski added typically there would be a review of ADU and submit for building permit for construction and the tree permit is reviewed at the same time. In this instance instead of staff administratively acting as a tree removal permit it comes to council and council makes a decision.

Amended Motion: Hayes move to tentatively approve the requested design, and direct staff to prepare findings in support of approval and bring them back to the City Council on November 7, 2023, for a final decision, on the condition the tree removal permit applications come before the City Council for review and approval. McCarthy seconded.

Sokolowski said we can include this in the findings that you review. McCarthy said if I was the applicant what would I do. They haven't gotten absolute approval the next step would be to get the tree permit, then come back to council, we as a council review tree permit? What do we do then if we don't like the fact that trees are being removed are they denied. Kerr replied if they modify their design so they don't take out the northeast tree, this is one area we can have some say over it.

Brandon the issue before us is on the ADU, are you asking for control of all the trees on the property of just the one the ADU are affecting. Kerr said this is in the driveway. Ogilvie asked do you want control over every single tree in the footprint of the ADU? Hayes said Ogilvie's question is good one, we are talking about control of a tree that has nothing to do with the ADU whatsoever. Ogilvie said it's admirable, I want to save trees but trying to work within the framework. Kerr replied but Kabeiseman said we can do it. Ogilvie added I am asking what the council intentions are. Sokolowski replied we have a tree permit removal application and I need to understand other than the tree on the NE corner by the driveway are the other trees to be removed follow the tree removal process, maybe a discussion to have with Kabeiseman. Typically before the building permit is issued you go through the tree removal process. Are the remainder that are part of the footprint and discussion go through the typical removal process? I want to be clear too. Kabeiseman said I think you can structure it so its just the one tree that comes back. Hayes replied that is my intention. Sokolowski replied in this case that one would come back to you, but the others would follow the permitting process we typically follow. When I draft the findings and conditions I want to be clear that it reflects what you are asking. Knop said the other trees are for the house that we have no control over. The condition we are setting is to save the one tree. Hayes replied that was the intention of the motion, not sure if I need to change the motion, but Ogilvie's questions disturbs me.

Amended Motion: Hayes moved to tentatively approve the requested design, and direct staff to prepare findings in support of approval and bring them back to the City Council on November 7, 2023, for a final decision, on the condition the tree removal permit applications for the NE tree come before the CC for review and approval; Ogilvie seconded the motion.

Sokolowski said I think what I would like to do then is work with the applicant to potentially if they can address the condition when we consider the findings that staff brings back to the consideration to have it all at the same meeting. McCarthy said I am still concerned about the wind patterns, not sure we can do

anything about it. My underlying reason for looking at all of the trees to push the application to make a redesign on the lot to save as many trees as possible.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(7) Continuation APP 23-05, Appeal by Red Crows, LLC/Jamie Lerma of Planning Commissions approval of AA 23-04, upholding an administrative appeal submitted by Janet Stastny of the City's approval of a Tree Removal Permit.

Knop stated this is a hearing regarding the appeal by Red Crow, LLC/Jamie Lerma of Planning Commissions approval of AA 23-04, upholding an administrative appeal submitted by Janet Stastny of the City's approval of a Tree Removal Permit. The property is located at 743 N. Ash St. (Tax Lot 05602, Map 51019AA), and in a Residential Lower Density (RL) Zone.

Knop asked does anyone object to the jurisdiction of the City Council to hear this appeal at this time?
No

Does any Councilor believe he or she has a personal bias to declare? No

Does any Councilor believe he or she has a conflict of interest? No

Has any Councilor had any ex parte contacts or made a site visit? Site visits were declared.

Is there any additional correspondence? Sokolowski replied no.

Knop requested the staff report. Sokolowski said there was a supplemental staff report provided after the original staff report came out. The applicant has submitted new plans for staff to review. We have not fully reviewed them at this time. Mick Harris the appellant representative, requested an additional 30 day continuance to give staff the opportunity to review the proposal. Staff did not object, but it's up to the Council. Kerr asked this is a proposal that could potentially not damage or cut down the tree, Sokolowski replied yes. Knop asked do you want to hold the public hearing or wait until staff reviews? Sokolowski replied we may no longer need a hearing if the applicant withdraws, or we are back here to consider. They also agreed to extend the 120-day notice.

Motion: Kerr moved to continue the hearing to give staff the opportunity to review the revised plans; McCarthy seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

ACTION ITEMS

(8) Appointment of City Committee/Board/Commission

Knop said we have one applicant and asking Landrum would you like to speak.

Landrum said I am a retired engineer and project manager and worked in ship building, oil and gas Projects, and utilities. Most recently as the operations manager and Inn at Haystack Rock and recruiter for the 2020 census. I feel this would be a good fit for me. I have an affinity for the parks and been a

volunteer at both the library and Farmers Market. I have more time on the hands than I had in the past and would like to put it to good use in the city. Ogilvie said thank you for putting application. Hayes asked what interests you most with their committee, Landrum replied I worked with Stacy at the Farmers Market and have known Les for quite a few years. I have a connection with the committee. Hayes asked are the particular activities that interest you, Landrum replied just being involved with the parks. They're all lovely and I like the tourist to come in and see and we want to make sure that they stay there.

Motion: Ogilvie moved move to appoint Thomas Landrum to the Parks and Community Services Committee beginning immediately; Kerr seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

(9) Tolovana Hall Lease Terms

St. Denis read the staff report. Ogilvie asked are you ok with the proposed language, Andrew Tonry replied I need to review the language. After reading Tonry replied yes, I am good with the revisions.

Motion: Ogilvie moved move to approve the Tolovana Hall Lease revised amendment; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried.

Tonry asked is this still at our discretion, if we don't want to rent do someone do we have to? St. Denis replied it depends on our reason. Tonry replied if we didn't feel it was a fit, too messy or loud. Hayes added we are going to hear from city attorney on first amendment issues. Tonry replied I wouldn't want the change if we are required to allow everyone. Kerr noted there is nothing in this contract that gives you the option. Tonry said I thought when the Friend of Haystack Rock wanted to do a donor celebration and it was going to be private it was a good fit. If someone wants to have a Thanksgiving dinner I don't think that would be a good fit. Hayes noted it says may allow, but doesn't mean you have to. Kerr added if I was you I'd wait until the first amendment. J Barrett noted the date to start is January, and we can put on the November for clarification. Tonry noted will talk to his board as well. Ogilvie said if you are to establish criteria for your possible rentals that could go a long way to allow you to be selective.

(10) One-Time Holiday for Staff

St. Densi summarized the staff report, noting it's a very small time for us. I've volunteered to answer the phones and had no calls.

Motion: Hayes moved move to approve the one-time granting of December 29th for SEIU and December 31st for the GUILD as a city holiday as a gesture of support and thanks to City Staff; Ogilvie seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried..

DISCUSSION

(11) Water Resiliency Phase 1 – Seismic improvements Construction Project Award

St. Denis read the staff report. We will rebuild the project, there seems to be a good amount of interest. We had 5-6 contractors at the pre-bid but only two bids were received, and we are trying to find out why. Ogilvie noted this is the third time this has happened and its an endemic in the construction industry, but I also think we need to adjust our expectations and accept and work with that. La Bonte said Ogilvie's points are well taken, there have been others for different projects. We've gone back and looked at ways to reduce the scope by having our own team take on some of the responsibilities to save money and review the time frame. That is what's happening with this project as well as the previous ones. La Bonte added projects this size are planned years in advance and whether chasing loans or grants. We started this process 5 years ago and the engineering company did what you said and did a deep dive and put a healthy contingency. All we can do now is reduce our scope if we can with city staff or change the time frame along with the expectations, or lastly the last resort to ask Business Oregon to amend the loan amount and ask for more. Others have had to do this, and it's your last resort. Hayes asked Windsor made the estimate 5 years ago, La Bonte replied yes they were one of the 3 who reviewed this. When we went through the process to award for a full design they applied for the job as did other firms that new our infrastructure. McCarthy added as I understand the loan also has a time limit and you were talking about having to change the timing of it, how does it affect the agreement of the loan. La Bonte replied the time frame is typically 2 years, however you can ask for an extension like we did on Matanuska. It's not a detrimental thing to ask for a date extension, they understand there are delays. They are more focused on the delay in getting the project planned, designed and executed. Once executed it's not difficult to ask for more time. McCarthy said so it's easier to ask for more time than money, La Bonte replied yes.

(12) Cannon Beach Elementary School Rejuvenation Design Review Board Update

Knop asked has everyone had a chance to listen to the meeting? Ogilvie said I did not. St. Denis summarized the staff report. St. Denis gave an overview of the recent revisions made for DRB. St. Denis and CIDA Architect Dustin Johnson answered Council's questions.

INFORMATIONAL/OTHER DISCUSSION ITEMS

(13) Monthly Status Report

Kerr asked for details on the permit type and value. J Barrett gave an overview and will provide more information to Council.

(14) Mayor Communications

none

(15) Councilor Communications

Ogilvie said the housing task force meeting is Thursday.

(16) Good of the Order

Kerr asked when will Sea Turtles and STR be on a future meeting. J Barrett gave an update on the

progress of both items.

Ogilvie said the History Center requested a line item in budget. I don't have an opinion and think this is a discussion to have with the budget committee. Knop added we will discuss at preliminary budget meeting. J Barrett to email Andrea to let her know will discuss at prelim budget meetings.

St. Denis said the bus will resume in October, giving an overview of the schedule.

Thursday COE at 6pm.

ADJORNMENT

The meeting was adjourned at 8:41 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor

Minutes of the
CANNON BEACH CITY COUNCIL
Work Session
Thursday, October 5, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Lisa Kerr, and Gary Hayes.

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, and Administrative Assistant Tessa Schutt.

Other: CIDA Architects Leslie Jones and Mya Paluch in person. Principal Jennifer Beattie via Zoom. Emerick Executive Vice President Jordan Fell in person. Landscape Architect Joyce Jackson in person. Geotech Solutions Principal Don Rondema

CALL TO ORDER AND APPROVAL OF AGENDA

Knop called the work session to order at 6:02 p.m.

Motion: Ogilvie moved to approve the agenda; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried unanimously. The agenda was adopted.

PUBLIC COMMENT

Knop reminded the body to keep their comments kind, respectful, and under three minutes.

Deb Atiyeh, PO Box 1426: Atiyeh thanked the representatives present and commended their reputations. Atiyeh shared her feelings about the goal of the City Hall/Police Department project, which she said would accommodate employees and future growth.

Randy Neal, PO Box 1092: Neal expressed concern about the cost of the project and shared cost-per-square-footage comparisons he had read about other similar facilities in Oregon.

Jan Siebert-Wahrmund, PO Box 778: Siebert-Wahrmund voiced her support for restoring the forest corridor mentioned by Neal as a buffer between the Police Department and drivers on Highway 101. Siebert-Wahrmund said she had seen a desire for this effort during her time in Cannon Beach and would love to see this effort undertaken collaboratively with ODOT.

Hayes said that he hoped everyone who spoke would remain at the meeting until the end when the Councilors would respond to their comments.

Tom Landrum, PO Box 865: Landrum shared several observations he had made while reviewing the plans. He suggested that the numerous angles in the roof of the proposed City Hall would increase the project cost. Landrum said that it did not look like there were offices planned for the City Manager or Mayor. Additionally, he said that he did not notice any radio dispatch area at the proposed Police Department, which would be a great place to set up a communications hub for emergency preparedness. Finally, Landrum expressed concern for what appeared to be a wooden fence around the Police Department and a lack of toilets in the holding cells.

DISCUSSIONS

(1) City Hall & Police Station Community Outreach Event

St. Denis said the purpose of the evening was to discuss the status of the plans for City Hall and the Police Department. He introduced the representatives from CIDA, Geotech Solutions, and Emerick.

Jones thanked the body for providing public comment and mentioned that she would attempt to address some questions throughout her presentation. She began by updating the body about updates to the plans for the Police Department.

Knop asked for questions from the public about the proposed Police Department plans.

Sam Steidel, PO Box 501: Steidel expressed concern about the entry and said that a police station does not need to feel as welcoming as other types of building. He said that the façade would likely be sheltered by trees in the future and recommended moving the front door.

Tom Landrum, PO Box 865: Landrum said he liked the plans and echoed Steidel's concern about the placement of the front door. He expressed support for the Police Department and City Hall being in separate locations. Jones addressed Landrum's comments about holding cells and explained the intent behind the plans.

Deb Atiyeh, PO Box 1426: Atiyeh asked where expansion would be facilitated in the future. Schermerhorn said he responded to an email from Atiyeh to explain that there were additional offices planned within the facility for staff expansion.

Jan Siebert-Wahrmund, PO Box 778: Siebert-Wahrmund shared her preference for the plan set with a regular pitched roof. She expressed support for the use of cedar shake and said that the use of cement should be limited. Siebert-Wahrmund echoed Steidel's sentiment about severe weather impacting the front entrance. Beattie responded to Siebert-Wahrmund's comments by saying that they considered the full lifecycle of building materials used, which may be factored into choices for siding.

Hayes responded to comments about the standardized size of office spaces. Jones responded that the team relied on standardized square footage for these spaces and provided detail about these measurements.

Hayes asked Schermerhorn for information about the necessity of lockers.

The Council and present representatives discussed pricing.

Jones then introduced the updated plans for City Hall. Jackson walked through the landscape plan. The Council discussed ADA parking options.

Rondema provided geotechnical information.

Jones presented the City Hall floor plan.

Following the presentation, Knop invited the body to give public comment.

Tom Landrum, PO Box 865: Landrum expressed concern for angular designs increasing costs and implying a less efficient use of space.

Jan Siebert-Wahrmund, PO Box 778: Siebert-Wahrmund recalled the earlier ADA parking discussion and expressed concern about the potential removal of trees implied by proposed parking options. Jackson clarified the representation of trees on the plans. Siebert-Wahrmund said that she hoped the option would not be considered. She then provided feedback about proposed design elements and material options.

Deb Atiyeh, PO Box 1426: Atiyeh said she did not hear the geotechnical update about the Southwind site. The Council informed her that this information had been provided. She asked clarifying questions about building materials.

Tom Landrum, PO Box 865: Landrum noted that an “artsy” exterior would be covered by the trees that line Gower St.

(2) Good of the Order

No comments were made.

ADJORNMENT

The meeting was adjourned at 9:11 p.m.

ATTEST:

Tessa Schutt, Administrative Assistant

Barb Knop, Mayor

Minutes of the
CANNON BEACH CITY COUNCIL
Special Meeting and Work Session
Tuesday, October 10, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Lisa Kerr and Gary Hayes

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Administrative Assistant Tessa Schutt

Other:

CALL TO ORDER AND APPROVAL OF AGENDA

Knop called the meeting to order at 6:00 p.m.

Motion: Ogilvie moved to approve the agenda; Hayes seconded.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

PUBLIC COMMENT

Knop reminded the body to keep their comments under three minutes, state their name and mailing address and to be kind and respectful.

No public comment was provided.

DISCUSSIONS

(1) Clatsop Community College – State of the College

Clatsop Community College Board Chair Trudy Van Dusen Čitović presented their report.

(2) Utility Rate Study

Ron Logan and Duncan Wallace introduced the discussion. Logan, Wallace, and Gabbard responded to clarifying questions from the Councilors.

The Council generally agreed to adopt the proposed rate increase for 2024, but requested additional volumetric rate scenarios from FCS Group before they would adopt the 10-year study.

(3) Chamber of Commerce Quarterly Report

Jim Paino introduced Sierra Spinler, Allen Barber, and David Holder, who assisted him in delivering the Chamber's quarterly report and presenting new initiatives to accommodate the community and its visitors. Copies of the presentation materials can be found in the meeting packet.

Paino presented specific information about the Chamber's financial status and DMO.

Mayor Knop called a five-minute suspension of the meeting.

(4) Council Retreat Dates

The Council requested Barrett send out recommendations for meeting dates for the Council Retreat.

St. Denis requested the Council discuss agenda items 5, 6, and 7 at the Council Retreat.

Motion: Hayes moved to table agenda items 5, 6, and 7 until the Council Retreat; Ogilvie seconded the motion.

Vote: Hayes, Ogilvie, McCarthy, Kerr, and Knop voted AYE; the motion carried.

(5) Parking Initial Discussion

The agenda item would be tabled until the Council Retreat in December 2023.

(6) TSP Initial Discussion

The agenda item would be tabled until the Council Retreat in December 2023.

(7) Tourism Lodging Tax/Tourism and Arts Commission Initial Discussion

The agenda item would be tabled until the Council Retreat in December 2023.

(8) Prohibition on Attracting and Feeding Wild Animals

Suggested they amend the fine to not more than \$500 (at officer's discretion) and remove the "misdemeanor" part.

CLOSE WORK SESSION AND OPEN SPECIAL MEETING

(9) Consideration of the Minutes of the

September 5	Regular Meeting
September 12	Work Session
September 13	Work Session Joint Code Audit
September 18	Work Session City Hall/Police Station Update
September 19	Work Session/Special Meeting

Motion: Hayes moved to approve the minutes of September 5, 12, 13, 18 and 19; Ogilvie seconded.

Mayor Knop requested a roll call vote.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion passed unanimously.

(10) Good of the Order

Knop said that three of the Council would be heading to Eugene for the LOC conference.

McCarthy questions if there was a 1% art regulation for the new building.

ADJORNMENT

The meeting was adjourned at 9:09 p.m.

ATTEST:

Tessa Schutt, Administrative Assistant

Barb Knop, Mayor

Minutes of the
CANNON BEACH CITY COUNCIL
Work Session
Monday, October 16, 2023
Council Chambers

Present: Mayor Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Lisa Kerr and Gary Hayes

Planning Commissioners Les Sinclair, Dorian Farrow, Erik Ostrander, Anna Moritz and Mike Bates in person. Aaron Matusick and Clay Newton via Zoom.

Design Review Board Members: Anita Dueber and Harvey Claussen in person. Dave Doering via Zoom.

Excused: Design Review Board Member Michelle Valigura

Absent:

Staff: City Manager Bruce St. Denis, Community Development Director Steve Sokolowski, Planner Robert St. Clair, and Recorder Jennifer Barrett

Others: Urbsworks representative Marcy McNelly in person. Keith Liden and Ethan Rosenthal on Zoom

CALL TO ORDER AND APPROVAL OF AGENDA

Mayor Knop called the meeting to order at 6:02 p.m.

Motion: Ogilvie moved to approve the agenda as presented; Hayes seconded the motion.

Vote: Ogilvie, Hayes, Knop, McCarty and Kerr voted AYE. The vote was 5:0 and the motion carried. The agenda was approved.

PUBLIC COMMENT

Jan Siebert Wahrmond PO Box 778, requested to receive materials one week before the meeting to be able to review ahead of the meeting.

DISCUSSIONS

(1) Code Audit Joint Work Session with Planning Commission and Design Review Board

Marcy McNelly gave an overview of the wetlands process. McNelly presented a PowerPoint presentation, a copy is included in the record. McNelly discussed options for the code rewrite public engagement. McNelly answered questions. Sokolowski noted the public engagement discussion is a

result from it being brought up. Discussed the dune process for community engagement. Discussed the level of public involvement. Discussed the public engagement budget and if it could fit within the current fees. McInelly gave an overview and noted what may fall into contingency and what would need additional funds. Discussed having a smaller committee to vet speakers and briefing materials. Bates and McCarthy offered to help. Kerr, Dueber and Newton will also help. McInelly said I will move forward with that. Discussed timeframe for public engagement. Knop added the scheduling topic is important and when we have it too. McInelly how about 4-6 weeks apart, focus on one first, speaker and briefing. Would need assistance of smaller group throughout the 3-month period. Knop noted my other concern is budget.

McInelly gave an update on the wetland overlay adoption. Sokolowski gave an overview of the comments received so far, adding the Planning Commission will have a challenging and interesting hearing, a discussion ensued. Discussed the notification process and get people to attend the meetings. McCarthy asked can we send out a one subject bulletin notice, Sokolowski and St. Denis replied yes. Moritz added perhaps someone can help write something up to make it easier to read and offered to help. Sokoloski will send the notice that was sent to individuals to the Planning Commission, Design Review Board and City Council.

Discussed the next steps.

(2) Good of the Order

McCarthy said during Coffee with Councilors it was brought up during conversation about the city hall/police station format where people can speak before Council speaks. After we ask our questions ask if they have any questions.

ADJORNMENT

The meeting was adjourned at 7:08 p.m.

ATTEST:

Jennifer Barrett, Recorder

Barb Knop, Mayor

Minutes of the
CANNON BEACH CITY COUNCIL
Special Meeting
Tuesday, October 17, 2023
Council Chambers

Present: Mayor Barb Knop, Council President Nancy McCarthy, Councilors Brandon Ogilvie, Lisa Kerr, and Gary Hayes.

Excused:

Staff: City Manager Bruce St. Denis, IT Director Rusty Barrett, Lieutenant Chris Wilbur, and Administrative Assistant Tessa Schutt.

Other: CIDA Architects Leslie Jones and Angelica Juengel in person. Principal Jennifer Beattie and Mya Paluch via Zoom. Emerick Executive Vice President Jordan Fell in person.

CALL TO ORDER AND APPROVAL OF AGENDA

Knop called the special meeting to order at 6:00 p.m.

Motion: Ogilvie moved to approve the agenda; Hayes seconded the motion.

Vote: Hayes, McCarthy, Ogilvie, Kerr and Knop voted AYE: the vote was 5:0 and the motion carried unanimously. The agenda was adopted.

PUBLIC COMMENT

Knop reminded the body to keep their comments kind, respectful, and under three minutes.

No comment was made.

DISCUSSIONS

(1) City Hall & Police Station Milestone Approval

St. Denis explained that schematic design had been underway for a while, and had reached a point of entering design development to fill in details. He suggested holding one more meeting on November 6, 2023, to review the budget and approve CIDA to enter the design-development phase.

St. Denis turned the floor over to Jones to present updates to the design. Jones began with updates to the Police Department design. They discussed traffic pattern and geotechnical findings, and the proposed line-item budget.

St. Denis said there were multiple options for elevation and asked whether the Council wanted to discuss them at that time.

Knop requested public comment.

Les Sinclair, PO Box 1394: Sinclair recalled discussions about adding a center lane to US HWY-101 near the Police Station and expressed support for this option.

Jan Siebert-Wahrmund, PO Box 778: Siebert-Wahrmund said she hoped the forest corridor would be restored as previously discussed. She expressed her preference for Option 1, as did her husband, Wes. Siebert-Wahrmund shared her desire for cedar siding and cautioned the body to avoid using cement for environmental reasons. She said that radiant heat outdoors seemed strange and environmentally unfriendly but asked that dog kennels be placed indoors when the weather is cold as an alternative. Siebert-Wahrmund expressed confusion about the square footage increase.

Mary Beth Cottle, PO Box 492: Cottle agreed with Siebert-Wahrmund about Option 1 without a split roof and echoed her sentiment about making the building more environmentally friendly by avoiding petroleum products. Cottle agreed with Siebert-Wahrmund about keeping dogs indoors.

St. Denis asked Jones to explain the additional square footage. Jones clarified that the added square footage accommodated adequate staff entrance and a change to the vestibule. She said the team had been considering reducing that area to reclaim some space.

Jones and Fell answered clarifying questions about the budget from the Council. Kerr expressed her visceral support for Option 1.

St. Denis asked if the Council was prepared to authorize CIDA to continue to the design-development phase. The Council agreed they were ready to move into the next phase. St. Denis recommended the Council approve both sites move forward at the same pace and suggested they take a formal vote on the matter at their meeting of November 6, 2023.

Knop requested public comment about the Police Department.

No comment was made.

CIDA moved into their presentation about the City Hall design. Jones explained that budget information would be held until the following meeting to ensure all desires were appropriately incorporated.

Knop requested public comment regarding the City Hall schematic designs.

Jan Siebert-Wahrmund, PO Box 778: Siebert-Wahrmund asked for clarification about materials provided. She explained that she and her husband preferred Option 3.

Sam Steidel, PO Box 501: Steidel suggested staining recessed façades darker to create a more residential feel. He said he did not see a danger in a flat roof because building materials had improved.

Les Sinclair, PO Box 1394: Sinclair said he and his wife both felt strongly about Option 3 regarding the covered awning. He said he preferred the façade on Gower St in Option 1. Sinclair shared his preferences about parking options.

Deb Atiyeh, PO Box 1426: Atiyeh said that her neighbor has a flat roof that is always covered in water

and debris.

Jan Siebert-Wahrmund: Siebert-Wahrmund asked a clarifying question about bump-outs.

The Council held a discussion sharing their preferences for design options and directed CIDA to return to the November 6, 2023, meeting with options for review combining their general desires.

(2) Good of the Order

Kerr said she wanted to discuss the charette brought up the night prior. The Council told her they would need more information about the cost before making any further decisions.

Knop reminded the body of a work party that would meet at the 2nd St parking lot on Saturday from 10:00-12:00.

ADJORNMENT

The meeting was adjourned at 8:14 p.m.

ATTEST:

Tessa Schutt, Administrative Assistant

Barb Knop, Mayor