

TO: Tillamook County Planning Commission

FROM: Oceanside Neighborhood Association CAC Board of Directors  
Oceanside Protection Society

RE: STATEMENT IN OPPOSITION  
Application for Modification of Conditional Use  
Nonconforming Minor Review  
851-23-000162-PLNG  
Hearing Date: September 14, 2023

DATE: September 5, 2023

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Dear Tillamook County Planning Commissioners –

### **INTRODUCTION**

Thank you for the opportunity to comment on this matter. Mr. Duane Bauley is the current owner of Three Arch Inn, located at 1505 Pacific Ave, in the Commercial Zone (COS) of Oceanside. Mr. Bauley seeks a permit allowing him to:

- (1) alter (expand) the existing nonconforming use of the hotel by
- (2) remove the existing eating/drinking and retail uses on the main (street level) floor, and
- (3) replace those street level uses with three additional motel units, bringing the total to nine motel units, none of which would have off-street parking.

We submit this statement in opposition on behalf of the board of directors of the Oceanside Neighborhood Association CAC (ONA) who are also residents and property owners in this unincorporated community.

We also submit this statement in opposition on behalf of the Oceanside Protection Society (OPS), a 501(c)(3) foundation that was originally formed, not coincidentally, to represent community interests in the legal proceedings concerning the application for a conditional use permit involving this same property in 2004. Pursuant to its bylaws, the OPS mission is:

“to preserve the coastal village environment of Oceanside, Oregon, and the characteristics that make Oceanside a unique place to live, visit and own property, through factfinding, fundraising, education and action.”

Together and as separate organizations (jointly referred to as “the community boards”), we request that the Planning Commission deny this application based on the considerations and evidence outlined below.

### **BACKGROUND**

The subject building was founded as The Anchor Tavern in the 1940s and has seen ongoing use as an eating, drinking and community meeting spot throughout the years. A previous owner expanded

and remodeled the building in 2004-2005, creating 5 hotel lodging units (both individual rooms and suites) on two floors above the pre-existing eating and drinking establishment on the first floor.

While some features of this expansion were the subject of protracted land use litigation in the mid-2000s, the aspect relevant to this proceeding was negotiated and compromised by the parties at the outset. In exchange for the owner's commitment to reduce his original request for 10 lodging units to five units, the participating community members agreed that the Planning Commission might waive the legal requirement to provide off-street parking for them. The Planning Commission approved this compromise and granted the conditional use on that basis, establishing these rooms as a nonconforming use.

Currently known as the Three Arch Inn (established in 2011), the building contains has six motel units on its second and third floors, two of which are two-room suites. There is no on-site manager; reservations and communications between guests and management are conducted online. These six units are all accessed through an entrance with self-check in at the rear of the building. That entrance fronts onto Tillamook Avenue, a residential street, and patrons must find their own unreserved on-street parking.

Current Cafe and Oceanside Surf Co. are located on the ground floor of this building and are accessed via Pacific Avenue (Hwy 131), which functions as Oceanside's "Main Street". The Surf Shop sells and rents surfing equipment, clothing, accessories and Oceanside souvenirs. The Current Cafe offers eat-in and take-out dining as well as espresso, drinks, pastries and retail items. Local artists also display their works for sale in the Café. Visits to these businesses consists almost entirely of foot traffic from day visitors, overnight lodging visitors and local residents.

Oceanside Surf Co. ("Surf Shop") is the only retail business located in Oceanside. Current Cafe and Lounge ("Café") is one of only three eating and drinking establishments in Oceanside, and it is the only one open throughout the day, seven days a week, and without seasonal closures. As such, it is often the only facility where Oceanside's thousands of annual visitors can find ready assistance, travel instructions and a free internet connection after discovering that our main street has virtually no cell service.

In short, the Surf Shop and Cafe are only the most recent iterations of businesses that have been open to the public in that location for 80 years. It continues to provide an important service to the community, both residents and visitors, in its use as an eating, drinking, and retail establishment.

### **PROPOSED ALTERATION OF CONDITIONAL USE**

Mr. Bailey, has requested a permit allowing him to eliminate the eating/drinking/retail business facing Pacific Avenue and replace it with three motel units, two of which will be two-room suites. A small office/utilities space will remain unchanged. These transient lodgings will be accessed via two existing doors facing Pacific Avenue, and patrons will need to find unreserved on-street parking. The existing nearby parking lots are owned by Oregon Parks & Recreation Department and signed for day-use only.

## DISCUSSION

### I. Overview

The community boards contend that the Commission should deny this application on three related but independent grounds.

First, we will establish that this application is an **inappropriate and invalid collateral attack** on the Planning Commission decision/order that originally granted the existing conditional use permit in 2004.

Second, we will demonstrate how the materials submitted in support of the application fail to satisfy Mr. Bailey's burden of proof to meet the Minor Review criteria for "alteration of a nonconforming use" outlined in **TCLUO Section 7.020 and related provisions**. Specifically, he has failed to offer persuasive evidence to establish that these proposed modifications "**will have no greater adverse impact on neighboring areas** than the existing use or structure [had] when the current zoning went into effect." To the contrary, the community will offer evidence and comments to show that allowing these changes will likely increase the adverse impact to the surrounding areas in the following ways:

- The on-street parking required for this expansion of the hotel use are already greater than that envisioned when the original CUP was granted. Adding lodging units will only increase the need, compounding the negative impact on parking currently attributable to the existing street-level business. This will further strain an already overburdened parking situation in Oceanside (Criteria 3).
- The visual impact of Oceanside's tiny commercial district on Pacific Avenue will be irreparably harmed by the elimination of its only retail storefront and one of only three food service establishments open to the public. It will replace the current, inviting look of shop/cafe windows, outside dining, and communal bustle of this singular amenity open to the general public with a combination-locked door and the bland look of privacy-shielded, ground floor hotel rooms. This will negatively affect the area's vitality. (Criteria 4).
- Vital services and benefits currently utilized by residents and visitors alike will be reduced, if not eliminated, by displacing one of Oceanside's only three food/drink establishments and its only retail store in favor of three more hotel rooms in a community that already contains 130 short term rentals. (Criteria 8).
- Eliminating retail and food/service uses at a site that has exclusively offered such services for decades is inconsistent with Oceanside's character and history.

Third, we will delineate how conversion of the existing retail/eating/drinking uses to transient lodging use is not consistent with **the purpose of Oceanside's commercial zone** and will not result in a net benefit to the community. Specifically, we will demonstrate how allowing these use modifications would contravene and even undermine the explicit purpose and intent of **TCLUO Section 3.312**, namely:

- "The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial uses in the COS zone typically provide goods and services that would be required by **most households** in the area..."
- "The COS zone classification is intended to provide a variety of commercial uses which enhance a rural community's **viability and livability**."

Below is our analysis in support of these legal contentions and identified adverse effects on neighboring areas and uses.

## II. Points and Analysis

A. This application represents an inappropriate and invalid effort to circumvent or unilaterally alter the negotiated settlement agreement that served as the basis for the Planning Commission's decision to permit the existing conditional use.

As noted above, the current owner enjoys the benefit of a conditional use permit (CUP) <sup>1</sup> and resulting nonconforming use that allows for 5-6 lodging units without affording the off-street parking spaces otherwise required by law. See LUO 4.30. Here is LUBA's description of how the conditional use (CUP) came about:

"Members of the nearby residential neighborhood opposed the 2004 CUP application, with most of the opposition focusing on the proposed parking lot. At the second hearing before the planning commission, the applicant's attorney proposed a compromise: instead of 10 motel units, the applicant would agree to limit the motel use to five units if the planning commission would modify or waive the parking requirements for the motel use to zero required spaces."

It then noted that the planning commission "voted to approve the CUP based on that compromise." *Vanspreybroeck v. Tillamook County*, 56 Or LUBA 184, 2008 WL 611617 (2008) (emphasis added). On judicial review, the Court of Appeals likewise acknowledged that the CUP was allowed based on a "compromise" agreed to by the parties and the Planning Commission:

"In 2004, the then-owner of the property, Camden Inns, LLC (Camden) filed a conditional use application to allow a 10-unit motel on an expanded second floor and new third floor of the building. The submitted plans included expansion and remodeling of the tavern on the first floor, purportedly to comply with federal requirements for access for persons with disabilities. Camden proposed to build a parking lot in the adjacent residential neighborhood to meet the parking requirements. The request met with heavy opposition, largely because of the parking lot. Camden proposed, and the planning commission agreed to, a compromise -- the reduction of the motel use to five units and elimination of the parking requirements for that use. The conditional use permit application was approved on that basis in October 2004 (emphasis added)." *Vanspreybroeck v. Tillamook County*, 221 Or App 677, 191 P3d 712 (2008).

When Mr. Bauley acquired the Three Arch Inn (presumably priced for 6-unit income), he inherited the right to market the existing lodging units without providing off-street parking because the CUP ran with the land. Having reaped the benefit of the bargain that a previous owner struck with the opposing community members (and which the Planning Commission ratified), he now seeks to deprive the community of its negotiated benefit by unilaterally adding the new rooms without parking anyway. The community boards object to this attempt to reopen, relitigate or unilaterally modifying this long-settled agreement approved in a final order years ago.

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<sup>1</sup> Subsequent county records refer to the physical permit as "CU-04-09" and describe it as having been "approved with conditions." (See Exhibit 1, p. 2.) The community boards have been working with county staff to locate a copy of both the actual Planning Commission decision and ensuing permit to make them part of the record.

This scenario invites analysis under a variety of legal principles – all of which compel rejecting this application.

First, the parties postured essentially the same conditional use issue for resolution before the Planning Commission years in the 2004 proceeding. They then resolved it by compromise and settlement, which was (1) approved by the Commission, (2) recited without challenge in subsequent appellate decisions and (3) ultimately laid to rest in a final order with appeal rights that expired long ago. Viewed in this context, this application is a precluded collateral attack on the final order(s) that approved the previous litigation dispute. See *Waxwing Cedar Product v. Koennecke*, 278 Or 603, 610 (1977).

Second, the unchallenged historical recitals in the appellate decisions quoted above unambiguously state that the parties' agreement served as the "basis" for the Planning Commission's decision to approve the CUP. This effectively postured compliance with the terms of the agreement as a "condition of approval" imposed in the order granting the permit. LUA 6.070. Mr. Bauley has offered no compelling basis for voiding or seeking relief from conditions validly attached to the CUP when granted. The record reflects no unforeseeable hardship, material change of circumstances or supervening events sufficient to warrant relief from those conditions. Mr. Bauley merely wishes to rent out more rooms without parking than the conditions of the negotiated CUP will allow.

Third, the Planning Commission ratified what was essentially a contract or quasi-contract between the parties, with each side receiving consideration to support the agreement. By purchasing the property and continuing to take advantage of the CUP, Mr. Bauley was subrogated to the rights and obligations of the owner who originally agreed to them. He has offered no evidence that the other parties to the agreement have agreed to rescind or modify the agreement. Indeed, the community boards have reached out to surviving and available parties to that original land use dispute and the settlement. None of them report being contacted by Mr. Bauley to offer terms for modifying or rescinding the agreement, and none of them has expressed a willingness to do so had they been approached. (See Exhibit 2). Absent such evidence, the Planning Commission must reject Mr. Bauley's effort to unilaterally void one side of that agreement.

B. The record does not persuasively establish that the proposed changes will not increase the level of adverse impact on neighboring areas pursuant to TCLUA Section 7.020.

Under TCLUO Section 7.020(11), the party seeking alteration of a conditional use bears the burden of proof to establish that the proposed changes "will have no greater adverse impact than the existing use or structure [had] when the current zoning went into effect." The ordinance lists 9 factors<sup>2</sup> to evaluate when making this before-and-after comparison. Of these, the community boards

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<sup>2</sup> TCLUO 7.020(11) reads: "(11) MINOR REVIEW: Application is made under the fee and procedures for a Type II Administrative Review and is reviewed using the following review criteria. A request may be permitted if: (a) The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:

- i. A comparison of existing use or structure with the proposed change using the following factors:
  1. Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;
  2. Numbers and kinds of vehicular trips to the site;
  3. Amount and nature of outside storage, loading and parking;
  4. Visual impact;
  5. Hours of operation; 6. Effect on existing vegetation;

will focus on Factor Nos. 2 (vehicular trips), 3 (parking), 4 (visual impact) and 8) impact on services and benefits provided to the area by the current use. We will also address the character and history of the use and development in the surrounding area, which is a factor specified in TCLUO 7.020(11)(a)(ii).

#### 1) Vehicular Trips (Factor No. 2)

**Evidence and Analysis:** Mr. Bauley suggests that his hotel expansion will actually reduce the current, negative impact that his six, existing units have on traffic. He asserts that replacing the Surf Shop and Café will eliminate 5-30 vehicular trips to Oceanside per day. He further estimates that his hotel room customers will only account for 0 to 3 such trips per day, resulting in a net decrease in traffic. Mr. Bauley, who does not live in Oceanside or even Oregon, offers no evidence or first-hand observations in support of this estimate. In response, the community boards have submitted a signed statement by Corey Shields and Tyler McComas, the hands-on operators of the Surf Shop and Café. Their impression differs from Mr. Bauley's in terms of the parking utilized by their customers. Based on daily, first-hand interactions with their customers, their impression is that nearly all of their patrons walk from their homes, from short-term rentals or from vehicles they drive to Oceanside for other reasons, such as visiting the Oceanside Beach Wayside. (See Exhibit 3). Parenthetically, we community board members can confirm that we and many of our neighbors walk from their homes to Oceanside's central area because of the difficulty in finding parking.

Mr. Shields and Mr. McComas have offered the best-informed and most persuasive evidence on the impact eliminating their business will have on vehicular trips into the core area of Oceanside. Based on their information, altering the condition use will not reduce vehicle trips and adding three transient lodging units can only increase it.

**Proposed Finding:** Mr. Bauley has failed to satisfy his burden of proof that adding three hotel rooms will not marginally increase the number of vehicular trips to and from Oceanside.

#### 2) Parking (Factor No. 3)

**Evidence and Analysis.** Mr. Bauley offers the same speculative reasoning to establish that the proposed change in use will result in a net increase in available parking spots in the local area. He further supports his assertion with maps purporting to illustrate ample public parking in the immediate area. The community boards contend that neither his assertion nor his maps are accurate. To the contrary, a comparison of the parking situations before and after allowing the altered CUP establishes that doing so will only compound an already untenable parking situation.

#### Current Parking in Oceanside.

The Village's two main parking lots, at the Oceanside Beach Wayside and adjacent to the Post Office, are limited to day-use only. A small 5-car parking lot north of the Inn (south of the fire station) is also used as public parking. Exhibit 4, Maps 1 and 2 show these lots as well as the available on-street parking in the area around Three Arch Inn.

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- 7. Effect on water drainage and water quality;
  - 8. Service or other benefit to the use or structure provides to the area; and
  - 9. Other factors relating to conflicts or incompatibility with the character or needs of the area.

ii. The character and history of the use and of development in the surrounding area.”

Three Arch Inn lodging is composed of 6 units containing 8 rooms with a stated maximum occupancy of 24 people (per the Inn's website, see Exhibit 5a). Using the Short-Term Rental (STR) metric of 1 parking spot needed for each sleeping area, we estimate that 6-8 cars belonging to the Inn's guests regularly seek on-street parking nearby on Tillamook and Pacific Avenues. This estimate is consistent with multiple signs that Three Arch Inn has posted along its Tillamook Avenue windows proclaiming the entire area "Three Arch Inn Parking" and "Three Arch Inn Guest Parking Along Sidewalk." (See Exhibit 4c, Photos 2-4). Photo 5 shows 5 cars squeezed into this area. Sometimes cars park into the posted no parking zone above the fire station (Photo 9). Cars also park on a dangerous shoulder above a steep slope (Photo 8).

On-street parking attributable to Three Arch Inn (according to its signs) now infringes on what was once a two-way street to the point that the county was forced to make changes in this stretch two years ago. The traffic flow was changed to one-way only, and a red-painted fire lane now indicates where the road must be kept clear (See Exhibit 4d, Photos 6-7). Even so, cars still park in the roadway (Photo 8) and travel the wrong way on this street.

Comments from Google and Yelp Reviews of the Three Arch Inn illustrate some of the issues with parking (Exhibit 6). They also indicate lodgers expect to park on the street during the day as well as overnight. Here are some sample comments:

- "Good view and location but don't plan on driving anywhere or you won't have a parking spot."  
Joe
- "It was very nice not to have to drive anywhere since the parking was limited." Rachel
- "The biggest negative was the parking... When we arrived in town, late afternoon on a Sunday, we circled the town several times before finding a spot 2 blocks from the hotel on the street."  
Bonnie

**Proposed finding regarding impact on parking that has already occurred since the CUP was first granted.:** Based on this evidence, transient lodging parking for the Three Arch Inn has already resulted in a progressively greater and undesirable burden on on-street parking in the area, and especially Tillamook Avenue, than was anticipated or immediately felt when the CUP was originally allowed.

#### Future Parking Needs in Oceanside

**Evidence and Analysis:** Mr. Bauley proposes to add three lodging units, two of which are two-room suites. He asserts its visiting occupants would require only 0-3 additional on-street parking spots. This estimate does not hold up under even light scrutiny.

If this expansion is approved, Three Arch Inn would consist of 9 units (comprised of 13 rooms) on three levels with a maximum occupancy estimated at 36 adults and requiring 13 on-street parking spaces. That represents a 62% increase over current occupancy and parking.

To calculate the resultant increase in parking, we propose that it is fitting and relevant to compare parking needs for the Three Arch Inn to that required for Short Term Rental (STR) Transient Lodging. Over the past several years, residents of coastal communities have raised concerns about parking (along with other issues) in light of increasing tourism and popularity of STRs. As a result, the recently revised Tillamook County Ordinance 84 requires STR lodging to have one off-street parking spot for each sleeping room/area. In consequence, STR owners may face the loss of their

rental license if they cannot provide the required parking for their guests. While Three Arch Inn is not governed by this STR ordinance, its application in spirit to the Inn's desired room expansion seems appropriate given the Inn proximity to residential areas and the lack of parking in downtown Oceanside.

Using anticipated occupancy rates based on the current six units, the new units could house up to 12 people and require 5 parking spots (Exhibit 5a, d). This is based on the parking metric applied to STR transient lodging by Tillamook County Ordinance 84, Section 80D (allocating one on-street parking spot per sleeping area to licensed short-term rentals).

**Proposed Finding regarding impact on future parking needs:** The amount of day and night on-street parking will likely increase with this proposed change, creating a greater adverse impact on the neighboring areas.

### 3) Visual Impact (Factor No. 4)

**Evidence and Analysis:** Eating, drinking and retail have been historical uses for the Pacific Ave-facing main floor of Three Arch Inn for most of that building's 80-year history. The presence of these non-seasonal businesses, open throughout the day, seven days a week, have brought an important vitality and positive visual impact to the heart of Oceanside, which previously lay dormant much of the year. Exhibit 7 depicts Pacific Avenue and offers street-view photos of the Three Arch Inn showing existing businesses Oceanside Surf Co and Current Cafe and Lounge.

The visual impact of a thriving commercial district will be lost if inviting shop/cafe windows, outside dining, and community activity in-and-out of the retail/eating/drinking establishment(s) on Pacific Ave. are replaced with the blank-curtained windows and locked security doors that attend transient lodging structures.

This is not just a hunch or speculation, nor is it unprecedented. Our concerns about approving Mr. Bauley's request are mirrored in a recent Astoria City Planning Commission decision to deny the conversion of a popular downtown barbershop to internet-serviced, transient lodging units based on its adverse visual impact and a perceived threat to area's vitality. A summary of their decision appears in the attached article from the August 23, 2023 issue of The Daily Astorian newspaper, appended as Exhibit 9.

For the Commissioner's consideration below, we have excerpted the proposed findings and rationale from the City of Astoria Community Development Department Staff Report, Section IV (D)(1).

**"Findings:** The downtown core is intended to be the "commercial" district. It is designed to serve as the focal point for retail trade, services, professional, financial and governmental activities. The uses permitted are intended to be compatible with the locale's pedestrian orientation. Allowable uses create active storefronts for interaction with pedestrians, customers and tourists.

... The adjacent unit [to the subject property] at 254 11th Street was converted to transient lodging with Conditional Use permit (CU20-07). This conversion has continued the appearance of a vacant storefront. Creation of a second unit would compound this issue and present building fronts that are not visually enticing for people as a destination block to traverse. While transient lodging is allowed as a conditional use, lodging use is generally more interactive with multiple rooms accessed from a lobby that draws customers into the



space. Individual units reserved through online platforms typically do not have any personal interaction; therefore they do not contribute to the visually active downtown commercial district...

The City finds that the proposed transient lodging unit in a commercial storefront does not contribute to the interactive pedestrian activity and detracts from the vitality of the downtown district; and therefore, does not support these Comprehensive Plan goals and policies.”

We urge the Commissioners to reach a similar result in this analogous case.

**Proposed Finding Regarding Visual Impact:** Replacing the existing eating, drinking and retail uses on the ground floor of Three Arch Inn with three transient lodging units opening onto Pacific Avenue would result in greater adverse visual impact on the neighboring areas than that caused by originally allowing such units on the second and third floors, opening onto residential Tillamook Avenue

#### 4) Impact on Services or Benefits of Current Use to the Area (Factor No. 8)

Important services and benefits, enjoyed by residents and tourists alike, will be eliminated if the existing eating, drinking, and retail uses of this location are removed. This would result in a greater adverse impact on the surrounding area.

Two businesses share the main floor of Three Arch Inn:

- Oceanside Surf Co. is the only retail business in Oceanside and offers surfboard, wetsuit and other equipment rentals for visitors to enjoy. They also offer clothing and other retail merchandise. This is Oceanside’s only retail establishment.
- Current Cafe and Lounge is one of three eating and drinking establishments in Oceanside, and is the only one open all-day (8 a.m. to 6 p.m.), seven days a week, and to offer take-away espresso, drinks and pastries.

The other two eating and drinking establishments in Oceanside are:

- Rosanna’s Cafe (1490 Pacific Ave) offers sit-down dinner 4-5 days a week, from 3 p.m. to 8 p.m. Unlike the Current Café, it routinely closes for a month or so during the winter months.
- Blue Agate Cafe (part of Ocean Beach Cabins, corner of Pacific Ave and Maxwell Mountain Rd) offers sit-down breakfast and lunch, 9 a.m. to 2 p.m. It has an irregular schedule, but is typically open during peak tourist visiting times. Ocean Beach Cabins/Blue Agate Cafe are slated to be torn down and replaced with a hotel facility accommodating over twice the current capacity of the Cabins. The new facility is still being discussed in pre-application meetings, where it is far from clear that parking constraints may compel the restaurant to limit its service to the occupants of the hotel only.

If the Cafe and Surf Shop are eliminated, Oceanside residents and visitors will be left with no retail business and only two restaurants. When the Blue Agate Cafe is torn down, only a single eating/drinking establishment with limited capacity (Roseann’s) would remain. Once lost, such uses would be difficult and costly to regain since off-street parking would then be required for their conditional use approval. The next closest other retail/eating/drinking establishments are in Netarts, 2-3 miles away, and in Tillamook, 10 miles away.

Comments from Google and Yelp Reviews of the Three Arch Inn show that patrons value the presence of the cafe and coffee shop on the main floor of the motel (see Exhibit 8).

**Proposed Finding regarding Impact on Services and Benefit to Community:** When the exiting CUP was granted to allow some new hotel rooms at the Three Arch Inn, it preserved the benefits and services afforded by the continuing use of its ground floor as food/drink businesses and a retail store. Displacing those services to add even more lodging units will necessarily deprive the neighboring area of those benefits and services, resulting in a greater adverse impact than when the original CUP was allowed.

5) Character and history of the use and of development in the surrounding area  
(TCLUO 7.020(11)(a)(ii))

**Evidence and Analysis:** Eating, drinking, and retail have been historical uses for the Pacific Ave-facing main floor of Three Arch Inn for most this building's history, dating back to the 1940s. It has always been an essential part of the character of Oceanside. These uses have in the past, and continue to provide, needed goods and services. Their conversion to transient lodging use would be a great loss and disappointment to the Oceanside community and its visitors. Once the eating/drinking/retail uses are lost to transient lodging use, their use could not be easily regained, since off-street parking would be required. That is a commodity now virtually nonexistent in downtown Oceanside. The eating, drinking and retail use in the Three Arch Inn bring vitality to Oceanside's Commercial Zone and help support the activity and development in the area.

**Proposed Finding regarding the character and history of the current use:** Allowing the proposed alteration of the continuing use would permanently deprive Oceanside of retail and food/drink services that have been available at that location, intermittently but exclusively, for decades. Their absence would result in a significant negative impact on its historical character.

C. The conversion of the existing retail/eating/drinking uses to transient lodging use is not consistent with the purpose of Oceanside's commercial zone as described in LUO Section 3.312 and is not a net benefit to the community.

The purpose of Oceanside's Commercial Zone is expressed in TCLUO Section 3.312(1). In pertinent part it provides:

*"The purpose of the COS zone is to permit a moderate level of commercial activities in the community. Commercial uses in the COS zone typically provide goods and services that would be required by most households in the area, and they have relatively few impacts on neighboring areas..."*

*The COS zone classification is intended to provide a variety of commercial uses which enhance a rural community's viability and livability..."*

**Evidence and Analysis:** The existing eating and drinking and retail uses sited on the ground level of Three Arch Inn fronting Pacific Avenue provide goods and services that are of use to "most households in the area."

- Many residents and lodgers from surrounding homes walk to the Cafe and restaurant for breakfast, lunch or an early dinner. They enjoy purchasing to-go coffee, drinks and pastries. They meet friends for conversation and regular club meetings.

- People stopping by the Post Office to pick up their mail, or to attend an event at the Oceanside Community Club, will cross the street for the goods and services of this establishment.
- Lodgers staying at Three Arch Inn value the cafe for providing coffee and meals, as evidenced by their online Google and Yelp reviews (see Exhibit 8).
- The retail use provides goods and services useful to visitors who enjoy surfing at Oceanside's beach, and provide a meeting place for locals and visitors alike who enjoy this sport.
- Since they are open most of the time, these businesses provide assistance, travel directions and a free internet connection in a town famous for its lack of cell service.

Conversely, increased transient lodging use for this location would serve only a small number out-of-town lodgers and the owner of the Inn, and would not serve the surrounding community.

By the same token, these singular establishments on Three Arch Inn's ground floor play a critical role in offering a "variety of commercial uses" in Oceanside's modest business area. By contrast, there are already over 130 transient lodging rentals in Oceanside, some of them already sited along Pacific Avenue.

- Instead of a single (lodging) use already provided by Three Arch Inn (and other existing motels in the Commercial Zone) the eating, drinking and retail uses provide unique and diversified goods and services not already available in the area (see discussion under Minor Review criteria #8, service and benefit).
- The presence of an eating/drinking/retail use at this location enhances the community's viability and livability. In contrast, transient lodging would present the appearance of a vacant storefront and would not be visually enticing to Oceanside's commercial district.

**Proposed Finding regarding adverse impact on Commercial Zone:** The existing eating, drinking and retail uses, unlike three additional lodging units, are more compatible and do not conflict with the needs and character of the Oceanside Commercial Zone. Specifically, the eating/drinking/retail uses provide variety which enhance the community's viability and livability, and provide goods and services of use to those living in the area.

## CONCLUSION

Based on the relevant criteria, evidence and analysis cited above, we request the Planning Commission to deny this application for a modified conditional use permit.

Respectfully submitted by-

Oceanside Neighborhood Association CAC Board of Directors:

Sharon Brown President  
1305, Tillamook Avenue

Jerry Keene, Vice President  
1800 Maxwell Mountain Road

Carol Horton, Secretary  
1690 Portland Avenue

Mary Flock, Treasurer  
5565 Castle Drive

Oceanside Protection Society

Jerry Keene, President  
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Leslie Kay, Secretary  
1530 Hillcrest Avenue

Jud Griner, Treasurer  
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Blake Marvis, Board Member  
5200 Grand Avenue

**ONA and OPS Statement in Opposition**

**EXHIBITS**

**1-9**

**Exhibit 1: Planning Commission Staff Report 07/13/2006**  
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Tillamook County



*Land of Cheese, Trees and Ocean Breeze*

**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
*BUILDING, PLANNING & ON-SITE SANITATION SECTIONS*

201 Laurel Avenue  
Tillamook, Oregon 97141

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

**NONCONFORMING MINOR REVIEW NCMN-06-02**

**Planning Commission Hearing: July 13, 2006**  
**Staff Report Date: July 6, 2006**

Report Prepared by: Lisa M. Phipps, CFM, Coastal Resource Planner

**I. GENERAL INFORMATION:**

**Request:** Nonconforming Minor Review as required by the Tillamook County Planning Commission on May 11, 2006 to allow the continuation of an existing residence that does not have the required off-street parking within an approved expansion within a commercial zone.

**Location:** 1505 Pacific Avenue in the Community of Oceanside. The parcel is designated as Tax Lot 5200 in Section 30BC of Township 1 South, Range 10 West of the Willamette Meridian, Tillamook County, Oregon. (Exhibit A).

**Zone:** Section 3.312: Commercial Oceanside Zone (COS)

**Applicant and Property Owner:** Slawomir Piskorski, 108 SE 192<sup>nd</sup> Avenue, Portland, Oregon 97233

**II. APPLICABLE ORDINANCE AND COMPREHENSIVE PLAN PROVISIONS:**

The applicant, in accordance with the Tillamook County Planning Commission determination on May 11, 2006, is seeking an approval for the continuation of a residence that does not have the required off-street parking (Exhibit B). The residence is on the second floor above a commercial activity and is a permitted outright use subject to all other applicable standards and regulations in the Tillamook County Land Use Ordinance. The desired use is governed through the following sections of the Tillamook County Land Use Ordinance. The suitability of the proposed use, in light of these criteria, is discussed in Section III of this report:

- A. Section 3.312: Commercial Oceanside (COS) Zone (Exhibit C)
- B. Section 7.020 Nonconforming Uses and Structures (Exhibit D)

**III. ANALYSIS:**

**A. Section 3.312 Commercial Oceanside (COS) Zone**

Section 3.312 lists the uses that are permitted outright and uses that are conditionally permitted in the COS Zone.

**Findings:** Section 3.312, Subsection (2)(i) states that (i) a “[d]welling unit or units accessory to an active commercial use, located above the first story” are permitted

*AN EQUAL OPPORTUNITY EMPLOYER*

**Exhibit 1: Planning Commission Staff Report 07/13/2006**  
**Page 2 of 4**

outright subject to the general provisions and exceptions set forth in the Tillamook County Land Use Ordinance (Exhibit C).

**B. Section 7.020 Nonconforming Uses and Structures**

Section 7.020, Subsection (11) lists the criteria to be considered when reviewing a Minor Review (Exhibit D):

- (1) *The request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect, considering:*
  - (A) *A comparison of existing use or structure with the proposed change using the following factors:*
    - (1) *Noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line or off-site;*
    - (2) *Number and kinds of vehicular trips to the site;*
    - (3) *Amount and nature of outside storage, loading and parking;*
    - (4) *Visual impact;*
    - (5) *Hours of operation;*
    - (6) *Effect on existing vegetation;*
    - (7) *Effect on water drainage and water quality;*
    - (8) *Service or other benefit to the use or structure provides to the area;*  
*and*
    - (9) *Other factors relating to conflicts or incompatibility with the character or needs of the area.*
  - (B) *The character and history of the use and of development in the surrounding area.*

**Findings:** The Tillamook County Planning Commission required a Minor Review of the residence in response to a series of appeals of an approved Building Permit. A Conditional Use (CU-04-09) was approved with conditions in October of 2004. The structure was expanded and a hotel with 5 units was allowed. Continuation of the existing residence was not a part of the Conditional Use application. Upon the submittal of the Building Permit application, Staff learned that the applicant intended on maintaining the existing residence. At that time, the Director determined that the residence could continue without the need for any additional land use reviews. An appeal to the Planning Commission was filed on that issue and the Planning Commission held that the Director did err in not requiring a review. Further appeal to the Board resulted in a remand to the Planning Commission to determine the type of Non-Conforming Use review to be required. In May of 2006, the Planning Commission heard the remand and determined that a Minor Review was required to address the off-street parking requirements for the residence. The applicant had 30 days from the end of the appeal period to file an application for the Minor Review. In addition, the Planning Commission determined that it would hear the case and the application would be open to public testimony. The applicant did apply within the allotted 30 days (Exhibit E). During the time of submittal and the date of this Staff Report, the property changed ownership. The new owner (shown as owner and applicant in Section I) requested that Staff proceed with the application and the hearing date as scheduled. He submitted a new application form with his original signature and a letter. He also provided the previously submitted materials in

**Exhibit 1: Planning Commission Staff Report 07/13/2006**  
**Page 3 of 4**

support of his request (Exhibit F). Neither the Planning Commission nor the Board argued about the non-conforming nature of the residence or the continuing use of the residence prior to the expansion of the structure.

In a comparison between the prior use and the use as proposed:

- (1) The use will continue to be used as a dwelling unit above the first floor of an active commercial use. No additional noise, vibration, dust, odor, fumes, glare, or smoke will be produced.
- (2) Continuation of this use should not result in a change in the number or kinds of vehicular trips to the dwelling.
- (3) The applicant proposes no change in the amount and nature of outside storage, loading, and parking associated with this use.
- (4) There should be no visual impact. The use has been located on the second floor since the 1940's.
- (5) The use of the dwelling will not change. No change in the hours of use would be expected.
- (6) The footprint of the structure was expanded to increase the size of the tavern/restaurant and to add hotel units to the top floors. In doing so, the structure needed to conform with the Americans with Disabilities Act. The actual square footage of the area designated for the dwelling unit has decreased in size from the prior dwelling unit. Existing vegetation should not be adversely affected.
- (7) No impact on drainage is anticipated.
- (8) This structure houses a restaurant, tavern, hotel and private dwelling; the use in question does not provide a service to the area. A benefit to the area is that housing is provided in this dwelling unit.
- (9) The existing dwelling unit will continue to be a dwelling unit. A dwelling unit is permitted outright as an accessory use above the first floor of an active commercial use subject to the general provisions and exceptions set forth in the Tillamook County Land Use Ordinance. The continuation of the use is compatible with the character of the surrounding area. The surrounding area is a mix of commercial and residential zoning.

The surrounding area is a mix of commercial and residential zoning. Dwelling units are located above other commercial uses in Oceanside. The area above the second floor has historically been used as a dwelling. The structure was expanded as part of an approved Conditional Use (CU-04-09). In expanding the structure, the structure itself was brought into conformity with the current regulatory standards and building codes. However, as a result of this expansion, a review was required to address the continuation of the residence as it does not comply with the current requirements for off-street parking.

- (2) *The request shall maintain a minimum separation of six feet between structures, and comply with the clear vision area of Section 4.010.*

**Findings:** The expansion of the structure complied with the current regulatory standards for the siting of a structure on a lot in the COS zone.



**Exhibit 1: Planning Commission Staff Report 07/13/2006**  
**Page 4 of 4**

**IV. DECISION**

The Planning Commission may determine that the applicant has satisfied the review criteria. In doing so, the Planning Commission will effectively state that the request will have no greater adverse impact on neighboring areas than the existing use or structure when the current zoning went into effect. The Planning Commission may wish to attach Conditions of Approval to their decision. Possible conditions are found in Section V below.

If the Planning Commission determines that the review criteria have not been met, the Planning Commission may wish to condition the acceptable uses for the area currently occupied by the dwelling unit. If the current dwelling is not allowed as a result of this review, possible options for that space may be to re-configure the space into the existing hotel units resulting in no more than 5 hotel units or converting the space into storage and/or laundry facilities.

**V. If the Planning Commission chooses to approve the request, the following are recommended conditions of approval:**

Failure to comply with the conditions of approval and ordinance provisions could result in nullification of this approval.

1. The applicant/owner shall not separately rent out the three rooms designated for the private residence. The dwelling unit shall not be used as a hotel room.
2. The property owner shall obtain all Federal, State, and Local permits, as applicable, prior to any further modifications to the structure or uses.
3. If the use of the residence is discontinued for a period of one year, the use shall be required to conform to all current standards in the Tillamook County Land Use Ordinance. If the property owner is unable to satisfy the current standards in the event the use has been discontinued for a year, the dwelling unit shall be either be reconfigured into the existing rooms or converted into a storage area and/or laundry facility.

**VI. EXHIBITS**

- A. Assessor & Zoning Maps
- B. Planning Commission Order PC-06-06
- C. Tillamook County Land Use Ordinance Section 3.312
- D. Tillamook County Land Use Ordinance, Article VII
- E. Application and Justification
- F. New Property Owner's application and request

Exhibit 2: Swinford Statement

*September 5, 2023*

*Re: 851-23-000-162 PLNG*

*I was one of the parties to the legal proceedings involving Camden Inns' application for a conditional use permit in order to remodel and expand The Anchor Tavern in 2004.*

*Camden Inns originally sought a permit for 10 hotel lodging units serviced by a parking lot in a residential neighborhood several blocks away. We opposed that proposal, and Tillamook County scheduled a Planning Commission hearing.*

*Before the hearing, I and the other opponents negotiated a compromise agreement with Camden. We agreed that the County could waive the requirement for off-street parking in exchange for Camden's agreement to reduce his request from 10 units to 5 units.*

*The Planning Commission approved this compromise and allowed Camden a conditional use permit on that basis. Other issues arose during subsequent appeals, but this original agreement was never change or withdrawn.*

*I have not been contacted by anyone since then to agree to withdraw or change that agreement.*

*Craig & Anne Swinford  
PO Box 248  
Lake Oswego, OR 97034*

**Exhibit 3: Oceanside Surf Co. and Current Café Clientele**

STATEMENT

1. We are the co-owners of the Surf Shop/Currents Cafe (hereafter referred to as “the Café”) currently located on the ground floor of the Three Arch Inn.
2. One of both of us is present at the Cafe on a daily basis. When there, we regularly interact with our customers in conversations that often include mention of where they are from and how them come to be in Oceanside.
3. Our customers consist almost entirely of (1) visitors from outside the community and (2) local residents (full or part-time).
4. Based on our conversations with out-of-town visitors, we are unaware of any significant number who drive into Oceanside solely to patronize our business. To the contrary, nearly all of them are in Oceanside for some other reason, i.e., visiting the beach, staying at a local short-term rental/hotel or passing through.
5. Based on our conversations, our impression is that local residents who patronize our coffee shop either walk from their homes or, if they drive, are doing so in the course of visiting the beach or picking up their mail at the Post Office across the street. A few also work in the immediate area.
6. Based on our interactions with such customers, we do not believe that the Café is the primary destination for any significant number of people who park near our business in Oceanside. The Cafe is merely an amenity they decide to enjoy while here for other reasons. In our opinion, such visitors would continue to come to Oceanside and need parking regardless of whether the Café is available and operating.
7. For these reasons, we disagree that closing the Café would result in freeing up 5 to 30 parking spaces that would otherwise be used by our customers.

Signed:

 \_\_\_\_\_ 9/2/2023  
Corey Shields Date

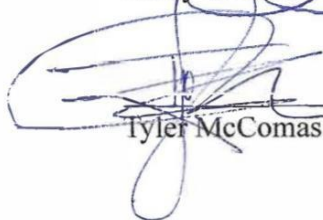
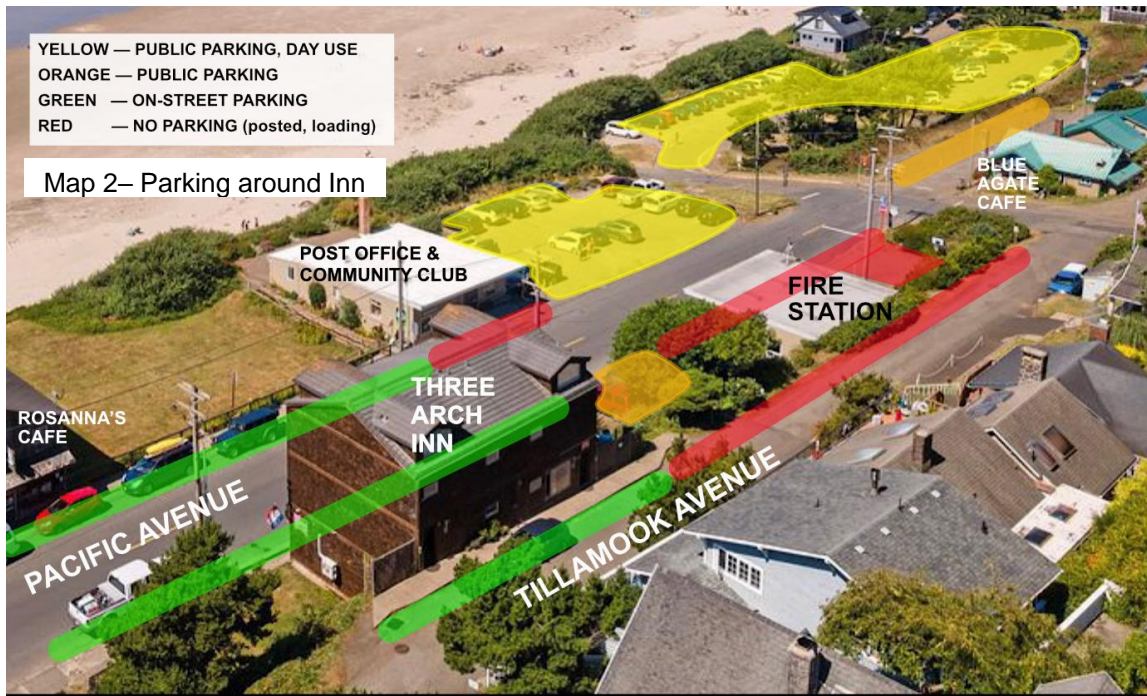
 \_\_\_\_\_ 9/2/2023  
Tyler McComas Date

Exhibit 4a: Parking in Downtown Oceanside



**Exhibit 4b: Parking Around Three Arch Inn**



**Exhibit 4c: Parking Behind Three Arch Inn on Tillamook Avenue**

Photo 2 – Parking Sign

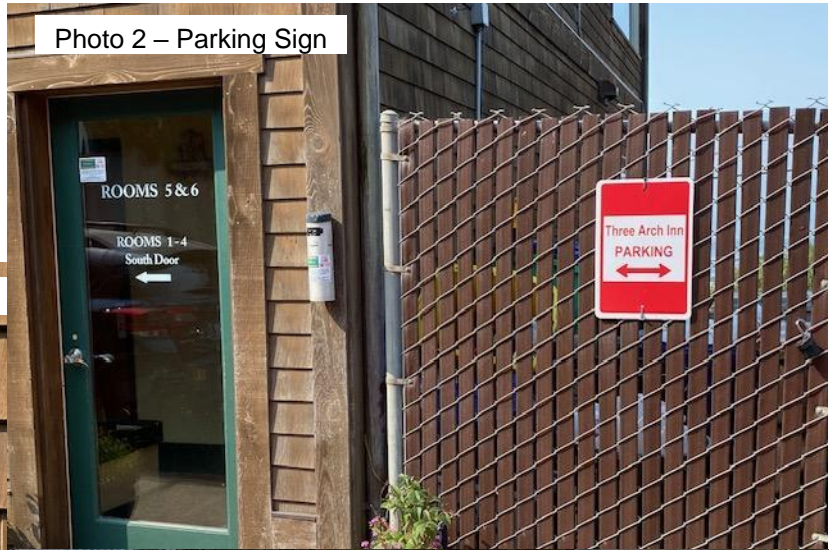


Photo 3– Parking Sign on wall of Three Arch Inn



Photo 4 – Parking Sign InTillamook Ave Window



Photo 5 –Five cars parked along Tillamook Ave behind Inn (note cars parking into marked fire lane)



**Exhibit 4d: Parking and Fire Lane Behind Three Arch Inn**

Photo 6 –Creating Fire Lane along Tillamook Ave (2021)



Photo 7 –Creating Fire Lane along Tillamook Ave (2021)



Photo 8 –Parking in Fire Lane (Aug 2023)



Photo 9 –Car in marked "No Parking" zone (Aug 2023)

**Exhibit 5a: Three Arch Inn Occupancy - Summary**

**Three Arch Inn Maximum Occupancy**

**Existing Six Units on Floors 2 and 3**

Source: threearchinn.com

Room #	Rental Unit Description	Accommodations		Stated Maximum Occupancy	Number of Rooms per Unit
1	Deluxe Corner King - No Pet	1 king bed (2)	1 queen sofa bed (2)	4	1
2	King with single pullout ocean view	1 king bed (2)	1 twin sofa bed (1)	3	1
3	King with single pullout	1 king bed (2)	1 twin sofa bed (1)	3	1
4	King with queen pullout	1 king bed (2)	1 queen sofa bed (2)	4	1
5	2 queens apartment suite	2 queen beds (4)	1 sofa bed (2)	4	2
6	King with 2 queen pull outs apartment suite	1 king bed (2) + 1 queen sofa bed (2)	1 queen sofa bed (2)	6	2
	<b>TOTALS</b>			<b>24</b>	<b>8</b>

**Proposed Additional Three Units on Floor 1**

Source: Three Arch Inn First Floor Plan from #851-23-000162-PLNG

Room #	Rental Unit Description	Accommodations (estimated based on existing units)		Anticipated Occupancy	Number of Rooms per Unit
7	Suite: Living room, bedroom, kitchen	1 king bed (2)	1 queen sofa bed (2)	4	2
8	Studio: bed + living area, kitchen	1 king bed (2)	1 queen sofa bed (2)	4	1
9	Suite: Living room, bedroom, kitchen	1 king bed (2)	1 queen sofa bed (2)	4	2
	<b>TOTALS</b>			<b>12</b>	<b>5</b>

**Totals for Expanded Use:**

**Rental Units 9**  
**Rooms 13**  
**Anticipated Maximum Occupancy 36**

**On-street parking requirements\* 13**  
 \*using STR metric of 1 pkg. spot/sleeping area



Exhibit 5b: Three Arch Inn Occupancy - Current Lodging

Three Arch Inn Rooms  
threearchinn.com (August 2023)



1-Deluxe Corner King -NO PET **only 1 left**  
Maximum Occupancy 4 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$195.00  
1-Deluxe Corner King -NO PE

See Details Adults Children Rooms



2-King with single pullout ocean view **only 1 left**  
Maximum Occupancy 3 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$189.00  
2-King with single pullout ocean vie

See Details Adults Children Rooms



3-King with single pull out **only 1 left**  
Maximum Occupancy 3 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$189.00  
3-King with single pull ou

See Details Adults Children Rooms



4-king with queen pull out **only 1 left**  
Maximum Occupancy 4 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$195.00  
4-king with queen pull ou

See Details Adults Children Rooms



2 Queens apartment suit -5 **only 1 left**  
Maximum Occupancy 4 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$229.00  
2 Queens apartment suit -

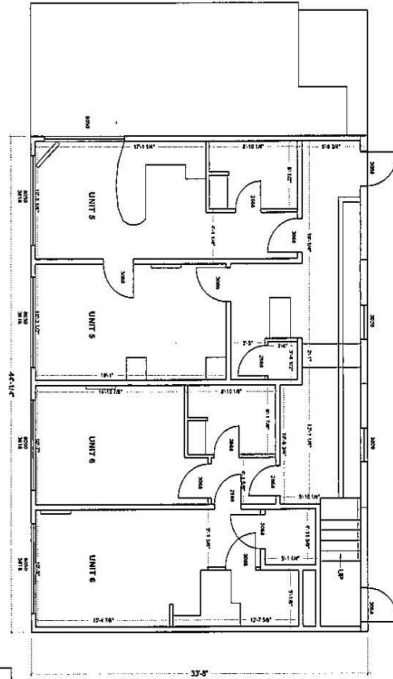
See Details Adults Children Rooms



king with 2 queen pull outs apartment suit -6 **only 1 left**  
Maximum Occupancy 6 Minimum Stay 1 Night(s)  
Price for 1 Night(s) \$219.00  
king with 2 queen pull outs apartment suit -

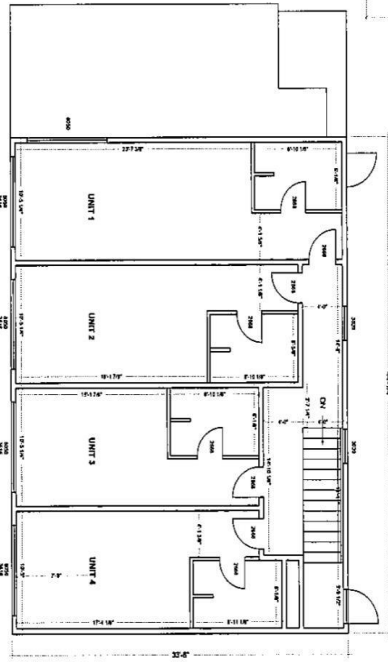
See Details Adults Children Rooms

**Exhibit 5c: Three Arch Inn Occupancy -**  
**Three Arch Inn Floor Plan, Existing Lodging**  
 (From Tillamook County #851-23-000162-PLNG, owner application)



1 SECOND FLOOR PLAN

SCALE :: 1/4" = 1'-0"



2 THIRD FLOOR PLAN

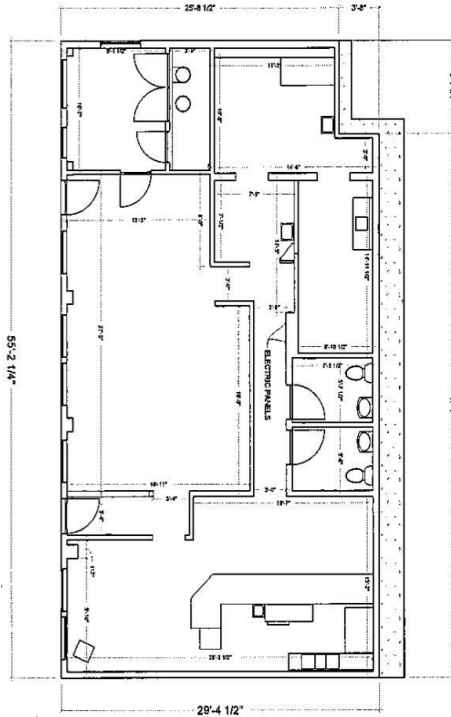
SCALE :: 1/4" = 1'-0"

<b>A</b>	REVISION DATE	OWNER/PROJECT	BUILDER	SCOTT BRADY ARCHITECT GROUP
	June 19, 2023	THREE ARCH INN DJ BAILEY		

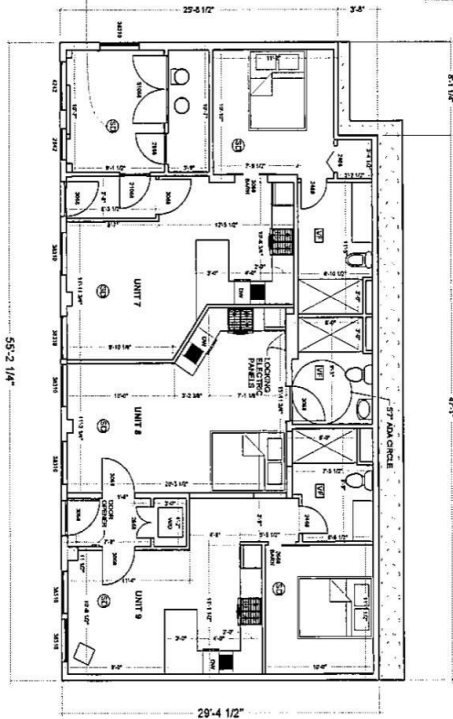
03

ARCH D

**Exhibit 5d: Three Arch Inn Occupancy -**  
**Three Arch Inn Proposed main floor conversion plans**  
 (From Tillamook County #851-23-000162-PLNG, owner application)




**1 EXISTING FIRST FLOOR PLAN**  
 SCALE :: 1/4" = 1'-0"




**1 NEW FIRST FLOOR PLAN**  
 SCALE :: 1/4" = 1'-0"

<b>A</b>	REVISION DATE June 19, 2023	OWNER/PROJECT THREE ARCH INN DJ BAULEY	BUILDER	SOVEL DESIGN GROUP
	02			

**Exhibit 6a - Three Arch Inn Google Online Reviews mentioning Parking**

 **ellee hunter**  
Local Guide · 154 reviews  
★★★★★ a month ago  
Vacation | Friends

I've been wanting to stay here for a few years and finally did it! We had an issue with the door code that they cleared up immediately. The place was gorgeous, comfortable, and so freaking adorable! Giant windows! (Unfortunately none open to get a breeze or hear the ocean) but the view is great! The location is fantastic! Over a Cafe, across from a restaurant and the beach is also across the street. The city of Tillimook (quaint and small like a town) is just minutes away. Full kitchen, air conditioning, wifi etc... **limited parking, but off season, not a problem. During tourist season, had a hard time finding parking between 9 or 10 a.m. and 4p.m. . Luckily, we had things to do and would return around 4 and get spot. I can't wait to go back! It was clean and had all the convenience of an air bnb.**

 **Angelyka C**  
Local Guide · 780 reviews  
★★★★★ a year ago  
Couple

While looking around Google for nice, clean, pet-friendly places to stay in the Oceanside/Netarts/ Tillamook area with pretty short notice for a beach trip and wedding that my partner and I planned to attend, in my search I immediately came across the Three Arch Inn. The price for an oceanview room with a king-sized bed was only \$158, which we found to be reasonable, especially for the great reviews it promised as well as the lovely pictures of not only the room itself, but the ocean outside.

Honestly, the building looked a bit strange from the outside, and **parking isn't exactly ideal, though you should be able to find something within walking distance. We parked across the street and my car was viewable from our window. I wasn't the most prepared person, and didn't have the access code to the room before entering the town (which doesn't have Internet service until you log into the inn Wi-fi, so make sure you are prepared for that). However, the employees were accessible and really helpful, even if I asked stupid questions, and I appreciate that interaction even if it was awkward.**

After that got settled, my boyfriend and I were able to enter the room, which was nicely cleaned and organized (beds smelled fresh and I couldn't find any issues during my initial inspection of the room), with a window looking over the ocean. We went in early October, which meant that there **were a lot of waves. The inn is a nice walking**

 **Marcus McCoy**  
Local Guide · 81 reviews  
★★★★★ 2 years ago


This is an awesome place to stay, comfortable beds, great view. Just a fantastic location for the beach. **It's a little hard to find parking when the town is busy, and waking up early to loud music down stairs from the surf shop is a bit rough, but over all we would come back in a heart beat.**

 **Ray Howard**  
4 reviews  
★★★★★ 2 years ago

Very spacious and welcoming suite. The living room and bedroom both had a great view of the ocean thanks to the big windows. **Staff was very friendly. even let us know when they were leaving allowing us to obtain a much better parking spot.**

 **Jason**  
Local Guide · 202 reviews  
★★★★★ 2 years ago


Beautiful views and a wonderful room with jetted tub and full kitchen. Right across the street from the beach and the 2 restaurants in town are right there. **The parking can be a little tricky but you can park behind the condo to unload the car and of there are no spots in back park along the main road in front.**

 **Joe Orozco**  
1 review  
★★★★★ 3 years ago  
Vacation

Good view and location but **dont plan on driving anywhere or you won't have a parking spot. Jetted tub did not work and only one chair in the room with no place to set your stuff or no table to eat at, just a nice view is all you get and the cafe is not bad. Save some money and get a cabin next door.**

 **Jenny B.**  
9 reviews  
★★★★★ 7 years ago


This is one of the few lodgings in Oceanside. We stayed in Room 1 on our visit in late June 2016. It was easy to locate having never been here before. **Parking was easy.** Our room was luxurious. The room was very clean, very well outfitted with heat and AC, hair dryer, toiletries, coffee and coffee maker, microwave, refrigerator/freezer and TV. I slept so comfortably! The sitting area was so nice to be able to relax to enjoy the beautiful oceanfront view and have our coffee. The bathroom was up-to-date with new finishes. And the view I just can't say enough how nice it was to be right on the ocean front and see the Three Arches rocks formation.


 **Rachel Custer**  
5 reviews  
★★★★★ 10 years ago

I found this place online and booked one night for our 5 year wedding anniversary. It was great little place to relax. The view from the room was fabulous and it was close to two restaurants and within walking distance to the beach. **It was very nice not to have to drive anywhere since the parking was limited.** The room was clean and the bathroom had a nice full-sized jet tub to relax. I would recommend this place to anyone. The only problem I had was trying to get a hold of the administrator when I didn't receive an access code to our room in the email. I did have to call twice to get a call back, but he was very nice, emailed the access code and called to make sure we received the email. Overall, it was a very good experience.

(data collected August 2023)

**Exhibit 6b - Three Arch Inn Yelp Online Reviews mentioning Parking**


 **Cynthia M.** @ 0 22 13 ...


 3 months ago

First the "pros" - great location close to a beach. Rooms were cutely decorated and had additional touches like Google nest that you can access. Bed was ok, and there a rocking chair that made it more homey.

Now the "cons"- we had the corner room for two ocean views. The site didn't mention that the ocean view included power lines and poles. Next, the rooms are on the third floor and there is limited parking near the entrance so be prepared to haul luggage up concrete steps to the door to the Inn then another flight up wooden steps to the room. Finally, it is in a more remote area so Internet was intermittent.

I would stay here again- but now know of the drawbacks.

 **Bonnie J.** @ 0 5 0 ...

 over 5 years ago

My husband and I stayed in a suite. It was clean and had a complete kitchen, which was nice as there are only 2 places to eat in town. The beach was beautiful and the view from the both rooms was great. We had a kitchen/living area and a bedroom. Both had views, but it felt like people on sidewalk could look into you room, so we kept the screen drawn in the bedroom. There is a small flat screen TV in the bedroom, we would have preferred to have it in the living area.

They use a keyless entry and do not maintain an attendant at the hotel. It worked great for us, however, if you had a problem, I am not sure what you would do. There is no cell phone reception in town.

The biggest negative was the parking. The hotel site says that there is parking on the street both in front of and behind the hotel, and a small lot aside of the hotel. We assumed that there would be plenty of parking and that there would be spaces reserved for the hotel. This is not the case. When we arrived in town, late afternoon on a Sunday, we circled the town several times before finding a spot 2 blocks from the hotel on the street. It is a very small town and if the weather is good, there are a lot of people at the beach who take up all the parking spots. It was a frustrating way to start our mini vacation and put a damper on things.

Although we ended up enjoying our stay, I would not stay here again because of the parking situation. I would give 2 1/2 stars.

(data collected August 2023)

**Exhibit 7 - Street Views: Oceanside Surf Co and Current Cafe**



**Exhibit 8a - Three Arch Inn Google Reviews Mentioning Cafe and Shop**

**Deborah Burns**  
Local Guide · 63 reviews  
★★★★★ a year ago

A comfortable corner room with big picture windows allows stunning views of the ocean and coastline!

Quaint little village with sweet little cafes offering a variety of tasty breakfast, lunch, dinner and seafood selections! Will return again for the peaceful and scenic vibe.

**brady brady**  
Local Guide · 82 reviews  
★★★★★ 4 years ago

Wish I could stay longer. Bartender / Barista was very friendly and helpful and accommodating. Tillamook Creamery ice cream and good strong coffee, with free WiFi and an unobstructed view of the Pacific Coast. I will be back!

**Scott Cater**  
17 reviews  
★★★★★ 6 years ago

My wife and I had a fantastic time in this quaint little town and enjoyed this motel immensely. We arrived on Thursday afternoon and had no difficulty getting settled into our beautiful room which had an amazing ocean view. While it is true that the manager is not on site, we didn't have a need for one. The wonderful gal who runs the ground floor coffee shop, also provides the cleaning service, so she is often available. The office is kept open all night with extra towels etc available.

9:04 PM Wed Aug 30

Three Arch Inn

Prices Menu **Reviews** Photos Updates

✓ All beach 32 tub 25 ocean 21 cafe 16

Helpful 1

**Brandy Thrasher**  
10 reviews  
★★★★★ 2 years ago  
Vacation

Clean, friendly, beautiful view, and friendly staff with a coffee house and breakfast place below. We would definitely stay here again!... [More](#)

**Caitey Andersen**  
Local Guide · 385 reviews  
★★★★★ 4 years ago

Locally owned hotel with a lobby and coffee shop downstairs. The coffee shop menu has some food items, lots of drink options (including beer and wine), and Tillamook ice cream. Free wifi and views of the ocean!

Helpful



Photo 1 of 6



The town has two restaurants and the coffee shop and that's about it other than the post office and fire department. We ate at both the Blue Agate (breakfast) and Roseann's (dinner) and found both to be delightful. The coffee shop below has all the coffee drinks you'd expect, pastries, plus it has four craft beer taps and wine. It was open to 8pm, but may be open later in the summer. The gal who runs it was a sweetheart. There is no market so be sure to bring whatever "room food" you want or prepare to drive. The beach has a nice mix of sand and rocks, but not much in the way of tide pooling. Good agate hunting abounds on both side of the mountain which has a long and mysterious tunnel connecting the two beaches. Indeed the cell/internet service is spotty at best, but even that was a blessing since it forced us out of our usual routines

The bed was firm, but very comfortable. The bathroom was nice and the jetted soaker tub

**Joey Case**  
2 reviews  
★★★★★ 2 years ago

Always an amazing place to go! Views, beaches and food. Awesome to meet cory the owner of the new surf shop on the first floor. Very cool store and great prices for quality clothes for a surf shop. Excited to come back when he get the restaurant and coffee shop open. 🙌

**A. W.**  
20 reviews  
★★★★★ 3 years ago  
Vacation | Family

Our family LOVES this inn! Indra and Liz are always welcoming, super friendly hostesses. The rooms are gorgeous and so clean and cozy. Ocean views with a great cafe downstairs. A two minute walk to the beach. We make great memories here and always look forward to coming back.

(data collected August 2023)

Exhibit 8b - Three Arch Inn Yelp Reviews Mentioning Cafe and Shop

**Moriah J.**  
 @ 2 🗨️ 8 📷 1  
 ⭐⭐⭐⭐ over 2 years ago

A beautiful cozy inn with an amazing view of the ocean. We stayed on the top floor which has vaulted ceiling's. A nice bathroom with a full deep tub. Comfortable bed, hardwood floors, mini fridge and microwave. They have a quaint coffee shop with delicious coffee options. Just across the street is a nice cafe for late lunch or dinner.  
 I thoroughly enjoyed my stay here and highly recommended it.

**Renee O.**  
 @ 0 🗨️ 37 📷 0  
 ⭐⭐⭐⭐ over 6 years ago

We LOVE this place! Oceanside has become our favorite spot on the north Oregon coast. The Three Arch Inn is reasonably priced, clean, beautifully decorated and has wonderful OCEAN VIEWS! It's right across the street (not highway but little street) from the beach and also Roseanna's Cafe. There's an espresso cafe below the Three Arch Inn rooms. In addition to all this, they allow us to bring our dog and stay for only one night if that's all the time we have. We love the keyless entry. The host was excellent in communicating the code to us before we left and even allowing an early check-in which we greatly appreciated. We were here in February 2017 and also once in 2016. Both times the service and rooms were excellent. We plan to come back as often as possible.

**Leonora C.**  
 @ 10 🗨️ 60 📷 12  
 ⭐⭐ over 4 years ago

Five stars for my experience in room 5 (2 queen beds).  
 One star for my return experience, but in room 6.  
 So overall, 2.5 stars.

Room 5 was clean and the view of the water was spectacular. We stayed for a day and thoroughly enjoyed it.

Room 6, due to the attendants not being on site and the no phone service, I couldn't really get a hold of anyone to provide immediate support. The floor was dirty, full of pebbles and debris from outside. The sofa bed's sheet was soiled and covered in debris by previous guests. Without any proper support, I just had to brush the sofa by hand and placed a comforter over the sofa bed to make it work for the night. With other things being missed by the cleaning staff, the coffee maker looked a bit suspicious and of course, the coffee filter wasn't anywhere to be found. The fix was to wait until the coffee shop to open downstairs at 8:00 and grab a cup there.

The coffee shop below, the barista has always been great. Both occasions she provided outstanding service both with coffee and check-in process.

Would I return for the third time? Yes, to town but not to this Inn.

**Scott J.**  
 @ 18 🗨️ 30 📷 1  
 ⭐⭐⭐⭐ over 9 years ago

This place is awesome. The view & location could not be better. The only thing is I wish the cafe would open at 5am when I'm ready for my coffee. I had to wait until 7am which wasn't perfect.... Honestly, the staff were great. The place was quiet, dog friendly and a perfect stay!

**Carla S.**  
 @ 140 🗨️ 3 📷 0  
 ⭐⭐⭐⭐ over 4 years ago

After looking for an inexpensive place to stay that had a view of the ocean, I settled on Three arch Inn. I was pleasantly surprised by the little apartment that had a full kitchen, including a dishwasher. Little touches to make it feel inviting and comfortable. The view is AMAZING and how can you go wrong with a coffee shop on the main floor. If all the rooms were like ours, I would highly recommend. Loved our stay here.

(data collected August 2023)



**Exhibit 9****Astoria denies request to convert downtown barbershop into vacation rental**

*Eleventh Street Barber would have had to relocate*

- [By Nicole Bales, The Astorian; 8/23/2023](#)

The Astoria Planning Commission has denied a proposal that would have replaced a popular downtown barbershop with a vacation rental.

Wlfrano Melo Pastrana, of Cloud 254 LLC, owns the building on 11th and Commercial streets that houses Eleventh Street Barber, Godfather's Books and a vacation rental.

The owner sought a conditional use permit to replace Eleventh Street Barber with a one-bedroom vacation rental, which drew opposition leading up to a Planning Commission meeting on Tuesday night.

The owner indicated the barbershop could be relocated within the same building facing Commercial Street. However, more than a dozen letters and emails — including from downtown business owners — were sent in opposition to the proposal.

City staff recommended denial, finding that a vacation rental is not appropriate for the proposed location. Eleventh Street Barber, city staff found, creates activity and contributes to the popularity of 11th Street.

When the unit next to the barbershop was converted from an empty storefront to a vacation rental through a conditional use permit in 2020, city staff said it continued the appearance of a vacant storefront. The city argued that a second vacation rental would compound this issue and present building fronts that are not visually enticing as a destination block.

The Planning Commission unanimously denied Cloud 254's permit application.

Planning Commissioner Kris Haefker said he likes the vitality the barbershop brings to 11th Street.

"And if it was a vacant space, and had been vacant for a long time, I would maybe have some different thoughts about it," he said. "But I can't see displacing ... a successful business for another use."

Leading up to the Planning Commission meeting, Sarah Jane Bardy, a real estate broker with Cascade Hasson Sotheby's International Realty who owns Eleventh Street Barber, alerted a group of residents on Facebook concerned about housing and the increase of vacation rentals about the potential conversion. The residents, in turn, organized and submitted letters in opposition to the change.

The Astoria Downtown Historic District Association also opposed the proposal after city staff asked for

feedback. The association said it did not support losing retail space to vacation rentals as space is greatly needed right now.

Wendy Hemsley, a broker for Berkshire Hathaway in Astoria who represents the owner of the building, reiterated that the barbershop would not be evicted. She said the business could be relocated on Commercial Street, which has more traffic and provides higher visibility.

Andrew Kipp, a resident who has become a vocal advocate for protecting housing for residents, argued a vacation rental in downtown is not appropriate for a commercial space and detracts from the downtown core.

"The reality is, from my perspective as a resident here in Astoria, visitors and locals alike value Astoria for its local character, its authenticity as a genuine town where people live and work," he said. "If we as a community continue to pursue short-term profits at the expense of the needs of the community for housing, for businesses, for jobs — what will become of the town?"

Cindy Price, a former planning commissioner, also spoke in opposition to the proposal and asked the Planning Commission to urge the City Council to take another look at the development code that governs vacation rentals.

"The City Council really needs to decide and to make its development work for residents," she said. Price proposed adding a cap on vacation rentals that would prevent them from making up more than 2% of the total housing units in Astoria.

After the public hearing, Daryl Moore, the president of the Planning Commission, proposed considering a future code amendment to limit vacation rentals in the downtown core.

<https://www.dailyastorian.com>

[https://www.dailyastorian.com/news/local/astoria-denies-request-to-convert-downtown-barbershop-into-vacation-rental/article\\_d78236b2-4159-11ee-97c4-3b53c5eae6e.html](https://www.dailyastorian.com/news/local/astoria-denies-request-to-convert-downtown-barbershop-into-vacation-rental/article_d78236b2-4159-11ee-97c4-3b53c5eae6e.html)