

MINUTES SEASIDE PLANNING COMMISSION

November 1, 2016

CALL TO ORDER: Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Steve Wright, Tom Horning, Chris Hoth, Bill Carpenter, Bob Perkel, Dick Ridout and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director.

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: October 4, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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

PUBLIC HEARING:

A.) 16-056VRD is a conditional use request by **Leif & Shelby Benson** for a **Four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **462 13th Avenue (6 10 16DA TL 8000)** and it is zoned **Medium Density Residential (R-2)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Leif Benson has several homes here in Seaside but resides in near Mt Hood. He has had homes in Seaside for 20 years and has never had an issue. His parents live here currently. This is a beautiful home and hopefully the people who rent it will appreciate it too. Kevin has done the preliminary inspection and there is a small punch list that he will need to do. He is trying to contact the neighbor next door as a courtesy to let them know that they are the new owners.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Joyce Hunt, 510 13th Avenue, Seaside. She is the last fulltime resident on the street. When she first moved in, there were about 4 or 5 fulltime families. Now all the homes are vacation rentals. She is concerned about the home being rented for 6 people. There is no parking on the street and the parking that they have in the back of the home is tandem. Which will make most of the renters park on the street and this has been happening but she has neglected to call the property managers and let them know and she will be more vigilant on that. Her driveway is the major turnaround. Tom even turned around in her driveway. In the summer it's really bad. Her main concern is that there are so many long term rentals in the area and if

everyone is turning these homes in to vacation homes then we will never solve the long term rental problem. Everyone makes more money on the short term rentals. She understands that but we need to focus on the long term rentals. She doesn't even walk down her street because no one lives there she goes down 14th Avenue because at least they have some locals on that street and she can say hi to them. Joyce thinks that 6 people renting a four bedroom home is just asking for over occupancy.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. There was no response.

Chair Romine asked if the applicant wanted a rebuttal. Mr. Benson stated that it is a 4 bedroom home and with an occupancy of six it shouldn't be a problem. The parking in the back is a little tricky. There is an easement that is 7 ½ feet helps with the parking. They have owned rental properties in Seaside for over 20 years and have never had a problem.

Commissioner Hoth asked if we calculate the parking spaces per bedroom or by the number of bedrooms that they intend to use in the calculation for the occupancy. Mr. Cupples stated that we do not make them close off bedrooms. If it is a four bedroom and they are limited to two parking spaces their occupancy gets lowered so it's no more than three per parking space. Through a condition of approval you say you're approving a four bedroom vacation rental with a maximum occupancy of six for one like this. Commissioner Hoth asked then how many vacation parking spots are required. Mr. Cupples stated two. Commissioner Hoth stated that the language says that they need one per bedroom. Mr. Cupples stated they have one parking space per bedroom for the occupant load that they are going to have. Kevin stated that he isn't going to make them lock off bedrooms. We limit the occupancy by the parking. We have had people lock off bedrooms because of ingress and egress. Commissioner Hoth asked if they would be able to park in the driveway. Mr. Cupples stated that the drive is not wide enough to park. There was a request for a variance and in that report he indicated that there was a request for a variance that would have allowed them to use the first two spaces pulling into or directly off the roadway. Those spaces would be 8 feet wide not 9 feet wide, they were substandard spaces and the request for the variance was denied based on a concern from neighboring property owners that people coming for transient rental wouldn't really know about the easement and they may drift out into the easement, than someone who might live there and know about the easement. Commissioner Hoth asked if they would be encroaching on the neighboring property owner. Mr. Cupples stated no, the property line is roughly 15.5 feet from the structure. Commissioner Hoth asked then why are they not able to park there. Mr. Cupples stated that there is a 7.5 foot wide ingress egress easement that runs from their property line. Commissioner Ridout stated that he parked in the back where the parking is supposed to go and he had a heck of a time turning around in that space. He asked Mr. Benson if they have talked with the neighboring property owner about getting permission to back onto their property. Mr. Benson stated that he has tried to get a hold of them, but the home seems to be a vacation home. He thinks that they both have easements that encroach on each other. Mr. Benson stated that they are talking seconds in maneuvering around in the driveway. He also stated that they do want a friendly agreement from both sides saying that they agree to allow them to maneuver in that area. In all the years they have had vacation rentals in Seaside they have never had a complaint. Commissioner Ridout stated that he doesn't think that it is as easy as that, because he was having a heck of a time in his little Toyota maneuvering around he had to back up into the neighboring property owner's drive, there is a sign there that says Private Drive. Mr. Cupples stated that the easement is 10 feet wide, the easement cuts the corner of the property the other easement runs along the side of the property and is approximately 75 feet long to 13th Avenue. There is a copy of the easement in the packet. The parking pad will need to be extended. Mr. Cupples stated that the property has been surveyed and there are property pins on the corners of the property. Commissioner Ridout asked Mr. Benson if what he did with the turnaround area was fine because he has a gentleman's agreement with the neighboring property owner. Mr. Benson stated yes, that's what he would look at it as a gentleman's agreement. Joyce Hunt from the audience stated that the staff report says that it has to be a written agreement. Mr. Cupples stated that is what the condition of approval states that it does have to be in writing. Commissioner Hoth stated that if he were renting that property he wouldn't be using the back parking area. He would be parking alongside the house.

Commissioner Horning stated that he would like to establish a standard that all the plot maps on the properties include what the boundaries are and the distances are between buildings. Commissioner Horning asked Mr. Benson how long have they owned this home. Mr. Benson stated that they purchased this home a few months ago. Commissioner Horning asked how many other homes they own in Seaside. Mr. Benson stated that they have one on 10th and one on 7th and they are both vacation rentals. Commissioner Horning asked if they use those as part time recreational properties. Mr. Benson stated yes. Commissioner Horning asked if they were planning on buying more homes to

use as vacation rentals. Commissioner Horning stated that sometimes people buy homes to supplement their income while buying homes that they plan to retire in later, and there comes a point when we may have a shortage of affordable housing because we don't have enough housing stock for the locals. Commissioner Horning just wanted to see where the trend was going. Mr. Benson stated that they love Seaside and spend lot of time here and so they spend time in each home when one home is booked they have the option of staying in one of their other homes. If they only had one home in Seaside and it was booked they wouldn't be able to come and stay in Seaside. The parking isn't the best but it is doable. Commissioner Horning stated that it would have been good to be able to see the easements and things on the plot plan. Mr. Benson stated that the plot was done to scale but they didn't have a CAD to draw in the easements. Mr. Cupples apologized because he drew one up for himself with the easements and didn't put it in the packet. Commissioner Wright stated that he hasn't seen where the pad is separated from the street by a gravel driveway, is there not a requirement that they need to pave the entire driveway. Mr. Cupples stated that we have required individuals to pave the access and maneuvering area going into parking areas. In this case the whole driveway area is an easement in order for them to do that they would have to pave onto someone else's property. The only thing that we are requiring is the paving of the spaces and according to past comments by Commissioner Ridout that's the only space that we could make them pave, which is true but we always have them pave access and the driveway. Chair Romine stated in this case they will need a reciprocal easement agreement for ingress and egress, in writing or some formal agreement. Mr. Cupples stated that they have an ingress/egress agreement that runs on their property and a reciprocal easement on the neighbor's property. The reciprocal easement on the neighboring property was done way before this home was even built it provides great access for the garage that is no longer there but it doesn't allow access into the backyard area, could they physically get down there and to their side and get into their space. Yes they could, but they would have to back all the way out. Technically if you did the maneuvering that Dick did you would actually be trespassing because you are going across the property line.

Commissioner Ridout asked about their property manager. Mr. Benson stated that they have been using VACASA since they have been on the coast. Commissioner Ridout asked if VACASA had a representative here tonight. Mr. Benson stated no. Commissioner Ridout stated that both of the vacation rentals that are here tonight have issues with the parking. They are solvable, if we are in a huge need for vacation rentals then obviously we could say no you don't need to fix that, but when you are making an extraordinary effort to create parking for something that may not be to the best advantage of our town and our current housing situation. We need to deal with that somehow. Commissioner Hoth stated that he agrees with that and it opens up a can of worms of how many should we allow or whether we should put more restrictions on them.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Wright made a motion to approve the conditional use under the guidelines that staff has presented.

Commissioner Ridout seconded and the motion was carried with a 5 to 2 vote in favor. Commissioner Horning and Commissioner Hoth voting no.

B.) 16-057PCR: A request by Mark Stefanelli to develop an 800 square foot accessory building in addition to his existing 1200 square foot garage. The property is located at 1560 N Wahanna Road (T6, R10, 15BD TL: 1000) and the 2.08 acre parcel is zoned Suburban Residential (SR) and Conservation Aquatic (A-2). The Seaside Zoning Ordinance limits accessory buildings to 1000 square feet without Planning Commission authorization.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mark Stefanelli, 1560 N Wahanna, Seaside. He thinks it unfortunate that the 1000 sq. ft. accessory building is a global ordinance. He has 2 acres and feels like he is the orphan that nobody want to deal with. He has lived here for 20 years and is trying to get a business here for his son. This summer he grew mushrooms in his garage. They sell them at the local farmers markets. They need more room and need a specific building for the mushrooms. They are using saw dust from the Alder Mill. There seems to be quite a market for the mushrooms.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth asked what the difference is between a conditional use and a review use. Mr. Cupples stated that this is not a conditionally permitted use and it doesn't require a public hearing but when you are making a decision that has this much latitude in why you are saying yes or no he is treating it as a quasi-judicial decision. Commissioner Hoth stated that being as the commission is reviewing this, is everything a permitted use. The only issue is the fact that the building is over 1500 sq. ft. Mr. Cupples stated no, there is another provision that says in the SR zone if you are going to do an agricultural building the planning commission has to review it and say it's ok. Commissioner Hoth asked if this is part of some other planning commission's decision that said this is the maximum amount of square footage allowed. Mr. Cupples stated that in the past the planning commission said that if someone comes in, that is located in the SR zone, with an accessory building to just let them do it and we are not going to look at another one. In this case Mr. Stefanilli's building is over the maximum allowed in the zone. There was no easy way to get around it. You couldn't get around it regardless because he's doing an agricultural building. The agricultural building in the SR zone requires planning commission review. The only other place you run into that is when you get ready to do estuary uses a lot of time those are called review use. Commissioner Hoth stated that it says additional buildings, plural. Mr. Cupples stated that when they did the request the last time it was for a building but if he would have come under the 1500 square feet he would have said that the planning commission already said that that was OK but he would have still had to come before the commission for the agricultural part of it. Commissioner Hoth stated that he doesn't want to go against something that another planning commission has decided. Mr. Cupples stated at this point he is subject to review on two counts, he's doing an agricultural building in an SR zone, and he's got over 1000 square foot of accessory building to develop. Chair Romine asked what the minimum lot size in an SR zone is. Mr. Cupples stated depends on whether you have public sewer and water. Mr. Stefanelli has public water but not public sewer. The minimum lot size is 5 acres. Mr. Cupples read from the zoning ordinance, it states that land divisions that would create parcels less than 5 acres shall be permitted only if municipal sewer and water are available. So he couldn't divide his property right now until he has sewer and water and then the minimum lot size would be 10,000 square feet. Chair Romine stated that he is also in the UGB, and Mr. Stefanelli stated yes. Mr. Cupples stated that we do the planning review and the county will review the building plans. Commissioner Hoth stated that he didn't have a problem with any of this, it's just that another planning commission established these rules and is it binding for them or can they say go ahead. Mr. Cupples stated they can just say yes or no. Commissioner Horning stated that he has been on the planning commission for 16 years and it must have been brought up before that because he doesn't remember this coming up before. Commissioner Horning stated that what this comes down to is, is this compatible with the surrounding properties? He doesn't have any problem with this. Commissioner Ridout asked about the land and part of it has been dedicated to the Land Conservancy. Mr. Stefanelli stated that it is still his land, he agreed not to build on it. Commissioner Ridout stated he doesn't own it. Mr. Stefanelli stated that he gave it to the Land Conservancy but consider it still his. Commissioner Ridout stated that legally Mr. Stefanelli doesn't own it, so how much land are we talking about. Mr. Stefanelli stated roughly one acre. Commissioner Wright asked Mr. Stefanelli if he talked to his neighbor to the north. Mr. Stefanelli stated no, no one lives there and the home has been vacant for some time and a for sale sign came up this weekend. Commissioner Wright asked about the hedges along the property line Mr. Stefanelli stated that he is planting hedges so that people won't be able to see the building.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the review under the guidelines that staff has presented.

Commissioner Wright seconded and the motion was carried unanimously.

WITHDRAWN

C.) 16-061HOZ is a Highway Overlay Zone request by Vince Berg to establish a new restaurant and brew pub in the former CRM building, located at 1725 N Roosevelt. A majority of the building (approximately 2163 sq. ft.) will be dedicated to the new use and the rest of the building will be utilized by In-Land Electric. The applicant plans to utilize the existing access to 17th and the existing paved parking area. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S15BC TL: 2600 & 4600.

D.) 16-062VRD is a conditional use request by **Susan Elgin** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **223 13th Avenue (6 10 16DA TL 9200)** and it is zoned **Medium Density Residential (R-2)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Susan Eglin lives in Vancouver. She purchased the home in August and she wants it to be a vacation rental until she is able to retire here in 6 years. She thinks everything qualified except for the driveway, which she is surprised because there is 19 feet from the garage to the street. But that is not the property line.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals. Erin will be the property manager for the property. When Susan bought the property she had a lot of work to do in order to get it presentable.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth asked if they will be parking in the garage. Susan stated yes it will be available for guest parking. Commissioner Hoth stated that he did park in the driveway and wasn't hanging out into the street. Commissioner Wright stated that the garage door looks like it is only 6 feet high. Erin stated that she will describe it in the rental agreement. She ask people all the time if they are coming with a boat or larger vehicle. They do get into the discussion quite often and it will be in all the advertising. In a few cases, they have directed people to the visitor's bureau so that if people do have a large vehicle they can get a pass and park the vehicle/boat in the visitor bureau parking lot. Commissioner Ridout asked what happens when the city puts in sidewalks, will they lose their parking. Mr. Cupples stated that they may potentially lose their parking and if so, then to comply with the parking standards they would have to probably take down the garage and figure out another way to meet the parking standards.

Mr. Cupples stated that there is a non-remonstrance in the file already. Commissioner Ridout stated that if the city says they will put in sidewalks he wants to make sure that they cannot say no. Commissioner Horning stated that he recalls the TSP states that if the road is a certain size then they will have to put in sidewalks and smaller size roads that feed into the collector roads wouldn't have to put in sidewalks. Commissioner Horning asked what does this lot fall under. Mr. Cupples stated that this is a local road. Mr. Cupples stated no, the size of the street doesn't dictate whether or not it needs sidewalks. There is a table in the TSP regarding the smaller substandard streets. Commissioner Horning stated that he is thinking about the paving project that just happened in his neighborhood, and they were not required to put in sidewalks. Mr. Cupples stated that that is because it was an existing substandard position and they were just trying to get the surfacing done without the development of sidewalks.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Horning made a motion to approve the conditional use under the guidelines that staff has presented with the Non-remonstrance Agreement being included. Vice Chair Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION:

Mr. Cupples wanted the commissioners to know that there is an ordinance that is running through City Council right now regarding recreational marijuana grow sites. There are three categories right now that we don't have regulations on in regards to retail. They have put in retail sales, but then there is also, wholesale, processing and production. Previously with the medical marijuana all these activities needed to go in an industrial zone because that was appropriate. The council is getting ready to amend that ordinance because they didn't say anything about recreational. That is now being incorporated into an ordinance and they have had first and second reading on that. There has been some concern, after the incident in Astoria where Sweet Relief had an explosion, and that had to do with one of the processes they were doing with the marijuana. Our Fire Chief and Building Official have some review authority and they said that people would not be allowed to do that here in Seaside. Furthermore, they would be reviewing the entire process and would also bring in the state for their review. It is a simple line that

basically says the city will not issue a license for any of those activities until the city has a chance to inspect the building and verify that it meets code for both fire life and safety and structural code requirements. The building official is going to ask them to document everything that they do. Commissioner Horning asked if the event that happened in Astoria is a normal expected operating procedure for a business of that kind. Mr. Cupples stated that evidently no, those processes, based on Joey Daniels research, they shouldn't even be allowed at all. Mr. Cupples stated that from his understanding there are people doing this type of thing in their own homes right now.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF:

Commissioner Ridout asked if there was a VACASA representative in the audience. There was no response. Commissioner Ridout believes that VACASA has been doing advertising in areas that are not vacation rental areas in our city. They have been sending out letters to property owners in town in areas that vacation rentals are not allowed. Mr. Cupples stated that he is not aware of that. Mr. Cupples stated that he has heard from other property managers that VACASA is sending out or maybe even blanket areas where they want the property owners to switch management companies. Commissioner Horning stated that Air B-N-B are like that too. Mr. Cupples stated that staff needs to have conversations with the property managers and remind them of what is expected of them and what their responsibilities are.

Vice Chair Carpenter stated that after the beginning of the year he would like to get together at a work session and discuss the parking ordinances and we need to make changes. Chair Romine asked if Mr. Cupples could shed some light on the newspaper article regarding short term rentals versus long term rentals and the Council's involvement in that process.

Commissioner Wright stated that he would like better direction from the Council on the amount of VRD's in a particular neighborhood. We can't just blanket and do it, because people are buying and selling homes expecting to do vacation rentals because they see us do it all the time. This fits in with the long term goal of trying to get more housing. We need balance.

ADJOURNMENT: Adjourned at 8:25 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant