

MINUTES SEASIDE PLANNING COMMISSION
March 5, 2013

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 Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE 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. Commissioner Dideum stated that she lives across the street from the vacation rental and will not be participating in the decision-making process for that particular agenda item.

APPROVAL OF MINUTES: Motion to approve the February 5, 2013 minutes; Commissioner Ridout made a motion to approve the minutes as submitted. Commissioner Carpenter seconded. The motion was carried unanimously.

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.) 13-001VRD is a request by Patrick Morrissey for a **Three** (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **2020 Beach Dr.**

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. Emma Poulsen 850 2nd Avenue, Seaside. Mrs. Poulsen stated that this is a three bedroom home and has 4 parking spots. Commissioner Ridout asked if this had been a vacation rental before and Mrs. Poulsen stated no it has not been a vacation rental before. Commissioner Hoth asked if they will be using the garage. Ms. Poulsen stated yes. Commissioner Carpenter asked if there was a local phone number. Mrs. Poulsen stated that she had one. Commissioner Carpenter stated that a local number is one where you don't have to dial a one, and he would like to see a local number on the contact list and not a long distance number.

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. Tom Dideum 1941 Beach Dr. Seaside, Mr. Dideum has some concerns regarding this vacation rental based on past experience and this has been a vacation rental in the past. There have been a number of problems with this property in particular the garbage, apparently at this time they do not have garbage service and the people who are staying there now are taking their garbage up to the garbage cans on the Prom. Past experience with this property is that the size of the garbage can does not even come close to being adequate for the size of this property. They have the smallest size can available. In some occasion the

cans have been over filled and then they set the garbage on the ground, which then leads to raccoons and then the trash is spread all over the neighborhood. They need to have a trash can there that is appropriate for the facility. The can that is there now is not the right size. There doesn't seem to be any system for getting the can out to the curb on pick up day. The pick up day is Thursday. This facility it seems someone will put the garbage out on Sunday night and it will sit there until Thursday and there are usually high winds that will blow the trash can over and then the trash is littered up and down Beach Drive. Then again the neighbors have to pick up the trash and put it in their garbage can. Mr. Dideum believes that WOW has a service that they will go and get the cans and dump the trash. There is an extra charge for it but one way or the other this trash situation needs to be taken care of. The other thing that needs to be addressed with this property is that the renters need to respect the neighbor's property. Instead of walking down to Avenue S or Avenue T for beach access they are walking through the neighbors' yards. The other day they were going through the neighbor's yard carrying their trash up to the garbage cans on the Prom. The number of occupants and the number of vehicles at this residence really needs to be in compliance with the license agreement. One time Mr. Dideum counted 18 people at this residence and 7 or 8 cars parked on the property and on the street. Mr. Dideum did call the property manager at that time and they just moved their cars around the corner so that they would be out of sight. There is parking available in the garage but it has never been used. Inside the garage there is a wall that goes in between the stalls and maybe too tight for bigger vehicles to open the doors. This weekend there was a family staying at the house and Mr. Dideum saw them walk across the neighbor's yard to go to the beach and then he saw them take their trash through the neighbor's yard and assumes they put their trash in the cans on the Prom. Mr. Dideum doesn't know who they were but there was family there this weekend.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. Lois Larson, 1920 Beach Dr, Seaside. She is not opposed to the application and not opposed to them using the home as a vacation rental. The only thing that she is really concerned about is that the rules need to be abided by. They need to have garbage service and the garbage picked up weekly. Also the garage is a unique garage where there is a wall in the center of the garage and is more or less two single car garages. She doesn't think that anybody has ever used it as a garage. The rules are very important to the people who live close by.

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

Chair Romine stated that the applicant now has the opportunity for rebuttal. Brian and Emma Poulsen 850 2nd Avenue, Seaside. Brian stated that Tom and Lois's concerns are valid and noted. Vacasa is locally based here in Seaside on 2nd Avenue. As far as the garbage situation goes Vacasa uses the large garbage cans. The garbage service has not been initiated as of yet because they don't have the vacation rental approved. Brian is responsible for taking care of the garbage on all their vacation rentals. The housekeepers are supplied with bungee cords so if it is stormy they use those to keep the lids down on the cans. In regards to the beach access, the guests will be provided a map that tells them where the beach access is. Vacasa mainly deals with middle class people and if you give them instruction they usually follow the rules. If there are any problems, Brian would like you to call them as soon as possible and he will take care of any problems. Brian is aware that the garage has two separate garage doors and garage entrances to the home. The owner has given them two garage door openers to give to the guests upon check in so they will use the garage. Brian doesn't anticipate that there will ever be more than 4 cars there. Emma stated that the owners have been the only ones there since they closed escrow. Vacasa is putting the garbage service under their names so they can manage the garbage pick ups. If it is under the owners name then they have to call the owner to call the garbage company and that would take too long to resolve any garbage complaints. Brian stated that he has a truck just in case there are any issues that he can go over and pick up the garbage immediately.

Chair Romine closed the public hearing and the issue was opened for Commission discussion.

Commissioner Winters stated that vacation rentals are a huge part of our community and in order to make this work the rules need to be abided by and enforced.

Commissioner Ridout stated that at this point he is not impressed with the new owners if they are taking their garbage up to the garbage cans on the Prom and then trespassing on other people's property. When you look at one of the exceptions to the rules is that when the owners are there the rules don't apply but in this case these owners need to follow the rules more than the guests. When Commissioner

Ridout heard that this wasn't a vacation rental earlier he was surprised to hear about all the problems with this property, now he's hearing that it was a vacation rental before and was poorly managed. Emma stated that she didn't know that it was a vacation rental earlier, and that the property has new owners, and will make sure that when complaints come in that they will be handled in a very timely manner.

Commissioner Hoth stated that with the new owners and a new property manager that we now start with a clean slate.

Commissioner Ridout stated that it sounds like there have been ongoing problems with this particular vacation rental and have there been complaints filed with the City for this particular property? Was it an issue with the previous management company or issues with the previous owners? Mr. Cupples stated that there are complaints that came in, and Glenn would follow up with either the property manager or the owner as they came in, but he didn't look back to see how many complaints have come in on that particular property. Commissioner Ridout stated that he hasn't seen any complaints on that property. Mr. Cupples stated that usually the planning commission won't see the complaints until nothing is being done or being addressed. Then it will come back to the planning commission so that action can be taken through the City and even revoke there license.

Commissioner Horning stated that the neighbors need to take an active roll in enforcement in these cases. We want everyone to be successful in this but if they don't play by the rules then the City must enforce the rules that we already have. Commissioner Horning stated that the people who are complaining should let the property manager know and the planning office know of the violations that are happening so we can be aware of them. This way there can be a record of what's happening in a particular home.

Commissioner Winters stated that the planning department is doing a fine job and creating a paper trail just is adding more work for them.

Commissioner Ridout stated that it should be the responsibility of the property manager to take care of the issues: that's why we have owners have a local contact. They need to call the property manager and the property manager needs to take care of the issues. Then if they don't take care of the issues the vacation rental license should be revoked.

Commissioner Carpenter made a motion to approve the VRD under the guidelines that staff has presented with the local phone numbers being updated.

Commissioner Winters seconded and the motion was carried unanimously.

B.) 13-003NCU: An enlargement of a non conforming use request by Ralph Rogers. The subject property is located at 750 Avenue B and it is zoned General Commercial (C3). This request will allow a 32 sq. ft. enlargement to match the existing roof line and foundation height.

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. Ralph Rogers 1505 N Prom, Seaside. Mr. Rogers is looking to add 32 sq. ft. to the existing home at 750 Ave B. The headroom is just too tight the square footage is just too tight. Now that the laundry building is gone so is a lot of the commotion that went along with it. So now is the time to start fixing the place up. Mr. Rogers also owns the little grocery store on the corner of Avenue B and Holladay. The footing doesn't match up, so it would be nice to have everything match up and look good.

Commissioner Hoth asked if they were going to move the door over. Mr. Rogers stated that yes the door will be moved.

Commissioner Dideum asked if there was anyone living in the home right now and what are you going to do with the home once the alteration are done. Mr. Rogers stated that he will probably rent it out.

Chair Romine asked if Mr. Rogers is going to continue with the upgrades of the home. Mr. Rogers stated that the yes he is going to continue to upgrade the property.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of this project. 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 closed the public hearing and the issue was opened for Commission discussion.

Commissioner Dideum made a motion to accept this application with the conditions that staff has placed on the home that the driveway will need to be paved. Commissioner Hoth seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION:

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF: Commissioner Hoth would like to see the vacation homes come back before the commission if they become a problem.

Mr. Cupples stated that Commissioner Horning has a point because we don't know if a neighbor has contacted a property manager over and over with no resolution. We just wouldn't know until they contact us and let us know about an ongoing problem. The property manager is in a much better place to take and fix the problems if there are any. Then it should come to the planning department if the property manager isn't getting the result they need. For example, in the garbage situation the property manager should speak with the owner and try to resolve it before bringing it to the planning department. Chair Romine stated that in this day and age, with computers and having electronic files it's not that difficult to attach a complaint letter to an e-mail and send it to the owners, staff and planning commission. It doesn't necessarily need to be addressed by the Planning Department but can at least be filed in the property file. This way we can keep track of how many complaints certain management companies have and keep track of it that way.

Commissioner Ridout stated that in the staff report under Conclusion to criteria #1, item #7 states that owners are encouraged to notify the City. This should be changed to say required to, or expected to notify the city of a change in management companies.

Commissioner Dideum stated that the vacation rentals in her neighborhood have changed management companies several times and they have never been notified of the change.

Commissioner Ridout also mentioned that item 10 states that the homes are required to have a carbon monoxide detector and he believes that it goes beyond what state law requires. Mr. Cupples stated not according to Bob Mitchell the Building Official, and he won't argue with Bob, because Bob will win.

Mr. Mitchell also found in code that if the home has an occupancy of more than 10, the building will need to be sprinklered.

ADJOURNMENT: Adjourned at 8:00 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant