

## MINUTES SEASIDE PLANNING COMMISSION

### June 7, 2022

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

#### PLEDGE OF ALLEGIANCE

**ATTENDANCE:** Commissioners present: Chairman Robin Montero, Vice Chair Kathy Kleczek, Seth Morrissey, Brandon Kraft and Don Johnson. Staff present: Jeff Flory, Planning Director, Jordan Sprague, Administrative Assistant. Commissioners Absent: Chris Rose and Lou Neubecker

**APPROVAL OF MINUTES:** May 3, 2022 minutes were adopted as written.

#### INTRODUCTORY STATEMENTS

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

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

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

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Vice Chair Kleczek and Commissioner Morrissey declared a conflict of interest for project 22-020SUB and 22-030V. Chair Montero stated that she was on site for 22-025VRD and met the owners.

#### AGENDA:

#### PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Montero:

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

#### PUBLIC HEARING

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

St. through the creation of Hemlock Ct. and Fern Ct. Jeff Flory, Planning Director, stated that the applicant has withdrawn the request via a letter that was submitted in the packet.

- B. 22-020SUB and 22-030V:** A Subdivision request by Sunset Ridge, LLC. The subject property (T6-R10-S22AB-TL# 8100) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned Low Density Residential (R1) and the request will allow the creation of 15 lots for residential development. The proposed development lots range in size from 10,024 sq. ft. to 47,383 sq. ft. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. In conjunction with the subdivision request, the applicant is requesting a variance to the 400 ft. maximum cul-de-sac length and a variance to the requirement for sidewalks on both sides of the street.

Jeff Flory, Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Dr. Warrenton, stated the original project was submitted as a planned development. The subdivision had been resubmitted with revisions to keep the minimum amount of runoff into the nearby drainage areas. The lots have been adjusted to allow for a setback buffer for the creek and the steep bank. Mr. Mead continued that a 30 foot wide easement was proposed to protect the drainage area on the west side of the subdivision and allow the City access to perform maintenance. The sewer will be connected to Forest Drive and the water will be accessed from Aldercrest Street. The houses will be protected with a 13D fire sprinkler system that uses the domestic water system. With using the 13D fire sprinkler system, the variance is requested to allow the cul-de-sac to be a longer length. Lots 12 and 13 will have a common shared driveway, and will be for the owners to decide to put a culvert in or building a small bridge across the drainage area. The lots were proposed as being as large as they could, especially the lots containing the steep slope. The housing will not be workforce housing or low income housing, and will be similar cost to the houses in the existing Sunset Hills subdivision.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Mike Brackenbrough, 2130 Aldercrest St, stated that his property would be adjacent to proposed lot 1. The property has about a 55% grade that goes straight into the creek. The lot does not look buildable. An email that contained a letter and some pictures were sent to the Commissioners. Mr. Brackenbrough continued to state that his main concern is the impact on the infrastructure that is already in place. The streets are in rough condition and would not support heavy equipment and log trucks. A long-term erosion control plan would be needed for this project. Seaside would need to be stripped of the USA designation by the National Arbor Day Foundation if this project were to be approved, as well as disbanding the Tree Board. Lots 12 and 13 would not have a positive result on the flood control concerns. The proposed lots that extend over the ridge of the eastern stream would remove the trees and there are no re-planting of trees proposed.

Greg Jacob, 1331 NE Parkside Dr. Hillsboro, OR, stated that his objection of the subdivision has not changed since his original letter on October 15<sup>th</sup> and the subdivision is not good for Seaside. The developer is unable to submit documents to address geotechnical issues and continues to use language filled with grammatical errors. Sunset Ridge LLC has not engaged in dialogue with the neighborhood, offers no space for kids to play, and downplays the effect of noise and traffic during construction. The proposed development dismisses the effect on steep terrain, potential landslides and flooding, and the loss of wetlands, ecosystems, and forested cover. There should not be luxury homes, which will be used as AirBnB, on steep and forested slopes. The applicant should build affordable homes that are not located in the Sunset Hills.

Su Coddington, 2152 Cedar St, stated that she is not speaking as an elected official for Sunset Empire Park and Rec, nor is she speaking as the Seaside CERT leader. Sunset Hills is assembly area 3 for tsunami and emergency disasters. Broadway is the only road that accesses Sunset Hills and the new subdivision will destabilize the hill. The roads are cracked and will be even further damaged by the new construction. Water issues cause damages to the existing houses and the new subdivision would add to the water issues.

Lief Morin, 35 Hilltop Dr., presented documentation for the subdivision proposal. The documentation includes an attorney's report and geotechnical opinion of the submitted geotechnical report submitted by the applicant. The application is deceptive and does not meet standards and ordinances. There are challenging economic conditions and Seaside does not need a road leading to nowhere. Mr. Morin requested that the public record remain open for seven days after this hearing and suggested the Commission deny the request.

Kathy Kleczek, 2080 Aldercrest, spoke as a citizen and not as the Vice Chairman of the Planning Commission. The 2004 geological report shows a willingness not to invest the time and money to submit the application reports correctly. The developer has not provided a timeline for the completion of the project. If the project were to be approved as it stands, it would violate development and subdivision requirements to minimize impact on the surrounding neighborhoods. Flooding and water is a major issue that would need to be addressed. The developer is proposing to add additional storm water to an existing swale that is a depression in the ground that had been created by water collecting there. The construction of the subdivision would impact the neighborhood's quietness, the neighbor's physical and mental enjoyment of their properties, and cause financial impact from ongoing construction noise. Ms. Kleczek asked the Commission if they were qualified and prepared to make decision based on the ordinances of the City. Has the Commission received the required reports from City departments as required by the subdivision ordinances? What independent reports should the Commission be requesting and consulting to make a decision? What benefit does this subdivision bring to the community of Seaside? Variances should be granted on applications for very specific guidelines. Ms. Kleczek gave an example of a landslide in Astoria. The Planning Commission should deny the application and stop torturing the residents of Sunset Hills.

Kristen Hura, 140 Hilltop Dr., stated that her considerations still persist despite the new application being filed. The subpar nature of the application was the first issue of the proposal. The proposal using the Subdivision and Land Partitioning Ordinance is an attempt to avoid stricter regulations. Erosion is an inevitable result of the new subdivision. The submitted surveys and maps are 18 years old and should be updated to accurately consider the impacts of the development on the community. The application is filled with typing errors and the maps are derived from obsolete resources and obscure the terrain. The Planning Commission previously requested an independent geotechnical report, which had not been submitted. There has been advancements in zoning, building standards, technology, and climate change that is not reflected in the application. The developers had not talked to the community regarding the development and have focused on a destructive approach. The two private drives to access lots 12 and 13 would have a negative environmental impact and cause flooding for the neighboring properties. The developers did not propose a playground for kids not a dog park for the community. Privacy fencing is not a provision for construction of the houses.

Marilee Laurens, 2007 Fernwood, stated that the developers did not include the community in the proposal. Two factors for denying this application are the safety factors of only one access into Sunset Hills and the flooding that naturally occurs within the subdivision.

Debbie Gerttula, 770 Ave S, stated that the removal of the trees would prevent the streams from being cooled off. The project should be scrapped.

Mike Haner, 2021 Aldercrest, stated that the Sunset Hills subdivision has a large amount of water that runs down the streets. Mr. Haner invited the Commission to view the water caused by the natural springs. A packet was submitted and distributed to the Commission.

Rebecca Newell, 2082 Forest Dr., questioned how installing sprinklers systems could allow for a narrower street and sidewalks on one side. An example of how a lot was clear cut with no development on Forest Drive was given by Ms. Newell.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero invited Mr. Mead to rebut the public comments. Mr. Mead stated that one of the owners of the property is a local builder and would be building most of the houses within the proposed subdivision. AirBnB would not be allowed within the subdivision. Mr. Mead requested a

continuance of the hearing to provide the owner's attorney time to review the newly submitted documents. Chair Montero stated that AirBnBs are not allowed in that part of Seaside.

Chair Montero opened the discussion to the Commission. Commissioner Kraft stated that his comments were written before the public testimony. One issue with the application is that it is filled with typing errors and would need to be proof read. Commissioner Kraft provided examples of typing errors within the submitted documents. Appendix C has pictures of ribbons or markers of wetlands, but the report stated that there were no wetlands within the surveyed area. Commissioner Kraft asked Mr. Mead to clarify the discrepancy. Mr. Mead responded that the areas used at the test plots for wetlands on the property were the areas of the pictures. Commissioner Kraft asked for clarification regarding the inflow and infiltration (I&I) issues letter. Mr. Mead replied that the infiltration of water into the sewer system has been an issue since he was a City engineer and the City's Public Works department is working on repairing the issue. Commissioner Kraft asked if the repairs for the sewer system would be at the cost of the existing homeowners. Mr. Mead responded that the issues with the inflow and infiltration is for the existing Sunset Hills subdivision, and the proposed subdivision would have the sewer system go to Forest Drive, but both Forest Drive and Sunset Hills go to the same pump station. The system development fees for the new houses in the proposed development would be allocated towards fixing the infiltration problem. Commissioner Kraft asked if there are virtual renderings of this development available for review. Mr. Mead replied that the owners did not have renderings made for a subdivision of only 15 lots, as it would increase the price of the lots. Commissioner Johnson stated that the variance is small enough to not be an issue, but sidewalks on both sides of the street is a city standard. Mr. Mead responded that with only have one side of the street having sidewalks helps reduce water runoff, but could add them in if requested. Chair Montero stated that the new proposal was nearly identical to the previous proposal and asked if any of the property had been deemed unbuildable. Mr. Mead responded that they are not deemed unbuildable, but would be more expensive to build on certain lots. Chair Montero asked if any members of the City's building department, fire department, police department, Pacific Power, Spectrum, or other utilities had visited the lot. Mr. Mead replied that the power company had visited the site to determine how the subdivision will access the power. The fire department visited the property to perform a flow test on the fire hydrant. Northwest Natural had also visited the property. Chair Montero asked what the width was for the new proposed Hemlock Court. Mr. Mead responded that the street is 26 feet and the cul-de-sac had a 50 feet radius. Chair Montero stated that double sidewalks should be included for this subdivision. Has a study been performed on the three streams to verify if they were fish bearing streams, performed between the months of March and May? Mr. Mead replied Oregon Department of Fish and Wildlife had walked the streams and is writing a letter that the easterly stream could be fish bearing, but did not find evidence of it being fish bearing. Chair Montero asked when ODFW visited the site. Mr. Mead stated in March but did not remember the exact date. Chair Montero questioned if there was a current traffic or emergency impact response studies. Mr. Mead responded that one has not been prepared, but could have a traffic engineer compile a study. Chair Montero asked why lots 12 and 13 are proposed to share a 14 foot driveway approach when the standard parking space is 9 feet by 18 feet. Mr. Mead replied that the shared 14 foot driveway would reduce the impact to the neighboring lots and the environment. Chair Montero asked who was responsible to build the bridge over the stream for lots 12 and 13. Mr. Mead responded that the owners of the lots would be responsible for building the bridge as the process of building their house. Chair Montero questioned why the blue heron nesting was not included within the submitted CC&Rs. Mr. Mead replied that ODFW stated the subdivision was far enough away from the nesting that it wasn't needed to be included in the CC&Rs. Chair Montero asked if the new court will be a private or city street. Mr. Mead responded that it would be a city street. Chair Montero asked Mr. Flory if new homes require fire sprinkler systems in the City of Seaside. Mr. Flory responded that they do not, but building codes would more than likely adopt a standard that requires new homes to be outfitted with a fire suppression system. Commissioner Kraft asked if the requirement was based on the square footage of the house. Mr. Mead replied that as of right now, it's only for houses that have limited fire access, under a certain amount of fire flow, and other certain requirements. Chair Montero clarified if these proposed houses would be minimum 1500 square feet in size and market price houses. Mr. Mead confirmed this statement. Chair Montero asked if the ecological land services critical areas report was based on the 2004 geotechnical

report. Mr. Mead responded that the report does not use information from the geotechnical report. Chair Montero called Ms. Coddington up to the dais to provide information regarding the Seaside CERT. Ms. Coddington gave a description of CERT and the evacuation locations. Chair Montero asked if the evacuation area is on Hilltop Drive. Ms. Coddington confirmed the location. Commissioner Johnson motioned to continue the hearing to the July 5, 2022 meeting. Commissioner Kraft seconded the motion. The motion passed 3-0 with Vice Chair Kleczek and Commissioner Morrissey abstaining and Commissioners Rose and Neubecker absent.

- C. 22-024VRD:** A conditional use request by Dave Reudink, Allison Hooper, Peter Ostrom, and Kelly McCoy for a one (1) bedroom Vacation Rental Dwelling with a maximum occupancy of three (3) persons over the age of three no more than ten (10) persons regardless of age. The property is located at 440 14th Ave (T6-R10-16DA-TL0900) and it is zoned Medium Density Residential (R2).

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Dave Reudink, 608 W 38<sup>th</sup> St, Vancouver, WA, stated that he and his wife had purchased this property with their friends. The property was purchased for their family to use. The rental would be used to offset the cost of ownership.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. Frank Buck, 430 14<sup>th</sup> Ave, stated he had been a property owner for 56 years. If this project were to be approved, there would be five legal VRDs and two illegal VRDs around his property. The information was provided to the Planning Director and the two illegal VRDs would increase the density to over the maximum. The house does not have a bedroom and is just a cottage. The new owners had removed the backdoor, removing the egress. The parking area will not be contained by the rocks currently in place and RVs will be continued to be used on the property. Mr. Buck added that the complaint system currently in place does not work.

Chair Montero asked if there was anybody else who would like to speak in opposition. There were none.

Chair Montero provided Mr. Reudink a chance to rebut the public testimony. Mr. Reudink stated that an inoperable back door was removed, but egress windows still remain for the sleeping area. The size of the cottage would fit a small family or a couple on vacation. Mr. Reudink does not want a family of 10 renting the property.

Chair Montero provided Mr. Flory the opportunity to speak on behalf of fire safety or the complaint process. Mr. Flory responded that the accusation of illegal rentals requires proof before the City is able to cite the owners a \$5,000. Proof of renting comes from advertising, and the City searches through social media sites and listing sites to find proof of renting. Residents are able to provide the City with proof of receipts for illegal vacation rentals. Vice Chair Kleczek asked for additional examples of proof. Mr. Flory stated advertising, such as on a Facebook page.

Chair Montero opened the discussion to the Commission. Commissioner Kraft stated that a potential for more vehicles or more renters are allowed. Commissioner Morrissey thanked Mr. Reudink for coming forward and addressing the issues in the past with the property. There are a cluster of vacation rentals within this area, changing the characteristic of the neighborhood for the people who live there full time. There are too many issues with this property to approve this site. Chair Montero stated that because the street is asphalted, Mr Reudink will need to pave or asphalt the parking area. Mr. Reudink responded that the street is gravel from Franklin to the river. Vice Chair Kleczek added that the gravel road would add dust and disturbance to the neighbors. The neighborhood would be changed to primarily vacation rentals from a residential neighborhood. The size of the cabin is small and proposed to change the qualifications to three persons over the age of three and no more than five persons regardless of age. Commissioner Johnson asked if the Commission approves this project, would it eliminate the RV parking problems. Mr. Flory responded that RV parking is legal within the City of Seaside, but sleeping in the RV is not allowed. Vice Chair Kleczek asked if this was also true for when the family is staying at the property and not being rented. Mr. Flory responded that it would be considered a different situation and the police would need to interpret the situation. There is currently an ordinance for sleeping in trailers, but

campers and tents would need to be interpreted by the police department. Vice Chair Kleczek motioned to approve 22-024VRD with the maximum occupancy of three persons over the age of three and no more than five persons regardless of age. Commissioner Johnson seconded the motion. The motion passed 3-2 with Commissioners Morrissey and Kraft voting no and Commissioners Rose and Neubecker absent.

- D. 22-025VRD:** A conditional use request by Lisa and Larry Brooks for a four (4) bedroom Vacation Rental Dwelling with a maximum occupancy of ten (10) persons regardless of age. The property is located at 781 Beach Dr (T6-R10-21DB-TL06000) and it is zoned High Density Residential (R3).

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Lisa and Larry Brooks, 999 Gull Ave, Foster City, CA, purchased the property to use as a family vacation home, and wants to rent the property when not in use. The sale did have a contingency for the property to remain a VRD to honor existing reservations.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. There was none.

Chair Montero opened the discussion to the Commission. Chair Montero asked about the contingency with the previous owner. Ms. Brooks responded that the contingency was in part of the contract for the sale of the property. Commissioner Morrissey questioned if the contingency was for a period of time or for the life of the property. Ms. Brooks responded that the last reservation to be honored by the contingency was in September. Chair Montero stated that the property was purchased in April and the 60 day grace period was almost over. Ms. Brooks responded that if they did not receive the VRD license, they would have to cancel the reservations past the 60 days. Chair Montero asked if the property would be brought up to meet the current VRD standards. The south driveway is 8 feet 8 inches, falling short of the parking standard, and the north park area is convoluted because of the concrete walking path. Ms. Brooks responded that parking would not take place on the pathway. Chair Montero asked if the carport on the property is narrower than 10 feet. Mr. Brooks responded that the carport is not narrower than 10 feet. Chair Montero asked if the garage would be used for parking. Mr. Brooks replied that it would not be used for parking, but could be emptied and used if needed. Chair Montero asked Mr. Flory if the property meets the 50% landscaping requirements. Mr. Flory responded that he had not performed the landscaping check, but the pathway could be delineated from the parking area using planter boxes or other means. Vice Chair Kleczek seconded the concern for the 50% landscaping requirement. Ms. Brooks responded that they had measured the front yard area and it came out to exactly 50% landscaping and 50% parking. Commissioner Morrissey motioned to approve 22-025VRD. Vice Chair Kleczek seconded the motion. The motion passed unanimously with Commissioners Rose and Neubecker absent.

- E. VRD Proposed Policy Changes:** Three areas of policy have been discussed by the Planning Commission for changes. The changes are as follows:

- a. Decrease VRD density from 40% to 30% in the R-2 and R-3 zone. Increase VRD density from 50% to 100% for properties with ocean frontage.
- b. Add a 90-day application waiting period for new owners to apply after they have closed on the property.
- c. Add a 2-year application waiting period for new construction after the certificate of occupancy has been issued.
- d. Increase the grace period to close out existing reservations from 60 days to 90 days.
- e. Exclusion of properties north of 12th Avenue and east of the Necanicum River.

Chair Montero opened the floor for public comments. Bruce Rosebrock, 618 Indian Way, stated that short term rentals are having an impact on long term rentals in Seaside. Mr. Rosebrock provided an example of a short term rental being approved within his neighborhood. The location of the house is within the area that would be excluded after the meeting. The application should be placed on hold until after the policy updates. Chair Montero asked if there is a HOA or CC&Rs for

the neighborhood. Mr. Rosebrock responded that there are none. Mr. Rosebrock asked for clarification on why the house on Indian Way was not brought to the Planning Commission for review. Chair Montero responded that it was based on density, and any property with less than 20% is a Planning Director decision. Mr. Flory added that the VRD density for the house in question had a 0% density and did not trigger a Planning Commission review.

Linda Iles Martin, 624 Indian Way, seconded the comments made from Mr. Rosebrock.

Commissioner Morrissey asked Mr. Flory if there was a formal process for citizens to review vacation rental applications. Mr. Flory responded that citizens can come into the Planning Department to review the application and staff is in the process of updating the website to show all land use applications in process. Vice Chair Kleczek asked if there is a process that could be in place for properties with less than 20% VRD density and enough public comment for the VRD application to be brought to the Planning Commission. Mr. Flory replied that the Planning Director can defer certain decisions for review by the Planning Commission, but will need to review if vacation rentals are one of the items. Vice Chair Kleczek stated that the Planning Director's decision can appeal the decision to the Planning Commission. Mr. Flory added that any decision or condition could be appealed to the Planning Commission. Vice Chair Kleczek stated that if an appeal was brought to the Planning Commission, it would be based on the policy at the time of the application. Mr. Flory confirmed this statement.

Erin Barker, 948 N Roosevelt Dr, Seaside, stated that the notice of filing that is sent out to all neighbors within 100 feet of the property states there is a 21 day comment period. Indian Way was considered an area that would not have vacation rentals, but could not remember where the information was from or if it was accurate.

Ned Dobner on behalf of Vacasa, 1803 S Roosevelt Dr, asked Mr. Flory for the rationale to exclude the properties north of 12<sup>th</sup> Avenue and east of the Necanicum River from the VRD area. Mr. Flory responded that the rationale would be to maintain the residential character of that neighborhood. Mr. Dobner asked how many VRDs would be removed with this policy change. Mr. Flory responded none of the existing VRDs would have their licenses revoked from this policy change. Mr. Dobner followed up with what was the number of VRDs within this area that caused the policy to change to not allow them. Mr. Flory replied that when the VRD policies were first put into place, areas of exclusion or non-supported area were discussed as well as VRD density before the characteristics of the neighborhood would change from residential to short term rentals. This area, per the Commissioners' discussions, had been focused on maintaining the long-term residential neighborhood. Mr. Dobner stated that Seaside has a balanced approach to managing VRDs. With VRDs only being allowed west of Holliday Drive, which leaves a large amount of Seaside remaining full time or long term housing. Mr. Dobner added that the Commission states short term rentals are having a negative effect on residential neighborhoods, yet have conditions and restrictions put upon them that long term or full time housing do not have to follow, such as parking and maintaining a residential quality.

Mark Tolan, 524 N Roosevelt Dr, asked the Commission where the number of 30% came from for the new cap. Mr. Flory responded that it was determined by the Planning Commission to slow down the housing being lost to short term rentals. Mr. Tolan stated that his company loses business due to the standards set for short term rentals. Maintaining the property to meet the standards is costing the company money. There are homes that remain empty during the fall and winter months that aren't contributing to the contractors and people working during those months, unlike short term rentals. Mr. Tolan continued to state that when the economy crashed in the late 2000's into early 2010's, the city was encouraging more rentals. A report was provided to the Commission to show the pricing of houses and how short term rentals effect the price. Mr. Tolan added that the discussion is not about renters, it's about not wanting tourists. With a new report from Clatsop County validating the information submitted by Mr. Tolan, he stated that the Commission needs to make decisions based off the information that had been proven in two different studies. A cap of 38% instead of 30% would better reflect the data, and the Commission would be affecting more than \$11.4 million.

Ms. Barker stated the moratorium from COVID is causing a false shortage of long term rentals. There is twice as many long term rentals than short term. When it comes down to which rentals are

purchased for investment properties, long term rentals are solely purchased for business investments while short term rentals are to help cover costs for their second home. Ms. Barker suggested 35% instead of 30%.

Chair Montero opened the discussion to the Commission. Commissioner Johnson stated that he had started the VRD ordinance in 1990 and had been working on the ordinance since his last term as Councilor in 2016. The ordinance was working smoothly for 26 years for both the City and the owners. Commissioner Johnson stated he was not in favor of any changes outside of the additional grace period and exclusion of the specified area. Commissioner Morrissey stated that the Commission was there to strike a balance for the town. The area north of 12<sup>th</sup> Ave is considered affordable housing based on Seaside's standards. Commissioner Morrissey requested the policy changes be read and voted on as separate line items. Vice Chair Kleczek stated the Commission had worked hard in the work sessions to adjust the policies to maintain a livable community.

Chair Montero requested Mr. Flory to ready each line items for individual vote as listed on the agenda.

- a. To decrease VRD density from 40% to 30% in the R-2 and R-3 zones and to increase VRD density from 50% to 100% for properties with ocean frontage. Vice Chair Kleczek motioned to approve the policy change. Commissioner Morrissey seconded the motion. The motion passed 4-1 with Commissioner Johnson voting no and Commissioners Rose and Neubecker absent.
- b. Add a 90-day application waiting period for new owners to apply after they have closed on the property excluding properties that have an existing VRD license or the property is with the 100% density areas. Vice Chair Kleczek motioned to approve the policy change. Commissioner Kraft seconded the motion. The motion passed 4-1 with Commissioner Johnson voting no and Commissioners Rose and Neubecker absent.
- c. Add a 2-year application waiting period for new construction after the certificate of occupancy has been issued. Vice Chair Kleczek motioned to approve the policy change. Commissioner Kraft seconded the motion. The motion passed 3-2 with Commissioners Morrissey and Johnson voting no and Commissioners Rose and Neubecker absent.
- d. Increase the grace period to close out existing reservations from 60 days to 90 days. Vice Chair Kleczek motioned to approve the policy change. Commissioner Morrissey seconded the motion. The motion passed unanimously with Commissioners Rose and Neubecker absent.
- e. Exclusion of properties north of 12<sup>th</sup> Avenue and east of the Necanicum River. Vice Chair Kleczek motioned to approve the policy change. Commissioner Morrissey seconded the motion. The motion passed unanimously with Commissioners Rose and Neubecker absent.

Chair Montero stated all policy changes will be in effect 30 calendar days from this meeting. Mr. Flory added July 7, 2022. An annual discussion for VRD policies was scheduled for the March Planning Commission meetings.

## **ORDINANCE ADMINISTRATION**

There were none.

## **COMMENTS FROM THE PUBLIC**

There were no comments from the public.

## **COMMENTS FROM COMMISSION/STAFF**

There were no comments from the Commission or staff.



**ADJOURNMENT:**      Adjourned at 8:42 PM.

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Robin Montero, Chairman

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Jordan Sprague, Admin. Assistant.