

MINUTES SEASIDE PLANNING COMMISSION (ELECTRONIC MEETING)

March 2, 2021

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman, Chris Hoth, Vice Chairman Robin Montero, Lou Neubecker, Teri Carpenter, Jon Wickersham and Kathy Kleczek. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer.

APPROVAL OF MINUTES: February 2, 2021 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.

Chairman Hoth 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.

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

Chairman Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. Commissioner Neubecker stated that one of the applicants, William Montero, had been performing work at the Legion, but no topics were discussed in regards to the application of this conditional use permit request. Vice Chair Montero stated that she would have to recuse herself from 21-004OM, as the applicant is her husband.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman Hoth:

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. **21-001VRD:** A conditional use request by Krystin Baker for a two (2) bedroom Vacation Rental Dwelling with a maximum occupancy of Six (6) persons over the age of three, no more than ten (10) regardless of age. The property is located at 450 8th Ave. (T6-R10-16DD-TL2100) and it is zoned High Density Residential (R3). Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Krystin Baker, 899 SW Summit View Drive, Portland OR, 97225, stated that she was one of the applicants for this short term rental. Her intent for this

home is to be used by both her family and other owner's family, but with the option to rent it out if neither of them will be using it.

Chairman Hoth asked if anybody else would like to speak in favor. Kari Otani Pigao, 15625 NW Perimeter Dr, Beaverton, OR 97006, is the second owner of the property. She purchased the home with Krystin as a second home for her family. She added that friends would ask if they could use the house and wanted to allow them to rent the house legally.

Chairman Hoth asked if anybody else would like to speak in favor. There were none.

Chairman Hoth asked if anybody who would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth stated that parking does not look like an issue, even if the renters didn't use the garage. He asked Kevin Cupples what the regulations were for having 2 applicants of a VRD request. Mr. Cupples responded that the applicant was listed as Mrs. Baker, but we will have the information from both parties listed. Commissioner Kleczek asked that the application has both names, one as the owner and the other as applicant/representative, but how would the record reflect this dual ownership. Mr. Cupples responded that this hearing would serve as a record of the dual ownership of the permit and Mr. Flory would include this information within the file. Vice Chair Montero stated that the local contact listed on the application does not have the city or state. Chair Hoth replied that the information was on page 6 of the application. He then asked Mrs. Baker to clarify this information and if they are aware of the requirements for the position. Mrs. Baker responded that she has gone over the information with the local contact and the information was a typing error on the local contact section. Commissioner Neubecker motioned to approve 21-001VRD. Commissioner Kleczek seconded the motion. The motion passed unanimously.

- B. **21-004OM:** A request by Bill Montero to allow outdoor merchandising (a food truck) in conjunction with the Hamilton Market located at 250 Avenue U (T6-R10-S28BA-TL4000, 4100 & 4200). The subject property is zoned Central Commercial (C-1) and the zone allows the Planning Commission to review limited outdoor merchandising based on the provisions in Section 5.100, 3,A-C of the Seaside Zoning Ordinance. As proposed, the food truck would be located within the existing parking lot on the west side of Hamilton Market.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Vice Chair Montero recused herself from this hearing. William Montero, 2471 Sunset Blvd., Seaside, OR, and is the owner of the Hamilton Market. Mr. Montero stated that since the shop is located a mile from the downtown area, the market takes in requests from the locals for what inventory they would like the shop to have. A constant request is to have pre-packaged food. These requests have intensified when the COVID shutdown started roughly a year ago. A temporary food truck was permitted as a trial to test how well received the food service would be for the locals.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth asked for clarification on the definition of "drive-in", if people were going to park and eat within their car. Mr. Cupples replied that it was not this type of drive-in service. Commissioner Wickersham stated his approval for this proposal, but asked if it would be permissible to have a food truck between 12th Avenue and Avenue U. Mr. Cupples replied that Avenue U is probably the only avenue to allow a food truck, because of the outdoor merchandising section limitations. The allowance of this would be under subsection C of the outdoor merchandising section, and will be using less than 15% of the parking lot for this food truck. Commissioner Carpenter asked if the current food truck is licensed with the City. Mr. Cupples replied that the food truck has a business license, because Sasquatch Sandwiches also provides food to special events in town. Commissioner Kleczek questioned if Sasquatch Sandwiches will be parking in the space permanently, or if they would be pulling in and out of the space to attend other events, and if the space is vacant will another food

truck take its place. Mr. Montero replied that the Sasquatch food will be pulling in and out of the spot to attend other events and locations. He added that if this permit allows for the food truck space, they have not talked to other food trucks at this time. Chairman Hoth asked Mr. Montero if the food trucks are regulated by the health department. Mr. Montero replied that the food trucks are permitted through the County and have to have a City of Seaside business license. Commissioner Kleczek asked if Mr. Montero had future plans to put in picnic tables or eating areas on site. Mr. Montero responded that he was not planning on having these, unless the Planning Commission allows them to install them. Commissioner Wickersham motioned to approve 21-004OM. Commissioner Kleczek seconded the motion. The motion passed 5-0, with Vice Chairman Montero recused.

ORDINANCE ADMINISTRATION

Chairman Hoth had some questions regarding some of the language within the updated Vacation Rental Dwelling Application and Approval Policies, submitted by Jeff Flory, Transient Rental Compliance Officer. One example was under section 6, where the applicant must be the owner of record for the subject property, with the exception of the applicant applying with the property owner's permission and the property owner is to retain ownership of the property. Mr. Flory responded that this was added if item number 4 was also approved, as this prevents purchase contract from being contingent on the house being a vacation rental. This exemption allows parents to own a family home, and one of their children would want to obtain a vacation rental license with the parents still retaining ownership of the house. Chairman Hoth asked for clarification if this would restrict somebody from applying subject to the sale of the house. Mr. Flory replied that item 4 was added based on discussions at the work session, but there was no final decision made. Vice Chairman Montero stated that she wanted to keep section 6, item 4. Commissioner Kleczek asked for clarification between the verbiage for both sections. Mr. Flory stated that item 4 would restrict people from being able to apply for a VRD permit while in contract to purchase a house, where as section 6 would allow applications based on ownership being retained by the owner of the property. Vice Chairman Montero questioned the wording on item 4, regarding where the primary contact and local contact reside. Mr. Flory responded that this wording still requires the local contact to live within Clatsop County, where the primary contact does not have to live within Clatsop County. Vice Chairman Montero added that the verbiage used stated that the primary contact may not reside within Clatsop County. Mr. Flory stated that he would change that to reflect that the primary contact does not have to reside in Clatsop County, instead of may not reside in Clatsop County. Chairman Hoth requested that the name of the primary contact be changed, as the wording states that the primary contact is supplemental and secondary to the local contact. Mr. Flory questioned if the name should be changed to "secondary contact." Commissioner Kleczek added that in the previous discussion, these contacts wanted to be the first contact to be called before the local contacts. Chairman Hoth replied that this was a language issue where in some cases, the local contact is the primary contact where the owners do not get involved. Mr. Flory added that the name could be changed to "owner contact" instead. Chairman Hoth stated that he liked owner contact as the title. Commissioner Kleczek stated that the point of these two forms was to provide people with a main point of contact, and if an owner does not want to be a contact, the primary contact would default to the local contact. Vice Chair Montero suggested the title be called "preferred contact" instead of owner contact. Commissioner Neubecker agreed with Vice Chairman Montero's previous recommendation of "owner contact." Chairman Hoth moved onto the next subject of VRD parking for visitors who are not renting the VRD, and when it becomes a nuisance. Mr. Flory responded that it comes down to what's reasonable. This issue would have to be considered on a case by case basis. Chairman Hoth stated that these cases would require judgement on what Mr. Flory would allow, having this become a subjective resolution. Vice Chairman Montero asked if there was a way to inform VRD managers and/or owners to require the number of parking spaces available on their advertisement for the VRD. Mr. Flory responded that he has worked with some of the property management companies that receive parking complaints, and they have been clarifying how many cars are allowed at the rental. Some companies have started to stripe the parking spaces and install a camera to check the number of cars parking on the property. Mr. Flory added that there isn't a policy currently that would require this information to be posted.

Chairman Hoth stated that although we can't require the management companies to post parking spaces online, we should suggest that they provide the number of parking spaces. Vice Chairman Montero added that being proactive on potential parking issues is better than being reactive. Commissioner Carpenter stated that now that Mr. Flory is working for the City, the dynamics of rentals will change by having an active compliance officer. Mr. Flory added that with new applicants and inspections, he spends a good amount of time on the education piece of the rules and guidelines for having a VRD. Chairman Hoth asked the commission if they would want Mr. Flory to incorporate the topics discussed tonight and bring it back with the revisions, or allow him to make the adjustments without bring it back. The commissioners agreed that the verbal suggestions provided gave Mr. Flory a direction and would not have to return with the changes. Mr. Flory stated that he will make the changes and email the updated copy to the commissioners. He also added that the City of Seaside has a new website, which has an easier complaint process for neighbors and other locals.

COMMENTS FROM THE PUBLIC

Chairman Hoth asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth asked if there were any comments from the Commission or staff. There were none.

ADJOURNMENT: Adjourned at 6:53 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant