

MINUTES SEASIDE PLANNING COMMISSION

July 7, 2020

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 David Posalski, Bill Carpenter, Robin Montero, Teri Carpenter, Lou Neubecker, Jon Wickersham. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Anne McBride, Community Development Assistant, Jeff Flory, Transient Rental Compliance Officer.

APPROVAL OF MINUTES: June 2, 2020 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.

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. 20-013VRD:** A conditional use request by **David and Julie Gorretta** for a **five (5) bedroom** Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **twelve (12)** people over the age of three. The property is located at **70 12th Ave (T6-R10-16DA-TL4100)** and it is zoned **High Density Residential (R-3)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusions. Mr. Cupples stated that this was a reauthorization of the conditional use on the property. Chair Hoth asked if there was anybody who would like to speak in favor of the proposal. Dave Gorretta, 70 12th Avenue, stated this his family has owned the house for 30 years, and it was time for an upgrade and to expand the residence for their family.

Chair Hoth asked if there was anyone else that would like to testify in favor. Mark Tolan with Seaside Vacation Homes, 524 N Roosevelt Dr., stated that the Gorretta's have done an excellent job maintaining the property. He believes that no formal complaints have been submitted for this VRD request.

Chair Hoth asked if there was anyone else that would like to testify in favor. No one came forward. Chair Hoth asked if there was anyone who would like to speak in opposition. No one came forward.

The public hearing was opened to the Commission for discussion. Chair Hoth asked for clarification on the 5th condition on the staff report, which described the use of the 5th bedroom. Kevin Cupples stated that if there were reoccurring occupancy complaints in the future, one of the bedrooms would have to be locked off from use. Vice Chair Posalski asked about the parking arrangement with the 5 parking spaces shown. Mr. Cupples stated that although the 5th parking spot appeared in the drawn site plan submitted with the application it would not be required as a condition of approval. Vice Chair Posalski wanted clarification on the location of the property in relation to the public parking lot. Mr. Cupples confirmed that the property is across the street from the public parking lot. Commissioner Teri Carpenter asked if one of the cars has to park within the garage or if all cars could be parked outside the garage. Chair Hoth stated that the requirement is that the parking must be off public streets, how they accomplished that was illustrated on the site plan submitted. Commissioner Bill Carpenter asked if the sprinkler system had been installed for the new addition. Mr. Cupples said that they are in the process of issuing permits for the sprinkler system, but was unaware if Bob Mitchell, the City's Building Official, had approved the plans. Commissioner Montero questioned if the sprinklers would be through the entire house or just in the addition. Mr. Cupples believed the sprinklers would be installed throughout the house. Vice Chair Posalski asked if the preliminary inspection had been performed yet, and if the property met the landscaping requirement. Mr. Cupples stated that the landscaping requirement was met based on the site plan submitted. Chair Hoth stated that the street is narrow with heavy foot traffic, and wanted to voice his concern about tenants parking in the parking spaces provided, and to not park in the public parking lot or on the street. Mr. Tolan stated that the lot allows more parking spaces than required and does not require the garage to be counted as a parking space. Commissioner Montero wanted to clarify if 12th Avenue is a one-way street heading west. Chair Hoth confirmed it is one-way west headed street.

Commissioner Bill Carpenter motioned to approve 20-013VRD with the conditions provided in the staff report. Commissioner Montero seconded the motion. The conditional use was approved unanimously.

- B. 20-018VRD:** A conditional use request by **Bryon Smith** for a **three (3) bedroom** Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **nine (9)** people over the age of three. The property is located at **335 18th Ave (T6-R10-16AD-TL2700)** and it is zoned **Medium Density Residential (R-2)**.

Mr. Cupples presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusions. Mr. Cupples stated that this was a reauthorization of the conditional use on the property. Chair Hoth asked if there was anybody who would like to speak in favor of the proposal. Bryon Smith, 7296 North Rude St, Dalton Gardens, ID, spoke about the house currently being a rental and how he will use the rental to help offset the costs for the home. Chair Hoth asked about Mr. Smith's long-term plans for the property. Mr. Smith stated that it is a second home for his family and that his schedule allows for travel time, so he will be maintaining the property.

Chair Hoth asked if there was anyone else that would like to testify in favor. No one came forward. Chair Hoth asked if there was anyone who would like to speak in opposition. No one came forward.

The public hearing was opened to the Commission for discussion. Commissioner Bill Carpenter voiced his complaint regarding the local contact having a telephone number that is out of Bozeman, Montana. Chair Hoth responded that this issue had previously been discussed in an

earlier planning commission meeting. Chair Hoth noted that cell phones often have out of state prefixes. Chair Hoth asked Mr. Smith to confirm that the person is a local resident. Mr. Smith confirmed that contact Ray Rider does live in Seaside. Commissioner Bill Carpenter stated that if a neighbor was to use a landline to call the local contact, it would be a long distance call. Chair Hoth responded that a similar topic is on the agenda and to raise the issue at that time. Commissioner Wickersham asked Mr. Cupples about the article clipping that was submitted as a public comment. Mr. Cupples stated that the clipping was submitted by a neighboring property owner and was to be included. Commissioner Montero asked Mr. Smith if the approval of the VRD application was a condition of the sale of the property. Mr. Smith stated that the approval was a condition of the sale, and if this approval does not go through, the current owners will continue to use the property as a rental unit. Chair Hoth questioned the term reauthorization used by Mr. Cupples. Mr. Cupples stated that the reason he used the term "reauthorization" was to remind the commission that this property is currently licensed as a VRD, and the application would be for the reauthorization of an existing conditional use at the same location. Commissioner Teri Carpenter stated that this was a new application prior to ownership of the property. Vice Chair Posalski reminded the commission that it was reasonable for the commission to approve the request prior to sale. Commissioner Teri Carpenter stated that a property should not be contingent on whether you can make the property a vacation rental or not. A property should be purchased, depending if you can afford the property or not. The pre-applying for VRDs is inflating the price of the properties in Seaside. Vice Chair Posalski disagreed as the same process takes place in commercial settings. Chair Hoth stated he understands the new owners want to know if they are going to be able to afford the second home. Commissioner Teri Carpenter responded that in order to afford this property, they are also making an extra \$30,000 to \$50,000 a year. She stated that this issue deserves future discussion.

Vice Chair Posalski motioned to approved 20-018VRD with the conditions provided in the staff report. Commissioner Lou Neubecker seconded the motion. The motion passed 5 – 2 with Commissioners Bill Carpenter and Montero voting no.

- C. 20-019VRD:** A conditional use request by **Seth Lowe** for a **three (3) bedroom** Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **nine (9)** people over the age of three. The property is located at **2190 S Grove Street (T6-R10-28AB-TL6801)** and it is zoned **High Density Residential (R-3)**.

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

Chair Hoth asked if there was anybody who would like to speak in favor of this proposal. Seth Lowe, 6431 SW Taylors Ferry Rd, Portland, OR, spoke about remodeling the house from being a disaster house into a nice property. He would like the opportunity to rent out the house, as well as use it for his family.

Chair Hoth asked if there was anyone else who would like to testify in favor. No one came forward. Chair Hoth asked if there was anyone who would like to speak in opposition. No one came forward.

The public hearing was opened to the Commission for discussion. Commissioner Bill Carpenter asked if there was a local contact on file for this property. Mr. Lowe stated that Julianna Gardner is his local contact for this property. Chair Hoth asked who the applicant, Mill Stream Properties, LLC was. Mr. Lowe stated that Mill Stream Properties, LLC is the owner of the property. He stated that he owns 51% of the Mill Stream Properties. Chair Hoth asked what the intended use of the property was. Mr. Lowe replied that the property would be used for rental and personal use. Commissioner Montero asked if Mr. Lowe had other VRDs within Seaside. Mr. Lowe said no. Chair Hoth asked Mr. Cupples if the landscaping requirements were met. Mr. Cupples stated that after reviewing the site plans, the landscaping requirement was met. Commissioner Teri Carpenter raised her concerns about LLCs purchasing properties in Seaside for businesses, not as second homes. Vice Chair stated that people use LLCs for multiple reasons, like protecting their personal assets from damages. Chair Hoth stated that his question at the start of this discussion was to verify the use of the property, and if Mr. Lowe was using the house as a first or

second home. Vice Chair Posalski asked if Mill Streams Properties, LLC has other rental properties. Mr. Lowe stated that Mill Stream Properties, LLC was created for the rental of this property. Commissioner Montero asked if Mill Streams Properties, LLC owns the property. Mr. Lowe responded that Mill Stream Properties, LLC does own the property and has been renovating the property for the past two years.

Vice Chair Posalski motioned to approve 20-0129VRD with the conditions provided in the staff report. Commissioner Wickersham seconded the motion. The motion passed unanimously.

ORDINANCE ADMINISTRATION

A. Posting of the Vacation Rental Local Contact list on the City of Seaside's webpage for the updated complaint form.

Mr. Cupples introduced Jeff Flory, City of Seaside Transient Rental Compliance Officer. Mr. Flory is proposing to have the local contact information for VRDs available online without having to call City Hall or the police department after hours. The list would contain the address of the VRD, local contact name, and local contact phone number. No owner information would be listed. Mr. Flory has compiled a list of nonresponsive local contacts. Mr. Flory is trying to remedy the issue of nonresponsive local contacts when VRD complaints are made. Vice Chair Posalski suggested an automated phone system to provide the local contact number, and in return capture data about who is requesting the information and which addresses they were calling about. Mr. Flory stated that roughly 50% of the VRD owners he surveyed responded "no," they did not mind having their local contact information publicly available. They did request that their personal owner information not be listed online. Mr. Flory stated that there were 36 responses. Mr. Flory presented a copy of the public data that is currently published by both the City of Gearhart and City of Newport. It showed contact information for the owner with phone numbers and email addresses as well as the local contact information data. Commissioner Bill Carpenter asked how many of the local contact numbers for the City of Gearhart and City of Newport were out of state phone numbers. Mr. Flory responded that he did not count the number, but the front page did show 2 phone numbers with out of state area codes. Commissioner Wickersham asked what the current process was for obtaining local contact information. Mr. Flory stated that neighbors can call the police department after hours, or the Planning Department or City Hall during business hours. Chair Hoth stated that he approves of having the information easily available online, but wants to have the information protected. Mr. Cupples agreed that the information would be available once a person started to file a complaint through an online form. Commissioner Teri Carpenter asked what Mr. Flory's plan was for the online complaint form. Mr. Flory stated that the form would be accessed from the City's webpage, and would be used after the local contact had been notified. The link to the local contact information would be within the complaint form. Mr. Flory also stated that the form would have a section for the local contact's response to the complaint. This would provide him with information if the local contact did not respond or provided an unreasonable response. Chair Hoth clarified that the first contact for all complaints should be the local contact for the VRD and if the local contact had not resolved the problem, a complaint would to be submitted to the City to contact the owner or local contact to address the issue. Mr. Flory stated that he wants to know if the local contact was aware of the complaint and what the response and resolution had been. This would allow him to check if there are multiple issues with a VRD to stop recurring issues. Commissioner Neubecker asked if a copy of the form submitted is sent to Mr. Flory. Mr. Flory responded that the submittals go to his email. Commissioner Bill Carpenter expressed his concern about the complaint form being buried within the website. Mr. Flory stated that he is working with city staff to have a link located on the front page of the City's website. Chair Hoth reiterated that the local contact is the first point of contact for all complaints, and that it should state this within the online complaint form. Vice Chair Posalski asked if the local contact information would be provided after the form was filled out. Mr. Flory responded that the local contact information link would be located within the form. Vice Chair Posalski suggested that a separate form be created to provide access to the local contact information. He suggested a password protected system to have a record of who is accessing

the document. Commissioners Teri Carpenter and Bill Carpenter discussed layouts and questions that could be added to the form. Mr. Flory then presented to the Commissioners the form that is currently live on the City's webpage. Chair Hoth asked what authority Mr. Flory has to levy consequences for noncompliance. Is he able to write fines or tickets, or is he able to revoke licenses? Mr. Flory responded that any issues with VRDs are to be brought to the attention of the Planning Director or Planning Commission. Mr. Cupples pointed out that the location of the VRD needs to be made available before filling out the complaint form. Vice Chair Posalski stated that there have been times in the past where people have called the local contact to file a complaint, but the City was never made aware of these complaints. He added, the City needs a way to log the information of who is accessing the local contact list. Chair Hoth stated that the current form acted as a log for complaints. If the complaint was not resolved, then a complaint would need to be filed with the City. Commissioner Montero questioned if the local contact information could be accessed for just the one VRD address the complaint was attached to instead of the complete list. Mr. Flory responded that a system could be built, but we do not have that technology available at this time. Chair Hoth expressed his concern that people filling out the form will be under the assumption that they are filling out an official complaint with the City of Seaside, when, in fact, the form is actually the second point of contact. Mr. Flory stated that without a system where people log in and provide their information prior to obtaining the local contact information, the information of who is accessing the file will not be logged. Chair Hoth recommended two forms be created, one for logging who is accessing the local contact list and a second form for submitting complaints. Chair Hoth stated that a bigger problem, from Mr. Flory's submitted documentation, states that 80 to 90% of local contacts not managed by a company, are unaware that they are the local contact nor what their responsibilities entail. Chair Hoth expressed his concern that VRDs without a local contact are out of compliance, and the VRDs who have local contacts who don't know they are the local contacts are also out of compliance. Vice Chair Posalski stated that the local contact acknowledgement form was implemented recently to prevent this from happening. Mr. Cupples agreed and said that the local contact acknowledgement form is a written document that the local contact signs acknowledging their responsibilities. Vice Chair Posalski recommended that the local contact acknowledgement form should be filled out when the VRD licenses are renewed. Commissioner Bill Carpenter asked what percentage of VRDs are managed by a local property management company. Mr. Cupples responded that it is about 75%. Commissioner Bill Carpenter asked if there was a way to verify if a management company listed is a legitimate organization. Mr. Flory stated that before any property comes before the Planning Commission for complaints, he will obtain as much information as possible to present a clear picture for the commission. Chair Hoth stated that the local contact is the linchpin of the whole VRD process.

B. Consideration for allowing VRD owners, by request, to be included on the primary contact list for the property on a case by case basis.

Chair Hoth stated his disapproval of this proposal because it causes an inconsistent form of who to call and who to not call. As of right now, it is clear that complaints must be sent through the local contact listed on file. Vice Chair Posalski stated that he doesn't have a problem with the homeowner wanting to be the point of contact. Vice Chair Posalski asked if the issues are to be addressed within 2 hours. Mr. Flory gave examples how local contacts are contacting the owners of the properties, with the owner addressing the issues presented on site. Chair Hoth, Vice Chair Posalski, and Commissioner Neubecker examined the responsibilities of the local contact. Commissioner Teri Carpenter detailed how the purpose of the local contact is for neighbor's complaints. The local contact can also be the renter's contact for property repairs or issues regarding the house, but their primary responsibility is to address a complaint about a VRD violation. Mr. Cupples reiterated the question being presented to the commission by Jeff Flory. He stated there were a small number of owners wanting to be listed as the first point of contact, not as the local contact for the rental, but as the primary contact in all instances. The homeowner would then be responsible for contacting their local representative to address the complaint. The same 2 hour rule for addressing of the complaint would still be required. Chair Hoth expressed his disapproval for the owner being listed as the first point of contact instead of the assigned local contact. He stated the local contact by definition is the initial contact agent, not the owner. Mr.

Flory displayed a copy of the local contact acknowledgement form, and the form was read aloud. Chair Hoth restated that the responsibility of the local contact is to act as the main point of contact for all compliance issues even from the renters. Vice Chair Posalski explained that he is not saying that a local contact would not be required, but having a first point of contact could be the owner. Mr. Cupples agreed that the local contact would be listed on the spreadsheet, as it is provided now. Some property owners asked to be the primary contact because they might be able to solve an issue quicker than their local contact. Chair Hoth asked what documentation is signed by the owner that shows they are accepting this responsibility. Commissioner Neubecker stated that the local acknowledgement form could be updated to have a spot for the owner to be listed. Mr. Cupples provided an option that a new form could be created when the owner wants to be the first point of contact and has a local contact. Mr. Flory reminded the commission that these are only at the request of the owner, and will not be for all VRDs. Commissioner Neubecker stated that the owner could be the local contact if they lived within the County. Commissioner Neubecker asked Mr. Flory where the person filling out the complaint on the website would find the local contact's information. Mr. Flory stated that his intention would be for a hyperlink to be added to the form that would show all VRDs and local contacts. Commissioner Montero stated that the data comes in an Excel spreadsheet and the complainant can search or filter the data to find the VRD needed. Vice Chair Posalski stated that he would like to see a simple form to be created to gain access to the spreadsheet, so a user's log would be created to see who is accessing the information. Vice Chair Posalski, Commissioner Neubecker, and Commissioner Bill Carpenter discussed ways to search for the VRD information within the sheet. Vice Chair Posalski asked if the forms being used could be adjusted to search by street. Mr. Flory showed an example how the system being used it a simple program and noted that the programming options were very limited. Commissioner Wickersham stated that Mr. Flory is on the right track for getting the online system put together and would like to see the changes made by the next commission meeting in August. Commissioner Neubecker made a motion to allow Mr. Flory to put in a hyperlink where he suggested and demonstrate his program at the next commission meeting. Mr. Flory stated that if the commission doesn't want the information to be live at this time, he could create a test platform for the next meeting. Vice Chair Posalski stated that the commission would like to be able to hide the contact information until the user information is logged, and to present the information without having to search through multiple pages of local contacts. Mr. Flory stated that a website would have to be developed for the capabilities that the commission is requesting, and he would have to get approval from the City of Seaside for the budget. Commissioner Neubecker gave an example of how the OLCC handles complaints on their website, where they are able to remain anonymous. Vice Chair Posalski questioned why we would provide information to somebody who would want to remain anonymous. Commissioner Neubecker replied that it could be the neighbor of the property who is wanting to complain, but they don't want the owner to know they are complaining. Chair Hoth clarified the issues discussed with Mr. Flory. Vice Chair Posalski wanted to verify if the local contact information would be behind a "firewall" or if the information would be open to anybody. Commissioner Teri Carpenter voiced two issues that she would want to be considered. First, to make the complaint form easier to navigate to, and second, to provide the local contact information in an easy-to-follow procedure. Vice Chair Posalski asked the commission if they had a consensus that the local contact information should be behind a "firewall." The commission agreed unanimously. Mr. Cupples voiced his concern with the information being hidden behind a firewall, as the information is currently available by contacting City Hall or Community Development during business hours. Vice Chair Posalski reiterated that he is proposing a way to make sure the person requesting information is requesting it for a complaint. Chair Hoth stated the information needed a sophisticated way to make it available. Mr. Flory stated that he would try to put the information behind a firewall, where they have to provide some information to obtain access to the local contact database. Commissioner Montero asked if a work session would be in two weeks. Mr. Cupples replied that Mr. Flory will need more time to gather information and work with the system before showing the commission. Vice Chair Posalski stated that Mr. Flory could send out an email with the updated links for the commissioners to try before the next session. Commissioner Neubecker withdrew his motion to allow Mr. Flory to put in a hyperlink in the current complaint form.

COMMENTS FROM THE PUBLIC

Erin Barker, Beach House Vacation Rentals, had a comment about the local contact information. She stated that the local contact's role is to physically go to the property and address the complaints. She also discussed about how owners are able be the first point of contact depending on the local contact listed. She explained how the local contact is the first response to the complaints and they are the ones to rectify the issues.

COMMENTS FROM COMMISSION/STAFF

Commissioner Montero wanted to have the issue of approving a VRD permit as a condition of a sale of a home. Commissioner Teri Carpenter stated that the restriction could allow the current owners to say the restrictions ruins the value of the property.

ADJOURNMENT: Adjourned at 7:55 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant