

MINUTES SEASIDE PLANNING COMMISSION

August 4, 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, Lou Neubecker, Jon Wickersham, Teri Carpenter. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Anne McBride, Community Development Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Robin Montero

APPROVAL OF MINUTES: July 7, 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. Conditional Use 20-021CU:** A conditional use request by **Arthur Craig Worsham** to rebuild the three small non-conforming dwellings at **2021 S Downing (6-10-28AB TL2402)** so they will have improved foundation systems and they will be more compliant with setbacks and the development standards in the Seaside Zoning Ordinance. The subject property is zoned **Medium Density Residential (R-2)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Hoth asked if there was anybody who would like to speak in favor of the proposal. Arthur Craig Worsham, 3444 Franklin Ave, Astoria, OR, spoke about how he and his father purchased the property in 2019 and how the property was in disrepair. The property had been cleared of brush and he was wanting to rebuild the structures. The proposal was to increase the height of the buildings to allow each building to have a foundation, and to move the buildings to meet minimum property setback for building codes. One of the units will be inhabited by his father.

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

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

Chair Hoth opened the discussion to the Planning Commission. Commissioner Teri Carpenter asked if the structures will be replaced with a like structure. Mr. Worsham replied that the new structures will be like-for-like with a new foundation, but will be moved to allow for more of a setback from the property line and building separation. Chair Hoth asked if existing materials will be used for the new construction. Mr. Worsham stated that the new buildings will be constructed from scratch. Chair Hoth asked to verify if Mr. Worsham's father will inhabit one of the units and what was his intended use for the other two units. Mr. Worsham replied that his father will occupy 2 of the units and will manage the 3rd unit with a renter. Chair Hoth asked what is stopping Mr. Worsham from moving the buildings to meet the current required setbacks, instead of the proposed 3 feet. Mr. Worsham stated that due to the parking and trees on site, they would not be able to meet the requirement of the 5 foot setback as required by the zoning ordinance. He would also like to have as much garden area for a natural water absorption. Chair Hoth wanted to clarify if the existing setback is the 1 foot 6 inches as presented on one of the drawings. Mr. Worsham replied that this setback is correct, and they were proposing to improve that setback to 3 feet from the base of building to the property line. Commissioner Bill Carpenter questioned if the drainage feature shown on the site plan was designed to be driven over. Mr. Worsham replied that the feature will be full of river rock in an attempt to capture all runoff water from surrounding properties. This will include a French drain around the property to run into the drainage feature. Commissioner Bill Carpenter asked if the driveway will be paved. Mr. Worsham stated that the driveway will be paved with a perforated driveway system to help the water shed issues. Chair Hoth asked if each unit would have separate utilities. Mr. Worsham replied that there will be shared water, sewer and electric utilities to the property, and the rental will have the utilities included in the rent. To separate the utilities would add fees that would push the rental price outside of affordable housing. Commissioner Teri Carpenter gave an example of a shared utilities complex using an "on demand" water heater, and the tenants used more water, causing the water bill to rise. Mr. Worsham replied that they will install water heaters that are adequate for a bathroom and kitchenette for each unit. Chair Hoth asked Mr. Cupples to clarify the wording within the staff report regarding the ineligibility of the property having VRD licensing. Mr. Cupples replied that the landscaping requirement would not be able to be met, and the parking requirement would require a total of 6 off street parking spaces to be considered. Arthur Worsham, Mr. Worsham's father, wanted to clarify that he would be living in two of the units and only the third unit would be rented. Commissioner Wickersham stated his approval for the buildings being brought up to compliance and how the neighbor was in approval of these changes. Chair Hoth stated that he was not in opposition of the approval, but would like to see a larger rear setback. Vice Chair Posalski motioned to approve 20-021CU with the conditions provided in the staff report. Commissioner Neubecker seconded the motion. The motion passed 6-0, with Commissioner Montero being absent. Mr. Worsham asked what the next step was. Mr. Cupples replied that there will be a 15 day appeal period after the final decision was mailed out.

ORDINANCE ADMINISTRATION

Jeff Flory presented the updates he had made to the City of Seaside's website, VRD complaint process, and the local contact notification list. Mr. Flory showed the commissioners the new link provided on the City's webpage for an easier access to the complaint form. Within the complaint form, he demonstrated how to access the local contact list. A form would have to be filled out by the user to be emailed a password to access the local contact list. Mr. Flory displayed the emails that are received by both himself and the user. Using the password from the email, Mr. Flory opened the protected PDF to show the example of the local contact list. Commissioner Teri Carpenter asked if the password could be sent via text. Mr. Flory stated that it would have to be sent via email based on the system currently in use. Chair Hoth asked if the password would change or if it will be a static password. Mr. Flory replied that as the list gets updated, the password will change. Mr. Flory also stated that the PDF would be able to be printed out. Commissioners

Teri Carpenter and Bill Carpenter expressed their approval for the new system. Vice Chair Posalski brought up the location of the link as a possible issue for citizens to find. Commissioner Teri Carpenter asked if the link to the new form could be listed within the same location as the new link for the complaint form. Mr. Flory stated that he would have to discuss with the Assistant City Manager to see if the link could be added, but the link is located in multiple places within the website. Commissioner Wickersham asked if the link could be searched for, using the website's search function. Vice Chair Posalski stated that the jargon used by the City might not be known by the public. Mr. Flory showed the locations of the links within the City's website to access this new form. Mr. Cupples added that the planning department is telling people over the phone where to access this new complaint form. Chair Hoth stated that going forward will be on a feedback basis on any adjustments that can be made. Chair Hoth asked Mr. Flory if he was working on the PDF that will be used for the live database. Mr. Flory replied that the list would be converting our current data into a PDF with a password protection. Vice Chair Posalski stated his approval of putting the list behind a protected firewall. Commissioner Bill Carpenter asked if this approval would need to go through City Council. Mr. Cupples stated that if the Commission approved the changes, Mr. Flory can make the system live. Vice Chair Posalski asked Mr. Flory what types of complaints have been submitted so far this summer. Mr. Flory stated that the most common complaints are parking complaints, vegetation complaints, garbage complaints, and over occupancy complaints. Mr. Flory also stated that some conditions of approvals have not been followed up, for example paved parking areas. Vice Chair Posalski stated that the complaints and issues brought up by Mr. Flory were some of the reasons to create the transient rental compliance officer position. Commissioner Teri Carpenter asked if the complaints are larger for properties that are self-managed or properties that are managed through an agency. Mr. Flory responded that the complaints are from both types of properties. He added that properties have changed property managers through the years and the new managers might not have a copy of the business license with the requirements. Vice Chair Posalski asked what the response was from the property management companies and owners. Mr. Flory stated the response has been great from both owners and management companies. Chair Hoth asked Mr. Flory if part of this outreach process was to let owners know about the local contact being required and their duties. Mr. Flory replied that all complaints are being followed up with a phone call to the owner, property manager, and complainant. He added that after a Zoom meeting with some vacation rental owners, their concern was that they would no longer be notified if complaints were not being addressed by the local contact. Vice Chair Posalski stated that one change to the process, since the hiring of the transient rental compliance officer, was the inspection process going to an annual inspection versus every 5 years. He asked Mr. Flory how the process of this change was coming along. Mr. Flory responded that he has been going through conditional use permits that have been issued since 2010 and pulling out the 5-year inspections. The notice for the inspections will be sent to the property owners after the current rental season. The inspections will be scheduled after the implementation of the new records management system to help manage the inspections over the winter months. Vice Chair Posalski stated that the inspections will help the Planning Commission to determine additional requirements for future VRDs based on common complaints and inspections. Chair Hoth stated that what Mr. Flory is currently doing is an educational process to bring VRDs into compliance, and asked if Mr. Flory had responses stating they didn't know or if they would get the outstanding conditions resolved. Mr. Flory stated that some owners had contractors booked, but the pandemic has hampered their progress. He added that right now, they are giving a grace period as long as the owners show that they are working toward a solution. Chair Hoth expressed his approval for the work being performed and the actions taken by Mr. Flory. Vice Chair Posalski requested that a report be put together at the end of the rental season or end of the year to be sent out to the VRD owners and City Council to show the accomplishments of the new position. Mr. Flory accepted the assignment.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Chair Hoth asked if there were any comments from the commission or staff. Mr. Cupples reminded the commission that there will be a work session on August 18th, at 6:00 PM in the council chambers. He added that the City Council was planning on a joint work session at the end of August, but canceled due to short notice. The joint work session will be moved to October to discuss vacation rentals with the Planning Commission.

ADJOURNMENT: Adjourned at 6:43 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant