

MINUTES SEASIDE PLANNING COMMISSION

September 3, 2019

CALL TO ORDER: Chair Chris Hoth called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chair Chris Hoth, Vice Chair David Posalski, Bill Carpenter, Lou Neubecker, and Robin Montero. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Jon Wickersham and Teri Carpenter.

APPROVAL OF MINUTES: August 6, 2019 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 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:

Chair 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. Chair Hoth stated that he worked at the hospital 15 years ago and his wife currently works there but not in an administrative capacity and or having anything to do with the item on the agenda tonight or has he had discussions with her about it.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair 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. 19-053VRD:** A conditional use request by **Wendy McIntire** for a **3 (three) bedroom** Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **nine (9)** people over the age of three. The property is located at **431 15th Avenue (T6-R10-S16DA-301)** and it is zoned **R2** (Medium Density Residential).

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Wendy McIntire, 431 15th Avenue and Robert Gilbert, same address. Wendy grew up going to the beach and have always loved that. They have a three year old daughter and a one year old son now and they've taken him here to Seaside many times and they've fallen in love with it. They did not think they'd ever be able to buy here, but, something came up that we were able to afford and, they're more excited about it being their second home where they can come with their family and spend a lot of time here and make themselves part of the community. That's their biggest intention with this but of course they're

also updating the home and putting money into it. So being able to rent it out when they're not able to be there would be awesome for them and just something that would help supplement their costs. But it's not solely for investment purposes. They want to be here as much as they can. They've already met most of the neighbors. They've talked to anyone who's within the hundred feet. But even beyond that, they've met most of the neighbors up and down the street. They've been there most of the past month. They've told the neighbors of their intentions and they've been very open and have exchanged phone numbers. They really want to be compliant with everything. Like everything they do, they want to do it right. Robert stated they're excited to be a part of the community here want a chance for their kids to grow up near the ocean. He is a surfer himself and loves being around the area. Surf towns are one of his favorite places and he loves the ambience here and he thinks it's going to be great for their kids to grow up around that same type of an environment. Previously it was a vacation rental and they are working along those same terms as well to supplement their income. They want to definitely make sure they're using it as often as possible.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals. They have managed this house since 2007 and they've had no complaints and the previous owners actually were kind of the same. They mostly just rented in the summer when they weren't here and they had their families coming. Their intent was to use it as much as they could. Obviously most people do want to try to rent it when they're not using it to help offset the costs. But in all the years that she's been the property manager they have not had one complaint.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham 331 8th Avenue, Seaside. He doesn't understand why we're here about this house. It sounds to him like these people want a second home to raise their children and have fun and live in it. Why do we need another rental? He doesn't understand that. Why are we even here if that's what we're looking at for a rental house? Is it because they liked the area? They're nice people, wonderful, buy a second home. Have it as a second home. Don't rent it out. Plain and simple. We've got enough of these rentals on 400 block of 15th there's enough of them.

Chair Hoth asked if there was anyone else who would like to offer testimony in opposition? John Pincetich, 437 17th Avenue, Seaside. He's one of two full time residents on 17th avenue. Every street, every house except for three are all vacation rentals behind him on 16th all three houses behind him are vacation rentals. You go west of that, those are also majority vacation rentals on 15th he thinks there's only three or four full time owners there. That entire neighborhood is 90% vacation rentals. The city of Seaside is roughly 20% vacation rentals. Legally, if you go on vacationrentalbyowner.com or airbnb.com on any given week, you can get about 1200 vacation rentals. Okay. There's no regulation on them. There's no enforcement on them, so we're looking at adding more vacation rentals to Seaside when we already have issues with fulltime long term rentals. It's astounding that we keep adding to it at this point. We're not addressing the long term rental issues. Is there an actual need for more vacation rentals, especially in that neighborhood? Are we not fulfilling that need between the hotels and the condos and the existing legal vacation rentals? So that's something he'd like to ask. He's one of the few people in that neighborhood. Every Monday and Tuesday he's picking up trash and moving trash cans. He's the only enforcement in that neighborhood. Four weekends in a row four vacation rentals around him had six cars, a piece that's 24 extra cars on that little street with nowhere to go. No enforcement, no one cares. He's the only one that gives a crap out there. Vice Chair Posalski asked if he called the planning department. Mr. Pincetich stated no, he guesses that he needs to start. What is the procedure on that? Vice Chair Posalski stated file a complaint with the planning department. John stated that he knows who the vacation rental owners are. Vice Chair Posalski stated then call them and file a complaint. John asked if that doesn't work, how many passes do they get before they get their license revoked? Vice Chair Posalski stated it depends on what the offense is. John asked if there are different levels of offenses because these are all things that are in place already that are not enforced. The enforcement is done by the neighbors, is that what you're saying? Vice Chair Posalski stated if there's a problem with the VRD he recommends you file a complaint. The Commission is in the process of having an actual compliance officer. Chair Hoth stated the way things work now, which is admittedly not the best way but we are working on it. The people that will be responsible for enforcing this would be the manager or whoever is the managing agency. They are supposed to be available 24/7 while the place is being rented. If there are two complaints from two different people then we can do something. John stated in his case, you can't have two complaints by two different people. He's the only full time resident. His point is that this is what goes on in his neighborhood. He doesn't know about the other neighborhoods where there are vacation rentals, but that particular neighborhood is 90% vacation

rentals. And here we are talking about there's an actual need that we need more of them there. Let alone in town. Vice Chair Posalski stated the decision process has nothing to do with whether or not people think that there should be or should not be more vacation rentals. That's up to the owners of the building or the house. John asked if the city has a limit on how many? Vice Chair Posalski stated this particular one there's 22% of the surrounding homes that are vacation rental. John stated so there's not an actual number other than when it's over 20% it comes before the planning commission and there's not an actual number cap in the city at this time. Vice Chair Posalski stated not at this time. Commissioner Neubecker stated you have to remember this was already a vacation home and they are not creating more. Vice Chair Posalski and if your questions are more about the general idea of the vacation rentals, we can have that discussion when we talk about ordinance administration or other things later. In this particular case the hearing is about this particular vacation rental. John stated that he lives in that neighborhood. He's full time. He's been there many years and he doesn't see the need for any more vacation rentals. He sees a need for full time long term rentals. He's happy that they bought a house in that neighborhood. The neighborhood is beautiful. It's a great place to raise kids. He raised his there. He encourages them to spend as much time there as they can, but if they can't afford it, maybe they should long term rent it.

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

Chair Hoth stated that it is time for the applicant's rebuttal. Wendy McIntire, She does appreciate hearing concerns of the neighbors. That's why they went directly to their neighbors and everyone on their street and wanted to hear kind of what the neighbors thought, what their concerns were. And they didn't have one complaint. This house has been previously handled by Erin and has had no complaints. She is very good at what she does. Always looking out in the community and taking care of things right away. That's why they feel very comfortable having her management when they're not there. They want to be compliant. That's why they are getting a permit and going through all these things, all the rules that are there. They want to make sure that there are being followed and that the tenants are following the rules. That's why they have Erin on it. None of our neighbors on our street at all had had complaints and they felt totally fine with it. A lot of them are there just half the time. They actually liked that there's kids around, they're really happy to see the kids. There's a difference a lot of times between somebody who's coming in as an investor and trying to make as much as they can and rent it out every single day. And that being their goal. Their goal is to have this be a second home still and be able to use it. It wasn't their intention to buy this and have it fully be a vacation home, but prices have gone up here. And in order to make that a reality and to be able to use it is nice to be able to offset some of those costs, by renting it out as a vacation rental. They would love to not have to do that. But it definitely does help there.

Erin Barker asked John Pincetich if he has specific addresses and if he would like to get her those addresses, she can help him figure out who manages those. So for example, 1605 N Prom 1611 N Prom are not vacation rentals, they're vacant most of the time. There were cars all over the place on the vacant lot on the corner. Nobody was blocking any access to anything. But if their specific issues with a property, they need to get that address they can find that out through the planning department or city hall who the manager is. Chair Hoth asked how does she know which cars are VRD cars and which are owner occupied. Erin stated that she has been driving the streets of 16th Avenue for months and knows who lives there and who is vacationing there. Erin stated that her full time rental on 17th Avenue had seven cars there last weekend and they usually have three.

Chair Hoth closed the public hearing and opened the discussion for the commission.

Vice Chair Posalski stated that the only thing that he would like to see changed is item #15. He would like an annual inspection instead of the five year inspection if and when the city gets a compliance officer. Chair Hoth asked Mr. Cupples when is the permit released. Mr. Cupples stated that we release the permit after everything on the checklist is done. Except the paving we give them one year to do that.

Commissioner Montero stated she has a concern about the density. This is literally next door to one that came proposed at the last meeting. From Franklin to the east of the river on that block at the last meeting it was that property which had gone through with 37% VRD occupancy. With this it brings it up to 42% occupancy just along 15th. Chair Hoth asked what radius is she using? Commissioner Montero stated that she is looking at the plat map that she created and is looking from the street.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Vice Chair Posalski made a motion to approve this with the changes that were recommended. Commissioner Neubecker seconded and the motion was carried with a four to one vote. Commissioner Montero voting no based on the density of VRD's in the area.

B. THIS ITEM IS CONTINUED TO THE OCTOBER 1, 2019 MEETING.

19-054VRD: A conditional use request by **Chris and Charity Richardson** for a **two (2) bedroom** Vacation Rental Dwelling Permit with a maximum occupancy of not more than six (6) people over the age of three. The property is located at **1520 So Downing (T6-R10-21DC-2600)** and it is zoned **R2 (Medium Residential Density)**.

Mr. Cupples stated the applicants are requesting a conditional use that will allow the establishment of a Vacation Rental Dwelling at 1520 S Downing. The subject property is medium density residential (R2) and the applicant is requesting a maximum occupancy of six people over the age of three and 10 regardless of age within the existing two bedroom dwelling. This home had been granted a license in 1999. The license has since lapsed and the home is not currently licensed as a vacation rental. The review will be conducted in accordance with article 6 and article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for conditional use. The specific review criteria is covered in ordinance section 6.137. Within the staff report, Staff's provided draft findings, conclusions and conditions. The applicant contacted our office today and they were requesting that the application be continued since no prior notice was given to any of the neighboring property owners. If people are here and they showed up to testify, he'd go ahead and allow them to testify. If not it will be reopened at the next planning commission meeting if it's continued.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham 331 8th Avenue, Seaside. There are too many vacation rentals down there. There's not enough parking and tandem parking should not be allowed. When they back out they stay on the street. Are we supposed to contact the planning commission on a Saturday and say, hey, they have cars parked in the street. Vice Chair Posalski asked Mr. Dunham if he has a driveway? Mr. Dunham stated No he has a garage. Vice Chair Posalski stated Okay, and do you back out of your driveway? Out of the garage? Mr. Dunham stated he has to. Right? Vice Chair Posalski asked where does it go? Mr. Dunham stated it goes back in the garage. When he gets back from the grocery store. Vice Chair Posalski stated you go out on the street. Right. Mr. Dunham stated what difference does that make? Vice Chair Posalski stated you asked where the car goes. It goes behind the other one. Mr. Dunham stated it goes out and stays in the street and it's turned off and parked in the street. Why do you let them park in the street that's what he doesn't understand about 15th. Chair Hoth stated that you would contact the manager. Mr. Dunham stated on a Saturday you want him to call up the planning commission and you just go right to the police. Vice Chair Posalski stated if somebody is parked in the middle of the street, you would call the police department. Commissioner Montero stated there's no parking on the east side of the street. Mr. Dunham stated that people can't read either. Commissioner Montero stated that's a different issue. Mr. Dunham stated yes it is, but it's still a problem and somebody has to take care of it on 15th Avenue.

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

Chair Hoth stated that this item will be continued until the October 1st meeting. The commission will not be making a decision on this item until next month.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Bill Carpenter made a motion to continue this item until the next public hearing on October 1st. Vice Chair Posalski seconded and the motion was carried unanimously.

C. 19-055VRD: A conditional use request by **Steven Crowell** for a **four (4) bedroom** Vacation Rental Dwelling Permit with a maximum occupancy of not more than ten (10) people over the age of three. The property is located at **3182 Sunset Blvd (T6-R10-S29DA-TL502)** and it is zoned **Medium Density Residential (R-2)**.

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

Mark Tolan, Seaside Vacation Homes, his offices are at 524 N Roosevelt. He's took on this property from another larger management company that was not locally based and worked very hard over the last six years to gain the goodwill of his neighbors and they've had no registered complaints to his knowledge. This new homeowner is looking to have this as a secondary property will be coming down and using it due to a 1031 timing issues. It's unlikely this application, will see it to the finish line, which is why he's asked Kevin not to bother inspecting it at this time. However, from the goodwill and the hours

and hours he's spent with him talking about the uncertainty of new policies and the timing of everything, he gave him permission to pursue this permit with you for the understanding that the next person may not have to have as much uncertainty or hardship. Knowing that his goodwill and his good efforts would provide a runway to a VRD application for the next person. So hopefully there's no one here to complain about him, but we will see.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

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

Chair Hoth closed the public hearing and turned the discussion over to the planning commission. Vice Chair Posalski stated that he sees an applicant from Kent, Washington and an owner from California. Mr. Tolan stated the current owner had the house under contract. The Vellutini's are the next door neighbors. Harry Ditcher is the current owner. The new purchaser is applying as the applicant's supported by the current owner. Stephen Crowell is under contract. Steve from Washington was buying the house from Harry, who now lives in California, the sale didn't go through and there was some 1031 timing issues and that is what created the cold feet at the last minute to say this is too much money and tax consequences for Mr. Crowell to pursue this also the uncertainty of conversations that have been happening, regarding the ability to get a permit. His point is that his efforts should prevail. That they've done their job, they are good neighbors and he is responsive such that unless he's mistaken, he thinks they are conforming and value adding to the community.

Vice Chair Posalski asked if the applicant owns the home. Mr. Tolan stated he does not; he is under contract. This is a theory to say, because of the scenario of rules and uncertainty and timeline. Would this property be able to get a permit? Chair Hoth stated that he has dealt with this within the county all the time. He's always had a problem with this. He had people coming to the desk and stating, they have this property up on hill and it's in a swamp and can they build a 20,000 foot mansion. He would tell them, well no he can't because you can't make a decision until you have an application because we're not in the business of speculating. So if you want to know if this can work you have to submit an application. Unfortunately life is full of uncertainty. He doesn't see that those changes are going to be massive and highly restrictive. What we're working on he thinks is trying to bring our compliance issues, to the rules we have in place. That's our intent. Mr. Tolan stated that he paid his fees and you have the application in front of you. Chair Hoth stated they can approve an application if there's an applicant. Mr. Tolan stated he has the authority from the applicant to pursue this. Chair Hoth asked from Crowell or Ditcher. Mr. Tolan stated both he paid the money so he could have this conversation with the commission on the books. Vice Chair Posalski asked Mr. Cupples, what does the ordinance say about a person who does not own a property, can that person get a VRD? Mr. Cupples stated yes if a property owner grants authorization to an applicant who is in the process of purchasing a home. If they sign on for that and that person is applying for it, then yes they could get that approval. If you approve it for Crowell and someone else winds up with a property, they won't have a valid permit. Crowell would have. Chair Hoth stated neither will Mr. Ditcher. Mr. Cupples stated Ditcher already has one. Commissioner Neubecker stated so basically what we're doing is we're transferring VRD to Crowell. Mr. Cupples stated no you're approving of new VRD. Vice Chair Posalski stated the goal of this exercise is to see if there's anything in this property or what's happening with it that would prevent them from getting the VRD license in the future. Mr. Cupples stated yes. Mr. Tolan stated that if you approve this for Crowell that does not mean you're going to approve it for the next guy. It just puts it on the books your current opinion of the property. Chair Hoth asked how can there be two VRD permits on one property? Mr. Cupples stated the other applicant is getting ready to purchase the property. If it doesn't go through the current owner still has his permit. Mr. Tolan stated he hasn't had the property inspected. You will make the approval based on an inspection and at that point the application dies. But where his hardship is, and he hopes you can have some empathy for him, he has spent a lot of time talking to people who want to be a part of the community, they want to be part of his portfolio. They want to have him on their team it kind of hinges on having goodwill and the knowledge that he's doing his job and that there would be no reason why under the current ordinances that he should not be denied a permit if in fact he's doing his job. He's asking for judgment on the conditions in which this property is being asked to be used for which they paid for.

Commissioner Bill Carpenter stated that in his opinion, if we chose to make an approval, the approval would be for Crowell and when and if he were to have ownership of the house and comply with all of the inspections, the permit would be approved because it would be on the books. Mr. Cupples stated and they'd have to do that within a year. Commissioner Bill Carpenter stated he sees no issue with continuing.

Commissioner Carpenter stated that he would make a motion to approve this VRD. Commissioner Neubecker seconded, Chair Hoth asked those in favor say yay Commissioner Carpenter and Commissioner Neubecker voted yay and Chair Hoth, Vice Chair Posalski and Commissioner Montero voted nay.

Vice Chair Posalski stated that he would say that he voted no is the fact that we don't have an owner applicant and we haven't done the full exercise in determining whether or not their property is suitable because we haven't gone through the whole discussion. Commissioner Bill Carpenter stated that he withdraws his motion. Mr. Cupples stated that you're not done having a discussion anyway. You made a motion. It was seconded. The motion to approve it was denied. It is still under discussion. Chair Hoth stated that he still has a little trouble with the ownership. But having no discussion about the actual rental he doesn't care if it's been a rental for 20 years. Mr. Cupples stated that they haven't denied the request. Chair Hoth stated then let's continue with the discussion. Vice Chair Posalski stated this is two properties, right? It has two different owners. Mr. Tolan stated that is correct. Chair Hoth stated let's try and break this down before we go through all the problems discussing the actual physical part of things. Can he get past the ownership question now, which is typically the easiest one to start with. Mr. Cupples stated that we've done ones where people want to purchase the property and put in the contract that it's contingent upon getting the VRD license. Probably 90% of the requests that you have you've been doing them that way.

Vice Chair Posalski asked if it met the landscaping requirement. Mr. Cupples stated yes it can comply with additional landscaping being added to it. Under condition number two the bottom part of that says the site plan must be revised and drawn scale and it was document that not less than 50% of the front yard will be provided with some form of border demarcation and or decorative fencing that will prevent VRD tenants from parking in the area. That's going to be a requirement of the inspection that they actually have 50% in order to allow for that occupancy limit. It's doable based on what we've got, but they don't have it on the site plan to where you can say, Oh yeah, you've got your 50% but they've got the potential to get it there and still allow four parking spaces. Chair Hoth asked Mr. Cupples if he knows where the impetus for creating this restriction was? Mr. Cupples stated that it was the planning commission, saying that you didn't want the front yards dominated by off street parking. You didn't want people to pave the entire front portion of their property making it a parking lot. In some cases you've got places that they've already done that. They had it that way and then they either undo it or they requested variance and they say, well look, we're not doing this and order to get more parking. We're just doing it to recognize the fact that it's already there. But in this case they would be adding the landscaping to get rid of some of the parking area. Commissioner Montero asked if the pots are considered landscaping. Mr. Cupples stated the main thing is preventing the parking so that it doesn't become a parking lot. Chair Hoth stated if it's existing, he doesn't see why we're taking away the ability to get cars off the street. Mr. Cupples stated that's where you've had people apply for variances and you've done that with that recognition.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Bill Carpenter made a motion to approve the conditional use under the guidelines that staff has presented with the one year re-inspection by the compliance officer when the city gets one. Vice Chair Posalski seconded and the motion was carried unanimously.

- D. 19-056CU:** A conditional use request by Konstantin Borodin. This request will allow the establishment of a 794 square foot ADU inside the New Single Family Dwelling. The subject property is located at 245 16th Avenue. (T6-R10-16DA-TL4901) and it is zoned Medium Density Residential (R2). Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Konstanine Borodin, 18011 NE 84th Battleground Washington. He has been working on a few of Mrs. Ortiz, projects back in Vancouver. She asked him to assist her with building her residence here on 16th Avenue. Vice Chair Posalski stated this is the first ADU that they have seen and asked if he could walk the commissioners through it and why it was designed the way it was and those types of things would be helpful for the commission. Chair Hoth asked what is the owners intended use of the ADU? Mr. Borodin stated that she plans on renting out the ADU long term and then the rest of the home will be her residence. She asked about what's the possibility of doing a vacation rental and the city said specifically you cannot do short term rental in an ADU and she is okay with that. So she wants to keep the main house that's going to be their family residence and then the small ADU would be rented. Vice Chair Posalski asked if they are looking to be full time residents. Mr. Borodin stated no it's a second home.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

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

Commissioner Montero asked what the definition of an apartment is. Because as she's looking at this, this is an ADU mother-in-law attached to the building. It's not over a garage. It's an apartment. Mr. Cupples stated calling it an apartment it meets the definition of what ADU is because an ADU can be a separate detached building. It can be an attached building or it can be incorporated into the home. If it's incorporated into the home it doesn't have any height restrictions tied to it. You had some provisions that said, we don't want ADU's that are over two stories, but if they're over a garage, it's okay. But if it's incorporated into the home that's okay. Apartments under our zoning ordinance is basically three or more, units. And so it's not an apartment by definition, but as far as code goes, it's going to be based on what the square footage of the building is. This allows them to pick, they can build that same building without a second kitchen in it. It could be a single family dwelling. Chair Hoth asked why they we doing it as an ADU as opposed to duplex. What's the difference between a duplex and an ADU? Mr. Cupples stated that was their request. Chair Hoth stated so it could've been a duplex? Mr. Cupples stated no they needed 7500 sq. ft. of land in order to do a duplex. Chair Hoth stated the staff reports says they would be required to have three off street parking spaces and one of those spaces would have to be accessible without moving the other two cars. So you have to independently be able to get one car in and another car in to qualify for an ADU. They have absolutely no problem. In fact, they have more parking than some of our larger new duplexes. Chair Hoth asked how many parking spaces this house requires. Mr. Cupples stated they are required to have three in total. For the single family dwelling you need two, for the ADU, you need one. The planning commission talked about the idea that if you were doing an ADU that was 525 square feet, you would definitely say, oh, well three parking spaces total is going to be enough as long as you can get two cars parked independently. But when they started to go beyond the 525 under a conditional use, you could actually consider, well maybe three in this case you're just under 800 maybe you need four. Maybe you'd approve two standard and one independent standard and then one compact space. That's what a conditional use allows you to do. Vice Chair Posalski stated if this layout had two bedrooms we could say maybe we want two parking spots. Because there could be two different people as roommates. Mr. Cupples stated you could say, one could be a compact space or they can be stacked parking or whatever. But that's the nature of conditional use.

Commissioner Montero asked Mr. Borodin if is client is perfectly clear that they will not be able to rent as a vacation rental. Mr. Borodin stated that is correct. His client has been sitting on the property for a while and she asked him to design the house for this property, and inquire from the city what can be done with it. Originally she actually requested duplex so she can live in one and rent the other. Because of the square footage of the lot, they were not able to do that. When they applied for the ADU he was specifically told that even though a duplex could be rented out as a VRD an ADU does not have that privilege. He explained that to her and she was okay with it. Commissioner Montero stated that brings another question she has, so we have a long term tenant in the ADU, can Mrs. Ortiz rent her space out as a VRD? Mr. Cupples stated no, if the property has an ADU neither unit can be rented out as a VRD. Mr. Borodin stated that Mrs. Ortiz is aware of that.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Vice Chair Posalski made a motion to approve made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Bill Carpenter seconded and the motion was carried unanimously.

- E. 19-057CU:** A conditional use request by Providence Seaside Hospital. The subject property is located at 725 S Wahanna Rd. (T6-R10-22CA-TL2200) and it is zoned Low Density Residential (R1). This request will allow the replacement of the static mounted MRI trailer. It will be within the same footprint of the concrete pad. The project will include an enclosed walkway to the exiting Hospital to replace the current open air covered walkway.

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Josh Colbert, PKA Architect, 6969 SW Hampton, Portland, Oregon 97223 and Don Lemon, CEO of Providence Seaside Hospital, 725 S Wahanna Rd, Seaside. What you see before you is the result of a lot of hard work that we've done with the hospital to determine the best way that we can replace an old

and not as reliable MRI unit. As is often the case plans change over time and we now have a solution that he thinks is going work the best for the hospital for the patients and so on. As Kevin mentioned the existing trailer unit will be removed. There's a new transportable unit that they put in its place and instead of what has currently been happening, where we have to wheel and take patients outside of the building and walk them along that a concrete walkway to get into the transportable unit, they're actually going to build a vestibule or a connecting piece that will come directly out of the west side of the hospital and directly into that unit so that patients don't have to experience the wind or the rain and the other elements. The unit itself will look different than the existing trailer unit. That one has been modified over the years for a number of mechanical reasons and there's a lot of sheet metal that's out on the front of it. This new trailer unit will have all of its components, internal to the unit and it'll have a skirting around the bottom of it so that you will not see the wheels and you won't see the trailer hitch and those types of things. There'll be connections made to it for medical gases for emergency power. There'll be a hand sink in there for staff. There'll be a dressing facility for patients inside the unit. There is a chiller unit that will support the cooling of the trailer that's going just to the northwest of the unit that will be screened with landscaping, and then provide the chiller connections to the trailer.

Don Lemon stated the actual MRI itself is a state of the art, large bore MRI, which gives patients a much better experience when they're receiving an MRI. They're rather tight, but the large bore gives an additional space for not only larger patients but it also gives additional space for any patient receiving an MRI. It is definitely one of the many projects that we're currently working on at Providence Seaside and, we're working very hard to transform the care that we're providing here in Seaside. And I think it's going to be a, a wonderful addition to what we have. Mr. Colbert stated if you're familiar with Tesla ratings for the MRI, the new one is a 1.5 Tesla, but it allows for more clarity and scanning. You can see more things. You can do, different types of diagnostic tests that you couldn't do with the older unit.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

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

Chair Hoth turned it over to the commissioner's for discussion. Commissioner Bill Carpenter stated that he is very happy that they are doing this. He has used the older one and he appreciates this new upgrade. Mr. Colbert said the concrete pads are going to be modified somewhat because the structural weight and how the loads are spread across that concrete pad will change slightly. So part of the part of that pad will be thicken to accommodate that where the different point loads are coming down. At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Vice Chair Posalski made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Bill Carpenter seconded and the motion was carried unanimously.

F. This item will be continued until the October 1st Meeting. 19-033VRD A: A conditional use request by Jerry Johnson for a four (4) bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of nine (9) people over the age of three, no more than ten (10) regardless of age. The property is located at 403 9th Ave. (T6-R10-16DD-TL1200) and it is zoned High Residential Density (R3).

Kevin Cupples, City Planning Director, stated the appellants are here. It was the original applicant. So what happened is the vacation rental dwelling request was made, the individuals who appealed the decision wrote in, the decision by the planning director was appealed by the individuals who are here. The person who had the approval was unable to attend this meeting and asked for it to be continued. And so ordinarily we would just send notice to the neighbors saying, hey, we don't plan on taking any testimony because they didn't get that information. He thinks its fine to go ahead and have them testify since they took time off to get here and do that. It doesn't really create a problem because it will be on the record. It's always better if both parties are present at the time. Just because the other individual couldn't make it here, you can't just tell them no, they don't get a talk. So he would say go ahead and open the public hearing. Since they're really the applicant for the appeal the appellants in this case, they can provide their testimony. And then what he would do is, is say if anyone else wants to talk about it they can go ahead and continue the meeting to the October 1st meeting.

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Todd Van Horn. I live at 3124 southwest Santa Monica Street, Portland, Oregon. He has a statement that he's going to read. Simply stated, we are losing our community of Seaside. We need teeth put back into our land use zoning laws to stop over use of conditional use VRD permits. Seaside has been a part

of our family for over 100 years. Our connections to the community have been lasting and deep as Seaside has grown into a city. The pride of our great grandparents in Seaside's early years supplying electricity, indoor plumbing, the paving of streets and sidewalks dot our family history with snapshots and memories. We choose not to judge what appears to be a gin still in the 1930's. My wife and I were married on the beach in 1992 by Seaside's Judge Moberg and we often rent a surrey to be part of the Seaside 4th of July parade from Les and Debbie of the Prom Bike shop. We proudly have a sign on the back of our surrey that says, "Celebrating 5 Generations in Seaside".

Our family and Seaside have grown up together. Help us update our sign to say "6 generations" by keeping residential zones residential. We own a cabin and lot in a R3 High Residential zone 369 9th Avenue and 370 9th Avenue. The main purpose of an R3 zone is to provide housing for families. There are areas of R-R (Resort Residential) that provide spaces for tourist accommodations. We are mixing these zones to our own detriment. The past 10 years of Airbnb-type growth has changed from a resident just wanting to rent out a home for the weekend to private business operations buying homes for the exclusive purpose of creating their own Vacation Rental Dwelling. When USA today lists Seaside Oregon as number 10 in the "50 best places to buy a vacation rental property in 2019", we know we have a problem. These are commercial businesses operating in a residential zone. We are losing our community of Seaside. We need teeth put back into our Land use zoning laws. Other coastal cities have addressed this problem placing limits of the percentage of vacation rentals. A 10% limit used by Lincoln City has been considered a comparison. Gearhart is hoping to address the problem with attrition after a sale. On our street of 9th Avenue, a narrow street just over a quarter mile long, we currently have a hotel, 2 condo complex's, 2 apartment units, 16 private residents and 11 VRD's. This density of VRD's on one street in a R3 zone is excessive. Also, in Section 6.137 of the Seaside zoning laws, 2.E states that a spatial distribution requirement must not exceed 20% within a 100' area. There are 6 properties within 100' of the 403 9th Avenue VRD. Because of an existing VRD on 8th Avenue this is 33% and exceeds the 20% max spatial allowance. 403 9th Avenue should not have received VRD approval without a planning commission review. We have witnessed increased traffic, parking congestion, blocking and use of private driveways, noise, and trash issues related to the weekend VRD's from less than a block away. Nothing is posted on these houses as to the in-town rental agency, so neighbors do not know who to contact other than the police. This is not the best use of our city services. We are losing the community of Seaside. VRD's are eroding our neighborhoods in the pursuit of weekend tourism, this is home ownership disguised as businesses. Please appeal the conditional use permit of 403 9th Avenue and place on pause all others until new ordinances are established.

Thank you for this opportunity to participate in democracy, but isn't it ironic that the VRD permit investments are \$790 that includes a Seaside business license, and \$580 for a private resident just to have their voice heard in opposition? Let's regain Seaside for the next 100 years to build a better community and a better vacation destination, not at the expense of each other. By closing the loophole of the "Conditional use permit" and adhering to the intent of our zoning laws, this can be possible. Thank you.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals, Seaside. Erin didn't want to do a lot of testifying because she didn't realize that we were going to actually have a hearing on this. She knows that the owners met when they were down working on their house and she's sorry that they couldn't be here. He left for vacation the day after this application was mailed and they're out of the country and they can't be here. They're on a different continent visiting family. She thought she had a nice chat with them and introduced herself. The owner felt good about chatting with them. They exchanged phone numbers. She feels a little bit blindsided by this. What she would look at though is when she looked at the initial staff report, the reason it did not come to the planning commission for review was when they drew out their map, it was 15% so she's not quite sure where if you're just looking at a whole street, which is from there to the beach is quite a ways away. There's several little cottages there. She doesn't think any of those are vacation rentals. She's not sure where they all are on that street. She knows of a couple on ninth avenue and she knows the condos down by the prom, but she'd like to see the statistics showing that the planning director or their assistant got the math wrong on drawing the map because it was at 15% it doesn't say that if there's a cap after that, it says that it goes to the planning commission review. If it exceeds 20% and at the time, and it may still be the case, the density was 15%. Chair Hoth stated in this case the calibration was correct and Kevin made the decision. The reason it's coming to them now is because of the appeal. Erin stated exactly. But what she read based on the appeal was that the

planning director got it wrong. Vice Chair Posalski stated when he's looking at the map that you guys drew, the way that the 100 feet is measured is different than the way that you guys measured it on here to determine your percentage because it's a hundred foot all the way around. So you have to count in the buildings that are across the street. You have the time. Mr. Van Horn stated that's why he's counting the one at 8th Street. That's the VRD. So there's two within that a hundred foot area. Did you count the one that is across the street on the corner there? Mr. Van Horn stated that's a vacant lot. Vice Chair Posalski asked if we measure from the center of the lot? Mr. Cupples stated no from the property lines. Vice Chair Posalski stated when we look at it on October 1st can we see the map? Mr. Van Horn stated there are six homes that are affected. Vice Chair Posalski asked how wide Mr. Van Horn's lot is. Mr. Van Horn stated it is 50 x 100. Vice Chair Posalski: so your neighbor to the west would be within 100 feet. Mr. Van Horn stated they were not notified. Mr. Cupples stated that we can provide him with the all the information at the next meeting you'll have a report and he can include everything that went into that as far as the list of the property owners and how all that was done.

Mr. Van Horn stated this is a new VRD there's never been one there in the last 30 years, 40 years and so his, the context of the map was there's enough on the street and the density is enough on the street. Chair Hoth asked Mr. Cupples before we talk too much, how much discussion can we do? Mr. Cupples stated because you're going to be looking at a continuance to allow the original applicant a chance to talk. Vice Chair Posalski stated he was hoping that because fact that they may not be here the next meeting and they're giving testimony he would at least you like to be able to have the discussion with them about the assumptions and such? Commissioner Montero asked when did these people apply for the vacation rental and when was it approved. Mr. Cupples stated that he doesn't have the file. Vice Chair Posalski stated that Mr. Van Horn had made a comment about Lincoln Cities 10%. Mr. Van Horn stated there was an article written up in the paper. Vice Chair Posalski stated here in Seaside, the number we're at is well below 10% that are VRD's. Mr. Van Horn stated but the comment stated "in areas" and so if he looks at the density of the VRD's on 9th Avenue, that's the point they're making; it is way over 10%. Chair Hoth stated he's just going to say as a general statement, he doesn't think anything that Mr. Van Horn read that he would necessarily disagree with or any of the commissioners really have a problem with. He thinks Mr. Horn has identified many of the problems that the commission is aware of and they're attempting to address that in some way. They haven't done that formally yet. They're working at it, but it runs slow, and they're not insensitive to what you're saying. Mr. Van Horn stated that having the contact number posted on the house is a great idea, because they don't know who to call if there are problems. Vice Chair Posalski stated that the commission has had that discussion. Chair Hoth stated some of the difficulties for us coming up with rules is trying to determine like everyone knows who's actually causing the problem. Is it the vacation rental dwelling that's causing the problem or is it people who own the homes who letting people stay in them?

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

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

At the end of the Commissioners discussion, Vice Chair Posalski made a motion to continue this agenda item to the October 1st, 2019 meeting. Commissioner Neubecker second and the motion was carried unanimously.

ORDINANCE ADMINISTRATION:

Mr. Cupples stated the city council wants to, again, go over the finalized items that the commission has prepared. He will make sure that you get that prior to the work session so that will give you a chance to look over and change anything that needs to be changed and then that can be presented with the council. Mark Winstanley and he have talked about it and it may be appropriate for the commission, depending on how the policies come out, to have a formal public hearing on that just to bring it up to the public. It's not an ordinance change per se. But if it's going to start really carving out what can and can't happen, then that may be something that we need to notify people. It might even rise to the point of notifying everyone in the zones, but at this point it's just been discussed and he thinks maybe whatever the final outcome is at this upcoming work session with you and what goes before the council. That may be something that we move forward with. That joint work session will be the last Monday of the Month, September 30th, 2019 at 6:00 PM.

COMMENTS FROM THE PUBLIC:

Mark Tolan stated he just wanted to say thank you so much. Obviously he's been doing this for a long time and he hasn't seen a group of people who were so level headed and considerate as you guys, in the work sessions that he attended. He wanted to say thank you very much for your time and efforts to consider the different parameters in play. He threw some ideas on paper. Again, just they're just ideas. But one of the things he wanted to pass along that he thought he would make a talking point is that at some point he realized that when his staff calls the guests within 24 hours of arrival he had this aha moment. For whatever reason he had that conversation with a guest within 24 hours of arrival and told them of the parameters that they needed to adhere to and guess what? Compliance went through the roof. It went through the roof. He thought, gosh, that's really cool. Well, what would happen if he actually got them to sign a piece of paper after talking to them as well, just saying here are the rules. It went even higher, guess what... his after-hours phone stopped ringing as much and neighbors who used to be adversarial said, hey by the way you're doing a better job. So yes, he knows because he had a couple of breakthroughs. He thinks this is attainable by everybody who could consider themselves a property manager. Call those guests on a call recorded line within 24 hours. So now you have a call recording. If you do have any issues, have a piece of paper signed within 24 hours. So if they ever do have an issue, you have something to show them they agreed to park where you're supposed to park. You agreed to have as many people at the house which are within the rules. So now there is less conflict and/or less inability for a manager to act on a neighbor's complaint. And these are examples of systems that could easily be audited because he's got binders and binders and binders in his office of everybody who's come and gone. So if there's the question, did you do your job? We'd be like, yeah, I did look at this and there it is right there. It could be definitely a spot check where if we do have a concern because it's no longer hearsay, am I doing my job? Yes, I'm doing my job. There will be some bad actors, but in his program of over 1200 guests every year, he can count maybe one or two on any annual basis.

That's a fraction. 1200 families coming and going, being good to us, spending their money, buying our pizza, riding the bumper cars, buying the gas, eating our food. This is good for our community. Just recently we had a guest who was flagged as a warning because we had a problem and we had another guest who was flagged as lovely and wonderful and they both were vying for some Labor Day dates and I say if they have a warning they're out. He doesn't care if they're first in line, they're out, he doesn't need it. He doesn't need the money, he needs quality of life. And he thinks that's kind of conceptually where they at; is that you the planning commission are already making some great motivating-like movements. He hopes his experience could benefit the program because he thinks there's a definitely a way to do this and see the money stay in Seaside. He thinks the money from the vacation rentals goes back into property care. It goes back into neighbor relations. It goes back into helping these properties be prosperous and not run down in a neighborhood that helps everybody who's a property owner as well. His business has evolved from in the early years, they were a booking agent to now in the later years they are an on-site asset protection, a partner. They are here to take care of the beach house so they don't have to worry about chores or they have to worry about things when they come to town. He thinks that's kind of a neat thing that, they can say, well this is what we want from our managers. We want you to be available to those neighbors and have the neighbors sign off and give him a rating every year. If your ratings with your neighbors has gone into the pits and the managers up for review, why not hold him accountable? He thinks it would definitely strengthen our community. He wants to make sure that you heard above all else. Thank you so much. You guys are doing a wonderful job. I really appreciate your level headed approach to this.

Erin Barker stated she has just one more thing, she knows sometimes, we all hear whispering questions during the meeting like "what's this about or can we leave now?" And that's okay. She's bothered by the constant commentary and whispering by members of the audience. It is very distracting. She had to turn around a few times and let them know that she is trying to listen to the meeting. Sometimes she can be guilty of that too, but one of the things that she overheard in the commentaries behind her was, "a bad investment in properties and they're just going to get other people to pay for them". So it got her thinking like most of the people who are buying short term rentals in general, "Do you want to rent them when you are not here?" They want to come here as much as they can, and yes, renting them out to families like themselves helps cover those costs. She manages more fulltime rentals than she does short term rentals. Maybe none of you realize that and she has 80 short term rentals, she has 180 or more fulltime rentals. That's where most of her properties are. She has a lot of experience in that area. Those are the owners who are the investors. You buy a home and you rent it out full time. You just get your rent check, you don't get to stay there. Your renters are paying for it. They're paying maybe not all of the margin, the taxes and all that, but they're paying for it. The duplex, the triplex where those full time

tenants are, that owner has a detached sense of value. That is an investment property. A 20 plex, that's an investment property. Your home, the furniture that you put your own belongings in that you come and use and you allow other people to use; you'll have a much more personal attachment to that investment. So investment isn't necessarily a dirty word. When you buy your own house and live in it, that's an investment. So she's starting to get a negative connotation with the word "investment" in general. Even if you rent your own property, you have some personal investment in it because it's your house. So there is all different levels of investment, and it's not a dirty word. That's my only comment.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:50 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant