

MINUTES SEASIDE PLANNING COMMISSION

October 6, 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, and Teri Carpenter. Staff present: Kevin Cupples, Planning Director, Anne McBride, Community Development Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Commissioner Lou Neubecker and Jon Wickersham

APPROVAL OF MINUTES: September 1, 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. 20-040VRD:** A conditional use request by **Amber Smith** for a **four (4)** 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 **462 13th Ave (T6-R10-16DA-TL8000)** 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 conclusion. Mr. Cupples added that an email was submitted to the Community Development department regarding parking within the easement, and an updated 100 foot analysis map were provided to them at their seats. Chair Hoth asked if there was anybody who would like to speak in favor for the proposal. Eric and Amber Smith, 15959 159th Ln, Yelm, WA 98597, stated that they purchased the home in July for their second home. They are particular about the guests that will be renting the house. They are also planning on keeping the rentals under two weeks each month. Mrs. Smith stated that they are aware of the issues with the previous homeowners and renters, and will make sure the rules are followed.

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. Joyce Hunt, 510 13th Ave, spoke about the parking issues and the rental management company being used. Mr. Smith replied that the company being used is under a new manager with a new contact person. Mrs. Smith added they are willing to part with the management company if the previous problems continued and were not addressed. Ms. Hunt continued to state that the previous management company would have phones that would go to voicemail after 6 p.m. Vice Chair Posalski asked if Mrs. Hunt had talked to Jeff Flory, Transient Rental Compliance Officer, about the new changes to the complaint process. Ms. Hunt replied that she has talked to Mr. Flory about the new process. Chair Hoth asked if Mr. and Mrs. Smith would like to rebut what was said from Ms. Hunt. They declined.

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

Chair Hoth opened the discussion to the Planning Commission. Commissioner Montero asked the Smiths if the easement was a legal easement or a verbal agreement. They responded that it was a legal easement recorded on the deed. Commissioner Montero asked if the signs designating parking spaces were to be reinstalled. Mr. Smith stated that they were going to be replacing them. Chair Hoth stated that a copy of the easement should be put within the file. Mr. Cupples responded that a copy of the easement is within the street file for this address. Vice Chair Posalski asked if the number provided for Oregon Beach Vacations was a local number or a Newport or Lincoln City number. Mrs. Smith replied that the number provided is a 24 hour number that goes to the local contact. Commissioner Teri Carpenter added that the parking was limited. Chair Hoth stated that the parking being problematic, and the management company being unresponsive were red flags, but likes that the new owners are wanting to correct these issues going forward. Vice Chair Posalski added that the current percentage of VRDs within 100 feet of this property was 37.5%, and that this approval would put the percentage over 40%. Vice Chair Posalski made a motion to approve 20-040VRD with the conditions provided in the staff report. Commissioner Bill Carpenter seconded the motion. The motion passed 5-0, with Commissioners Nuebecker and Wickersham being absent.

- B. 20-042VRD:** A conditional use request by **Delaree Bau** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The property is located at **2396 S Edgewood (T6-R10-28BD-TL600)**. And it is zoned **Medium Density Residential (R2)**.

Mr. Cupples presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples added that the applicant had reduced the occupancy from 9 people to 6 people. Chair Hoth asked to clarify if this would reduce the required parking spaces to 2. Mr. Cupples confirmed that the number of required parking spaces is 2. Chair Hoth asked if anybody would like to speak in favor of the proposal. Delaree Bau Riley, 2396 S Edgewood St, stated that her and her husband purchased the property for her to live in while her husband worked in Portland. When she is not staying at the house, they would like to rent the property to help cover the cost of the mortgage. Mrs. Bau Riley added that she does not want to have a bad relationship with the neighbors, and has chosen Vacasa Management Company to manage the rentals during the time she will be away. Autumn Riley, 256 NW 21st St, Portland, OR, stated that she had been helping her parents repair the house, and that she often visits the house to work remotely.

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. Chair Hoth stated that there is plenty of space for the two parking spaces and the landscaping is more than 50% of the front setback. He added that the applicant was listing herself as the local contact, but would be renting it when she is traveling. Mrs. Bau Riley stated that the new local contact is Vacasa Management Company. Mr. Cupples stated the decision for this permit will state the updated local contact as Vacasa Management Company. Commissioner Montero asked for clarification of the surrounding properties being VRDs, and staff confirmed the map was a list of all properties within the 200 foot radius. Vice Chair Posalski motioned to approve 20-042VRD with the conditions provided in the

staff report, with the amendment of the occupancy change to 6 people and the local contact being Vacasa Management Company. Commissioner Montero seconded the motion. The motion passed 5-0, with Commissioners Neubecker and Wickersham being absent.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that he received an email from the Department of Land Conservation and Development, which included training materials that are new for planning commissioners. Mr. Cupples added that he will provide the information to the commissioners, minus Bill Carpenter as he has chosen to not renew his position on the Planning Commission. Chair Hoth asked if this was Commissioner Bill Carpenter's last meeting. The Commissioners all stated their gratitude towards Bill Carpenter and his 12 years of service on the Planning Commission.

Chair Hoth stated that he wanted to talk about the 40% limit for VRDs within a 100 foot area. Chair Hoth wanted to clarify that once the application process began, if the density was less than 40%, the application can be approved, even if the new license pushes the density over 40%. Vice Chair Posalski confirmed that the consideration of density percentage is calculated at application intake, because some properties could have larger properties surrounding the applicant's dwelling and could cause a larger fluctuation of percentage. Commissioner Bill Carpenter stated that he believes that if a property is over 50%, the application is to be denied, because the neighborhood is more of a commercial area than residential. Vice Chair Posalski stated that the density should not reach 50%, but wanted to clarify that the question proposed was when the 40% density was calculated. He added his opinion that the 40% should be calculated at time of application intake, and if the property has a 35% to 39% VRD density, the Planning Commission can still deny the application. Commissioner Teri Carpenter asked if two applicants lived within an area both apply for a VRD license with a density that would be over 40% after the first application, who would gain approval. Mr. Cupples stated whichever applicant applied first. Chair Hoth asked to clarify that as long as the density was 40% or less before the application, it is not a denial. The commission agreed that this is true.

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. Chair Hoth stated that he was sad to see Commissioner Bill Carpenter leave the commission. Commissioner Teri Carpenter asked Mr. Flory if information regarding the rental companies should be provided, such as history with complaints and how responsible they are with their properties. Vice Chair Posalski added that it is valuable information about how responsive the management company is. Commissioner Bill Carpenter stated that the individual homeowner should be made aware of any issues with their local contact, if it is brought up during the discussion. Commissioner Teri Carpenter added that the City could not be in a position to tell homeowners which companies to use for property management. Vice Chair Posalski offered a suggestion of publishing a report which shows complaints and which companies are responsive to complaints. Mr. Cupples responded that Mr. Flory provides a short complaint history for the VRD application, but the amount of information for each VRD file would be too much for a packet. Chair Hoth stated that if the information were to be included in a packet and if a decision was made with more restrictive conditions because of the management company, which could cause an appeal. Vice Chair Posalski added that a decision should not be based on somebody's previous behavior. Commissioner Montero asked if there was a system, similar to the Better Business Bureau, for a property management company. Mr. Flory responded that outside of websites like Yelp!, there is not a regulatory body for property management companies, because no license is required for the business. Chair Hoth stated that the Planning Commission's decision is based on if the applicant met the requirements. The decision must be objective, not subjective. Chair Hoth asked if there was a work session scheduled for October. Mr. Cupples replied that there will not be a work session. Commissioner Montero asked about a joint work session with the City Council. Mr. Cupples replied that there were talks about a special council meeting to discuss VRD issues with

the Planning Commission, but a date has not been specified. Vice Chair Posalski stated that the next commission meeting will be on Election Day, and asked if there are any projects on the agenda for that meeting. Mr. Cupples replied that he believes there are no pending applications. If there aren't any projects that require public hearing, there won't be a meeting.

ADJOURNMENT: Adjourned at 6:52 p.m.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant