

MINUTES SEASIDE PLANNING COMMISSION
April 2, 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, Robin Montero and Teri Carpenter. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Jon Wickersham

APPROVAL OF MINUTES: March 5, 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. There was no response.

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. **19-019CU:** A conditional use request by Seaside School District to modify the Institutional Master Plan (IMP) and Institutional Development Plan (IDP) that was previously approved by the Planning Commission.

Kevin Cupples, City Planning Director, presented a staff report reviewing the request, decision criteria findings, conditions and conclusions. Mr. Chairman, the Seaside School District is requesting a conditional use that will allow them to modify the institutional master plan and institutional development plan that was previously approved by the planning commission. Whereas the prior plan called for maintaining the existing Seaside Heights gymnasium, the existing gym is now planned to be converted for classroom use. This will reduce the size of the new detached classroom building and provide a separate freestanding gymnasium. The modified plan is intended to minimize the new construction costs by way of remodeling the existing gymnasium and decreasing the number of new detached classrooms. The subject property is located at 2000 Spruce. It is zoned Institutional Campus. Although the original conditions of approval allowed the planning director to approve minor modifications the applicants are planning major modifications that are subject to planning commission review and approval. The review will be conducted in accordance with Article 6 and Article 10 of the Seaside Zoning Ordinance which establishes a review criteria and procedures applicable to the request is also subject to the criteria in

section 3.21 of the institutional campus zone that was created for the new consolidated school campus. Within the staff reports staff have identified the applicable review criteria and has provided draft findings and conclusions. If you have any questions regarding the information on the staff report, he'll try and answer them.

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Sheila Roley, 1801 South Franklin, Seaside gave an overview. For more technical aspects she will defer to Mr. Henry. If you've been following our project at all on our Facebook or website or RJ's news reports you will discover that this project has been challenging for the school district from a budget perspective, due primarily to the site itself being more expensive to bring into a buildable condition. It's steep, it's challenging, and has spectacular views. But the estimated costs of preparing that met some challenges. So that started them out with a little bit of a budget challenge right off the bat. From the beginning they have been looking at the plans and adjusting the plans as needed for doing value engineering which is a new euphemism that means you have to cut stuff and trim back. The other challenge that they've run into is that they're building in a time of historic escalation in construction costs. If you go to Seattle, you go to Portland, you see cranes everywhere and there is so much commercial level building in terms of size and they certainly fit that category is that there is a shortage of skilled labor. It's hard to get folks to work on projects. They do have a really great team of major players like Hoffman construction and CPM and Bric Architecture. But it's all those subcontractors who now are in such high demand that they basically can set their rates and they can go where they want to go. They've made a considerable effort to keep our recruitment close to home, but the situation is so significant with the shortage of labor that the concrete masonry unit group has come from Florida. The sheet rockers are coming from Alaska. They do have a lot of Pacific Northwest workers as well as fairly local folks. What that has done is put the school into sort of a daily exercise of how do we really maximize the funds that we have because we don't have the option to go over budget. We will build our building, we will bring it in with the budget that we have, but it does mean that we've had to trim a number of things along the way. First just a few aesthetic things and then some reconfiguration. They've been working primarily on the upper project, but now they're turning our attention to Seaside Heights and that expansion, which is not nearly as large or complex as the project up on the hill. The original plan was that they would leave the building as is with some updates in terms of, lighting and paint and carpet and all those things, and that they would build a whole new classroom wing, which would house 20 classrooms and they would have the remaining gymnasium. But as they realized, they were facing all the same challenges in the elementary project and the original cost estimates have no longer held up with the 7% escalation and construction costs that go up every year. And again the challenges with labor which we anticipate costing less than on the large project because the construction is not nearly as complex or challenging. But anyway they looked at it the original plan was not going to be within the budget. The team who's pretty innovative went to work and is looking for solutions and realized that maybe our best bet was to take the gymnasium and remodel that into the classrooms that we need. That of course takes away the gymnasium we would build a freestanding gym where the construction costs are considerably less than for 20 classrooms. That is the architectural plan that we now have before us. The change on the site is actually minimizing the impact on the site. Eliminating the need for some of the retaining walls that they've got. They needed to have some excavation, which site prep costs have been probably the most significant ticket item as an individual item. So we are trying to be good stewards of the community's resources and the trust they put in us to build schools for all of our kids. They are bringing our new lean mean proposal to you to consider again impacts in terms of the land. It's just a different approach from what they had previously, so that's where we are requesting this change. Maybe Jim will have some things to add more from the technical side or maybe you have some questions.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Jim Henry, 1801 South Franklin, Seaside spoke to follow up on the technical perspectives. The original plan, which is on the last page of the report, shows that we were building the original design classroom wing which was going to project further west and off of the paved area. If you're familiar with the Seaside Heights playground you would know it was going to project maybe 40 or 50 feet further west and have more encroachment moving down to the west and down the hill. The new proposal is minimizing all of the work on the existing play areas. The gymnasium is going to be in that corner, there's a painted basketball striped court lines that are on the northwest edge of the play area. There'll be a new covered play area, there's an existing play structures and just to the south of that will be a new covered play area. Then modular classrooms will be on the north side of the existing school and the classrooms inside of the gym and covered play area will be integrated and those two rooms will be converted into the classrooms. From a programmatic perspective they've been reviewing and working with the principal and staff to have the classrooms be more integral to the original Seaside Heights school. It was seen as a benefit and that's part of the project, to have the classrooms instead of being

kind of two separate education areas with 150 feet of distance between. This allows for classrooms to be more cohesively located.

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. John Dunzer 2964 Keepsake, Seaside. He doesn't really want to speak against this part. We're locked into this project. We've been locked into this project. He wants to speak about the process. You are at the point where Sheila worries about every drop of concrete. So it isn't fair, but that's beside the point. Life isn't fair. But just let him read to you the article of where this all came from. In the Seaside School District number 10 are some of their goals and it said before such a bond election, the specific need for facilities will be communicated to the public, and careful estimates will be made as to the amounts required. He knows what those careful estimates were and they were on one sheet of paper with some scratches on it that could have been done by a three year old. We have a real basic problem in this community with people because they didn't think it was going to pass. They didn't care what the details were. They only cared what they could get the voters to vote for. They could care less about the details. Now we're worrying about the details. Excellent idea. But it's way too late. After the first bond issue we had another shot at it. Some of you sat here and Professor Cupples put together a package about whether we were going to approve this project at the very beginning. What was that two years ago? Mr. Cupples made a recommendation to this group and he said, well, we're going to have this session and then we're going to break and then we're going to have another session after that because there were some things we never got to during that first session. It was railroaded right through. Right over the top of his recommendation. You didn't have two meetings. There was no analysis there was no discussion. All this stuff about public hearings was just garbage. It was just a giant railroad and now we could have shown some differences. What you as a planning commission should have done to help out some of these problems that she's now having to live with every night is you should have stopped and you should have said, why don't we do a little more systematic thinking? Instead what we have is, you saying the community voted for it and they didn't know what the hell they were voting for. They voted for something that costs \$120,000 per student for a class desk, that's three times what the average is for this kind of a class desk anywhere else in Oregon, they didn't have the faintest idea. Mr. Marks, put it in his paper. He said, why in the world are we proposing a project that's three times more expensive than any other project that's going on? They were terrified that somebody was going to say you don't care about our children. That's what they were terrified about so they just overreacted. Then we had a Mayor who says, I don't care about anything, the people voted for it and that's what they're going to get. So what we had was all of this is a big Shizam kind of a thing. We never really spent any time planning it. We never spent any time reviewing it. We never spent any time looking at alternatives. We've got all this paper. We had all these people, we've got your time, we've got my time, we have his time, and we've got paperwork all over the place. Nobody ever spent any time doing anything correctly and that's been the history of his 15 years here in Seaside. That's exactly what he finds on almost everything. You go back to the traffic, you go back to the TSP, you go back to any of these things; it's just a farce. His recommendation would be to approve this project because you don't have a choice. Let's get this damn thing built. Get some kids in there. And number two, why don't you guys all resign because somebody ought to make a statement. Somebody ought to tell the people that we're not doing our job in this thing as far as citizens. We have the same people doing the same things in all of these advisory committees. Nobody knows how to answer a specific question or ask a specific question or even follow the rules of the people that they hired. Jim, is here tonight. He says we should have two hearings on this thing. You go right over the top of him and you say, okay, well I've heard enough we'll just approve it. He said, why don't we do it in two steps? No, you wouldn't. So it looks like you did your job here in the planning commission. That's exactly what happened. Mr. Dunzer has no problem with this plan. Okay, he can give you a letter from Bric that says exactly the same thing except its 180 degrees about all the things that Mr. Dunzer was proposing. Nobody wrote a letter or anything, you know Bric's Architect is bought and paid for. He's going to support it. That's what that planning consultant is for and he uses the term loosely as he is a piece of work. You know, these guys, they'll say anything and you'll believe anything just because it's coming out of the mouth of some consultant who is paid for, you know, it's like having Michael Cohen as your representative. He's sorry, he just feels strongly about this, and he has put his time in. He's been here for 15 years. He's seen nothing but giant screw up after screw up after screw up. It's a beautiful community. But you know, it doesn't work. It's not working. That's why he's running for school board. Don't you think he'll get elected?

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

Chair Hoth indicated the issue was opened for Commission discussion.

Commissioner Montero stated that it's referenced in here this school is to target 800 students. What year does that carry us to? Sheila Roley stated that she doesn't understand the question. Commissioner Montero stated Bric Architect mentions that the school can house 800 students, she's wondering what year that takes us to? Sheila stated that we don't really know that, the building was built in the 70s and that's a considerable lifespan. They would hope that it would last another 20, 30 years. She's guessing that is a realistic estimate. Commissioner Montero asked if they're foreseeing any expansion. Sheila stated no, right now the elementary schools population is a little over 700 and Portland State University does long term demographic projections and the population of school age kids is not anticipated in the next several decades to grow considerably. That's not what the growth patterns are showing in this area. They do have room for some expansion. If suddenly they had a thousand students, it wouldn't happen overnight and so they would certainly have to plan for that. Or she should say her successor will if that is in 23 years from now. She probably will retire by then. They don't see themselves at 800 kids yet and doesn't think it's problematic.

Commissioner Bill Carpenter stated that he has a couple of comments. Thank you for reconfiguring the intersection between the road that comes down from the high school / middle school and meets in with the extension from Spruce Drive. He appreciates that they got that configured. He asked if Sheila could give the commission a little description of how the traffic flow is going to be in terms, is there going to be stop signs in all four directions so that we won't have cars coming through and turning? Sheila stated she's not sure about the sign but Jim Henry does, but she does know, like they already do with the parking lot, they have staffing out there even with the current parking lot in the morning and in the afternoon when school is coming in and going. Commissioner Bill Carpenter stated so the solution basically is they have a traffic monitor out there. Sheila stated she's sure they'll still have that; it is best practice when you're working with kids anyway. But she has not heard about the signs. Jim Henry stated as, as you come up to spruce and then you're on district property right before that, the road that goes up to the high school, Middle School there'll be three lanes there. There'll be a right turn only lane where everyone going up to the, the new high school middle school will be in the right lane and they'll be diverted off to go up the hill, the center lane will go straight through and go loop into the parking lot. Then there will be one exit lane that's going back to Spruce. The parking lot that currently is in front of the Heights has both the bus pickup in front of the school on the east side and then your parent's kind of queue up and pick up in the parking lot. The design where the buses pick up now will become a parent pickup and drop off so that will reduce the pressure of parents picking up in the where the parking spaces are, which is what will be much safer. The buses will queue on the south side of the existing school. The current plan is for there to be two rows of buses side by side and it's not an uncommon staggered position so the buses leave space for the outside lane and because you can control the bus drivers much more effectively than you can control that the parents dropping off, that's going to be a safer interaction; separate the bus pickup and drop off from the parent pickup and drop off. He thinks there'll be a significant improvement there. From the signage perspective entry into the school and either turning right up to the high school or going straight from the center lane into car parking area there'll be no stop signs as you enter the site that though he stop signs as you come down the hill, the high school or from leaving the parking lot or for the buses coming back into the exit. So the inflow has no stop signs, but all the exits from the two parking lots as well as from the high school will be stopped. Commissioner Bill Carpenter asked if the center lane coming in would not have any stop sign the right turn only it was not an issue. Then the cars going out won't have stop signs. Jim Henry stated if it was an inner cross street who would have it have a stop sign on three of the four. Vice Chair Posalski asked are you planning on having staffing at Wahanna and Spruce to where there may be some control where buses go one way cars go another. Cars can only turn right, buses can only turn left and that way it just clears that area faster and be able to control some of the crosswalk that's going to happen there as well. Sheila stated that they have not discussed staffing for traffic direction. They have discussed that buses would come in on Avenue S if they're making a right off the highway or they could come out on Avenue S if they were making a right onto the highway but they'd be avoiding left turns and that's more Spruce to the Highway. The majority of the buses take a right turn there.

Chair Posalski stated the buses will take a right on Spruce to go north on Wahanna. Sheila stated right and they have discussed that they are encouraging some more walking to school. Right now the bus routes, pickup kids going up Spruce which started years ago which really slows things down. Some of

the kids would get there faster if they walked rather than waiting for the bus. That's about half a block and they are going to not pick up kids on Spruce anymore. It's literally a block and a half. They have talked about traffic safety, adults with probably older kids, fifth and sixth graders helping. They would have crossing flags out there like you see with the crossing guards. But in terms of an adult directing traffic, they haven't discussed that.

Vice Chair Posalski stated that a lot of the concerns that were out there, where people cutting over to Cooper and especially with the high school drivers, it might be nice to have it out there to be able to at least say, okay, we recognize this car. This person can be spoken to.

Sheila stated that just like we do with everything in school, we have a lot more supervision to start the year to make their point. They're planning as much as they can. They know part of what they're just going to have to experience when they get there and workout the bumps. Student safety is their top job. They understand that. Commissioner Montero stated that she was looking at the site plan L. O. There is a gravel access road labeled number 19 to the east of the high school parking lot. Is that also an accessible road for exit from the high school? Sheila stated that is for emergencies only. Commissioner Montero asked if everything is bottleneck to that one road coming up to the school. Sheila stated it is. Sheila stated that the traffic study that they did indicated that it's more than capable of handling the volume. It's going to be busy, mornings and afternoons they stagger the start and stop time of the elementary and the middle & high school. There's about a half hour gap between the starting and ending times for those schools. Commissioner Bill Carpenter stated that in other discussions, he's heard that that road was supposed to be paved. The one marked 19. Jim Henry stated it is going to be paved. Sheila stated that the upper road is not a regular exit. There's about a two mile either direction driving on a logging road to get back to a regular road. There's a lot of risks certainly inherent with regular traffic work on logging road. Commissioner Montero asked is that logging road was a private property by permit only then and that's how they're getting up to the site to work on. Jim Henry stated the logging roads also have gates to get back to county roads and so if someone went that way they might not be able to get through the gate. So they would be coming back down through the school again. Commissioner Bill Carpenter asked if the school will have a gate to stop traffic from inadvertently going through the school district. Sheila stated yes there's a gate at the end of the school's property. Jim Henry stated they'll probably be two gates; one between the top end of the parking lot to where the access road would go to the reservoir and then they're proposing, he believes, a gate at the top. There's a logging road easement that cuts through at the top of that as well. They're in discussions with public works on that. Commissioner Bill Carpenter stated so that would prevent people from coming in from the logging road area. Jim Henry stated yes. Chair Hoth stated that these are all good questions but we need to draw this back to what we're supposed to decide on tonight, which is a reconfigured development middle school. Which is the gymnasium and the classrooms. Vice Chair Posalski asked if they lose any classrooms with this change? Sheila stated no. At the end of discussion Vice Chair Posalski stated not hearing any other questions. He would move that we approve the change. Commissioner Bill Carpenter seconded and the motion was carried unanimously.

Sheila stated that on the school's website they have this month's drone fly over. They post the school's monthly citizen oversight reports on there, RJ is at those meetings and so is Mr. Winstanley.

ORDINANCE ADMINISTRATION: VRD Policies.

Mr. Cupples stated that he sent some emails that we have received from a complaining party and although he doesn't really want to get into the details of that particular case, in general his reading of the conditions of approval that we have in place right now would be that if a visitor comes to a vacation rental and they park on the street, they're not violating the conditions of approval. He believes that we can regulate the occupancy in the unit and say, okay, that's the max number of occupants. But if someone comes over to go see a friend, which in fact he's done it himself, if he goes over to someone's house and they've rented a vacation rental, he doesn't think anyone could tell him that he can't park on the street under the conditions of approval. He wanted to run it past the planning commission and make sure that the language in that condition couldn't be stretched and somehow say, no you can't have a visitor park on the street in front of your vacation rental. That's kind of been his view of the conditions of approval. The renter can control how many people go into the unit and are in the home for occupants. But you can't tell someone if their visiting, you can't park on the street under the conditions that you ordinarily applied to vacation rentals. Commissioner Bill Carpenter stated that he absolutely agrees with that. He's had family and friends rent vacation rentals and they have gone over to visit them, as anyone

would and as well as the parking is legal. He sees no reason not to allow it. Commissioner Neubecker stated that he agrees, he's done it. He's parked on the street to leave driveway open for people that were renting. Vice Chair Posalski stated that it just would not be enforceable. Commissioner Montero stated that indicates a visitor, not an occupant. Therefore you would not be spending the night. Because then you become an occupation, you become an occupant or renter and it changes. Mr. Cupples stated you can get into all kinds of problems with that? His niece comes down here for volleyball and she rents houses and he always tells her, please don't be the person who violates this stuff because he's going to get the flak from it. And she goes, no, no, we're doing it right. Maybe 10 years ago she wouldn't have done it that way. But, he just wanted to make sure that he ran that past the planning commission because he didn't want to be saying one thing and then have the planning commission to say, why did you say that? Why did you allow that? But he does see the occupant load in the example he gave you, if you can't judge the occupant and if they have a huge party there, it could be a big problem. And then that would encourage more people to be on the street. But as far as just visitors within the occupancy, then he didn't see it as a problem. Chair Hoth stated that he sees a couple of issues here. The first issue is if you have a guest, do they have to park off street? That leads to the second part of this is guests, and who's a guest and how many guests and what type of guests. And he doesn't see that you can limit guests. He means if you're renting a house and you run into somebody you know and say they come over for lunch we can't say no you can't do that. If however, they're having events like a weddings, bridge club, kids' sports teams, and stuff, then those are not appropriate, but where's the dividing line and how do we control that? We don't have language to address that specifically. If we come up with language to address that, then what do we have to do, enumerate each of the things that's inappropriate and those that are appropriate? And what's the dividing line between that? So then you've ended up with the option of putting in the kind of dreaded line of when it becomes a problem. It may not be a problem for you, and then that's very vague and weird. How do we control that? Do we do leave it vague and we decide what looks bad or bad once there's a complaint?

Mr. Cupples stated that he just held it at the occupancy limit if the limit is nine and you're six people there, you can have three people over the age of three there. He has set it as that is the limit. Now if someone ran into someone and they wound up with one extra person, in most cases, no one's going to complain about that. But that doesn't mean that someone won't complain about it and will point it out. And in fact that has been pointed out as a violation of their occupancy. But he has always held that no, the occupancy for the unit is the occupant limit and he's not going to try and mix and match and create all kinds of different rules of, well you can have two more guests over the occupant load. I've just said the occupant load is the occupant load and don't go over. Chair Hoth stated that does seem to limit anybody coming over if you have a family and they meet another family that they know in Portland and say well why don't you come on over to lunch? Mr. Cupples stated that's just how he believes that the condition reads. Commission Teri Carpenter stated her sense is that there is a difference between an occupant and a guest. Even if you were having an event, there's still a difference between an occupant and guests. Chair Hoth asked if Mr. Cupples was saying you can't have any more people in the house then the occupancy now allows, therefore you can't have any guests if everybody wants to stay in the house. Mr. Cupples stated no. If you have six people there, you can have up to your occupant limit in guests. He has actually talked to friends of his that were staying here and he asked them, what's the occupant load of your unit? Now granted he's a little more versed on what can and can't do, but he has not gone over to see people because he knew that he would shove them over their occupant load. Chair Hoth stated so you're saying, because the occupancy is six adults or up to nine, the occupancies nine. So therefore you could have six people in the house, six adults. Mr. Cupples stated then they can have three guests over. If you don't want to do that, go to the Shilo, go down to the beach, go to the legion, go someplace else to meet up. Commissioner Bill Carpenter stated when he goes to visit as grandparents and the other grandparents came over from Beaverton, they showed up on the doorstep. They're not going to throw them out, but they didn't spend the night. Chair Hoth stated but suppose somebody does say something. How are we going to interpret that by saying it's a violation? Mr. Cupples stated that the commissioners can sort through whether it's a big violation or a small violation. Or why are we worried about this violation? You can be the judge or he can be the judge of that and say he doesn't think that's a big problem. Like if you add one person that came over for breakfast, there are people that are very concerned about that type of thing. Commissioner Bill Carpenter stated we were also talking about those types of violations that present a bad conduct and we're going to review them for whether they get the license or not as opposed to a slap on the hand type of violation. And he put this in the category of the slap on the hand violation. He would hate to see a wedding reception with thirty people there. Vice Chair Posalski asked how were the occupant loads established? Does it have anything to do with the Fire Department? Mr. Cupples stated it's based on the amount of off street

parking that they have and the number of bedrooms that they have in the unit depending on which is the most restrictive thing. That's what sets it. There is one code limitation and that is the one that Bob Mitchell the Building Official has put in and that is based on the building code. If you have transient occupancy in a dwelling unit that isn't really, you know, truly a commercial establishment. That's why we have that occupancy of 10 regardless of age requirement. That is, you're not supposed to have a bunch of people in rental situation in a house and you're not supposed to have more than 10 regardless of age. Vice Chair Posalski asked what is the reasoning behind that? Mr. Cupples stated it's a matter of what's in the building code according to Bob. Vice Chair Posalski asked if it's a safety issue and so I guess we could come back and say any occupancy over 10 is strictly prohibited regardless of the building. And then there's an actual reasoning behind it as opposed to this just happened to be the occupant load to this particular house. Vice Chair Posalski stated he'd be curious of certain buildings, if they have so many people or are multiple families that they have to have sprinklers or other requirements. Mr. Cupples stated that's the rule that ties into that rule. If you want to go over 10 then you are talking about putting a sprinkler system in. Vice Chair Posalski stated so the number 10 as a safety piece to it as opposed to just this is the number of parking spaces and this is the number of people. Mr. Cupples stated that it steps outside of the zoning ordinance. It's something that isn't considered under the zoning ordinance. Chair Hoth stated so for us, as the planning commission as an arbiter for something of this nature we're not constrained by specifically enumerated penalties. So somebody comes in and they're a little over the occupancy. We could just say, you have exceeded this, you're done. We don't have to do that. We could say, well that's not right. It wasn't a big deal, but we don't want to see you do this again, we have the leeway to make our own decisions. We don't have a list of things like in law and order. If you do this crime, you get this penalty. Or you broke the law twice so you're done. Mr. Cupples stated no it's not that way. The ordinance is anything but that.

Vice Chair Posalski stated that he can see us with a rule where it's if it's three per room and so it's a two bedroom place, so occupancy of six and they had seven or eight people, it doesn't matter. You go over 10 regardless of the size of the house. Now you've got a safety issue that ties into something bigger than what we're talking about would be VRDs and now it becomes a real violation as opposed to your having a few extra people. Mr. Cupples stated if you want, he can provide the commission with the information that was kind of the pathway to how Bob got to his conclusion. Commissioner Montero asked when did the parking ordinance 6.1372 come about where one nine by 18 off street parking space was to be required for each bedroom unit? When was that put into place? Mr. Cupples stated he believes that was in 2004 or 2005 and prior to that there was a different formula that was used and it was two people per bedroom. It was still the parking space, two people per bedroom. Then it was people over the driving age of 12 or whatever. It was just a breakup of the formula based on the number of people and the number of cars and bedrooms. He said over and over again, we don't play bed police and say, well you can only have three people in this bedroom and three people in that bedroom. It sets a number and that's the number that we use when we're doing the review. Commissioner Montero stated the reason she asked is it says that one parking space per bedroom and if we've got a four bedroom home that's a VRD and they have noted spaces for three, how does that work? Mr. Cupples stated that we limit the occupancy by bedroom and parking spaces. Chair Hoth stated we determined the parking places based on the maximum number of allowable occupants. And so in other words, since it's capped at 10 you would be full at three bedrooms. Even if they have six beds. So we say three parking spots because of the limit on the occupancy, not technically as it reads that you should have one parking spot per bedroom. Mr. Cupples stated if you've got a three bedroom home, he doesn't say lock off one of the bedrooms. If you've got a three bedroom home, he's going to lock down the occupancy saying if you've got three bedrooms, again, he doesn't care how they sleep, they can all sleep in one bedroom for all he cares and it doesn't do anything other than say your occupant load is being limited mostly by the amount of parking that you have, not by the number of bedrooms that you have or how big the bedrooms are or anything else. It was actually in 2000 when that change occurred. Commissioner Montero stated that the ordinance says right here, one parking space per bedroom. Should that be amended? Chair Hoth stated the problem we have are sometimes is if you have a four bedroom home they get an occupancy of nine adults, with no more than 10. What if you have four couples show up and they each come in their own cars. It's always a problem. And he thinks that's why we're having that problem on that VRD that's up north is because they only have three parking places. One is inside of a garage, there is no other parking. Commissioner Teri Carpenter stated that she has an issue with that because most people won't park in the garage. They turn the garage into a rec room or store their stuff in there. Commissioner Montero stated exactly. And not having even the three parking spaces, without the garage, it's obviously causing problems. Vice Chair Posalski stated if they don't have the three parking spaces it is a violation of their permit. Chair Hoth stated there should be a parking space for each bedroom. Even if the occupancies is 10 then they

should have five parking spaces because like I said you could have just a couple of cars. Then you've got a problem because you only have three parking spaces. Commissioner Montero stated according to the plot map at the property, the driveway is not even wide enough to hold two. Chair Hoth stated where are we going with this discussion of VRD policy? Mr. Cupples stated that he'll put it in a formal policy so that you guys can review it. Chair Hoth asked what is the ultimate goal here? Mr. Cupples stated at some point it is to come away with some new ones. We actually discussed this at the last work session. Vice Chair Posalski asked Mr. Cupples if he was going to get some input from council as well? Mr. Cupples stated that is correct. We can get input from council at the joint work session at the end of this month. Commissioner Bill Carpenter asked if Mr. Cupples knows what the topics are going to be besides just the difficult topic of VRD's because that is one of the things that has always been discussed outside of the chamber is a the limiting, in one manner or another, the number of VRD's we have in Seaside. Mr. Cupples stated there's been a bunch of different potential changes discussed whether or not those changes become ordinances or they become policy or they are a combination of those things. He thinks that's going to be a matter of time. Commissioner Bill Carpenter stated one of the things discussed at the last work session was should we have on a duplex only one VRD aloud type of restriction. That's something we would need the blessing from the council. Mr. Cupples stated he thinks that would be a combination of both the Planning Commission and the council in saying, well, here's some things that could be done and where do you see it headed. Vice Chair Posalski stated it'd be useful to have an idea of how many properties are actually affected like we did with the auxiliary dwelling units. Mr. Cupples stated that there are currently duplexes that are rented or, do you want to put a plug in the hole in the boat right now and say, okay, pass this, no more. We can look at those others and that's another thing: those are all different, different pathways, different decisions. Commissioner Montero stated that she understands that if they're more than 20% VRD's in a block or conditionally use as required, however, is there a maximum of VRD on a block? Mr. Cupples stated not currently. Commissioner Bill Carpenter stated and that's another approach to limiting VRD's. Mr. Cupples stated he's gone back and forth on that as well if you have some blocks in town where, the majority of all the properties are second homes. And if you say we're going to limit vacation rentals, you're turning your town into a ghost town on some of the blocks because you're going to limit the vacation rentals. As a result you might have fewer people there then if you had the vacation rentals. It really depends on which block you are talking about, he thinks the last sacred blocks would definitely be in the RR zone (Resort Residential) and simply because it's a motel zone. Well, if you're going to limit VRD's, that's the last place he would limit them. But that doesn't mean that they couldn't be restricted in some way, in other neighborhoods. Commissioner Montero stated that we are a resort town. We know that. We welcome all the business that comes with that. But it's just something I'll consider. Mr. Cupples stated when we do an adjacent property list and you look at who's a local, it's not that many, our local mailings are not very big there. Most of the things are going out of Seaside. Whenever we've got a vacation rental mailing that is sent out, it's rare that it's going to someone who's a full time resident and we actually have some second homeowners who complain about the vacation rentals being too many vacation rentals. And it's like, well you know, you don't really live here either. But it's just an option for people to help pay for whatever they're doing. He's with Terry and doesn't think it's a good thing when people are picking out multiple properties to basically run a detached motel. He doesn't think that's what the VRD's were intended to be. That's another thing that would be a change in the way that things are done and he's going to be looking for the planning commission and the council will lead that. Commissioner Montero stated we are also losing long term rentals for people who work here. Commissioner Teri Carpenter stated some people wouldn't buy a home if they couldn't make money off of it or they couldn't rent it out, they couldn't afford to live here. That home would come up for sale. It's a double edge sword. They are good for the community, but there's another side to them that also takes from the community as well. Vice Chair Posalski stated that he thinks what we really have to watch out for is whatever direction we go with that. If some limitation on VRD's helps enhance the long term rent ability of properties, great. You take \$1 million house on the Prom and say you can't make that a VRD anymore. It's very unlikely that somebody who's working here and live locally and work in our community will be living in that house. It isn't a workforce housing type property. We just have to make sure that we're not cutting off our nose to spite our face because we think VRD's are killing all of the long term rentals when a lot of the VRD's that are out there are not workforce housing size or composition. Chair Hoth asked if anyone had further discussion of this issue tonight. There was no response.

COMMENTS FROM THE PUBLIC:

Erin Barker, 800 N Roosevelt, Seaside, Beach House Vacation rentals. Erin stated that she thinks you're right about comparing apples and oranges. A lot of the vacation rentals would not be considered affordable housing. She had somebody who called and they were looking at buying a duplex and

making them vacation rentals. She drove by and said, no. The city's not going to approve that. You don't even have parking, number one. You only have maybe one and a half spaces for each unit. Those were affordable housing right downtown. She wouldn't manage those as a vacation rental those are the kinds of things that we need most. Just a little bit of a history. At one point years ago when the prices were starting to go up, that's when that Holladay Drive divider came about. Because buyers were looking at these homes as a vacation rentals because ultimately they will be retirement homes for people. This one sells because now they're retired and move in and maybe another person buys this house here because they have the money now and in 10 years are going to retire. So they want to rent it, maintain it, and then ultimately retire here. But when the housing market prices were going up, that was when that Holladay Drive divider came in to say, hey, we recognize workforce housing, we need to protect it. Basically the city pretty much decided that, we know where all the short term rentals are. They're on the west side of the river there on the Prom, they're on Avenue U and the north end of town, we don't want people buying houses on the other side of the river or behind Safeway on Lincoln and that whole area.

She has seen lots of builders come in here with proposals for building projects and so many of those projects went away because of parking issues and restrictions. One was a condominium project and she thinks the insistence was on two parking spaces per unit, which there's something to be said for that because she manages a 20-plex that has one parking space per unit and there are not two spaces per unit and sometimes we'll have families there when they have three vehicles, some people have none and we've gone down to a parking permit issuing system where each resident gets two passes, a blue one for guests, a red one for residents, you have to park in your residence space with your resident tag in your space. If you have two cars, then you park in the visitor space. If not, you got to go around the corner and park somewhere there's parking. She is paying a kid to monitor the parking lot and some people don't have cars, but all of a sudden in the last two years it's become an issue. She thinks people are, instead of just a one family, there might be two. And that's how you're getting that extra car. The other thing that the planning commission has talked about in the past is feeling like they were rubber stamping permits because they were reviewing things that were in that 20% or above range. So that means it's in a more dense area. And like Kevin has pointed out, there's a lot of people that are second homeowners and many don't rent their homes and they don't really care. The sensitive areas that you do pay attention to now are where Mr. Dunzer lives in the cove. So that's not permitted anymore because that was a very sensitive area. At one point the commission talked about maybe we need to review the ones that are going into where there's very few rentals and most of those people, like in that north area, north of the high school, Queen, Oregon, 26th Avenue and she thinks there's some on the ocean side, she thinks there's a few there. Although there was one on Pine Street that came up for review and they did get approved. There were people that were really upset, but with the way it all shook out and came down was ultimately the neighbors were happy because the fulltime person there, the property was not taken care of and not in very good condition, they had a mean dog. The neighbors thought maybe he was dealing drugs. So ultimately once that person moved out and then it became a short term rental, there were no problems there. And she thinks he still rents it, but it's not a very successful rental, she thinks because it's not in an area that's popular. What's popular is the beach. So she thinks to help with this housing crunch, because she's seeing it, she feels it and has people on waiting lists for housing. To help the crunch is to maybe to help the builders with their costs. She has seen a lot of them come in here with great projects and they've all just fallen flat. She doesn't know how to get that promoted or where that can be developed because she doesn't deal with developing construction and building. What we really need is affordable housing that are multifamily units. Someone that wants to build, triplexes or duplexes that are affordable, not, what you would think of as the high end, fancy Avenue G condos with a backup generator and granite countertops. That's not affordable housing. They don't do short term rentals there. They're never going to, and they don't want to. But those are, you know, \$2000.00 bucks a month. That's not affordable housing. She has one business who was cop-talking to me about buying something so he can bring employees here. Jimmy at the brewing company is looking to buy something. Housing is tight but she doesn't think you can nail it on the vacation rentals. She thinks there are two different juggling acts; that both have juggling acts to be maintained, but she doesn't think they're really intertwined all that frequently, maybe a little bit.

Vice Chair Posalski stated there is an overlap but not a lot. Erin stated that on the garage issue, when they do bring three cars, that garage is used. One of her objections with Gearhart was when they refused to allow a garage to be used and she said a garage is a building for the purpose of parking a car. How can you tell people that they can't park their car in the building that was put there for that purpose? The issue would be: you have a four bedroom house with a two car garage, two car parking pad. So the four times three is 12, cap it 10 because you don't have a sprinkler system. They get the

permit later, they lock up that garage and make it a ping pong room or something. And now four cars are coming, but there's only two spaces. I guarantee the neighbors are going to point that out. That's why they have that re-inspection when they can. But that is something that neighbors would point out is they don't ever open the garage anymore. We've seen them playing ping pong in there or something. She has never seen that happen. But most people park in the garage as long as they don't have junk in there.

Commissioner Montero asked if Erin was the representative for the house on 16th Avenue. Erin stated she is the local contact. Commissioner Montero stated that the reason she brought this up is because she found they're a vacation listing on VRB. There's a paragraph at the bottom of their listing and all caps that says there is no on street parking allowed in Seaside for vacation renters in residential areas. Now, she didn't see that on any other vacation rental representative. Whether it's Seaside vacation homes or vacation homes or whatever, she didn't see that listed in anybody's policy, but that might not be such a bad idea to have that imprint on a website. Erin stated that's the big, big issue is how can you tell somebody that you can't park legally on the street? And the history of when that came about was requiring them to park there. That's fine. But then how do you tell somebody that they cannot park legally on the street. There was a gentleman this weekend, he was trying not park on the street and commented that he didn't see any signs. You're not going to have resident parking only unless you're going to require all residents to have parking stickers. Like she has at Wahanna Creek so it doesn't seem unreasonable to go over and visit your grandkids and have dinner and park hopefully right in front of the house and not going anywhere else because you're going to walk in and have dinner and they'd go home. Most guests feel like that's a reasonable activity, but then when they're in that other position, like this gentleman was trying so hard that he knocked on the door across the street. Nobody answered. He was going to ask, can I park here just so that I'm not parking on the street? And nobody answered. So he kept his car there thinking, well, at least I can keep an eye out. If somebody shows up, I'll run over and say, sorry. I was trying not to park on the street even though there's only two cars parked here. I'm not supposed to park on the street or my kids aren't supposed to do. They came for the day. So he was trying so hard to follow that rule, which didn't make sense to him in many ways it doesn't make sense to her either. But at that time when that was approved, she was told that the reason that was approved was because if somebody wanted to complain about something that they could point to that and complain about it. That was the reason it was approved. So that somebody, if they wanted to complain about something, there it is. Are they impacted by that? She doesn't think so. But if they want to complain about it, they can. But are they reasonably impacted in any way that's affecting their own parking, their own life, their ability to sleep at night, get up and go to work. She sees that as a rule problem. There's no doubt. But it is that they're partying till two o'clock every morning and I have to get them go to work every day and my life is impacted and they park on the street and they let their kids come over while I'm at work and dig my flowers out every day, you know, that's impacting your life.

COMMENTS FROM COMMISSION/STAFF:

Chair Hoth stated that he will be unavailable until the 1st of June. This will be my last week for a couple of months. Are you going to be here? Mr. Cupples asked if Vice Chair Posalski if he was going to be at the meetings. Vice Chair Posalski stated that he will be gone from the fourth to the 11th but will be here on the 16th of May. Mr. Cupples stated that he will be down chairman and a vice chair so I'll let you guys fight out who's going to fill in for what? Commissioner Neubecker stated let the former Chair or Vice Chair do it. Mr. Cupples stated that we just need to make sure that we've got a quorum.

ADJOURNMENT: Adjourned at 8:14 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant