

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 7, 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, Bill Carpenter, Lou Neubecker, Jon Wickersham, and Robin Montero. Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Vice Chair David Posalski and Teri Carpenter

**APPROVAL OF MINUTES:** April 2, 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. 19-022CU:** A conditional use request by **LA-4 LLC** that will allow the establishment of an 8 unit townhome-style building. The property is located at 615 S Holladay (T6, R10, 21AD TL: 20400). The property is zoned general commercial (C-3) and it conditionally permits condominiums and apartments in the zone.

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 else who would like to offer testimony in favor of the request. Mark Mead, 89643 Ocean Dr. Warrenton, he is representing the owners of this property. The buildings have been designed with a garage on the first floor, so they're going to be higher-end apartment units that are townhouse style. The site, as most of you probably know was an auto repair shop and mini storage and they have redeveloped that site for apartments. The property line sits right alongside the curb line right now. They're proposing a five foot sidewalk alongside the property and they are going to put it in. That does affect parking space number two and number eight, Kevin talked about this in his staff report and the door swinging over it. Their thought was because they're putting the sidewalk in, technically it's not part of the city right away. So the doors swinging over it would be over a private

sidewalk. The parking space on the opposite end of the site, number one and number three, Kevin mentioned the door swings over that. They would prefer not to move number three over to where they have the landscaping. One of the things that Kevin was asking for was a pathway along the east side of the building which they could do but they were trying to keep those as little backyards with a little patio so if they had a pathway along there it wouldn't be as private for the tenants. The exterior lighting would be shielded to meet the city's lighting ordinance. The bicycle parking will be in the garage or on the front porch of each unit instead of putting in a bike rack that serves the whole 8 units. That way if somebody comes to visit they can put the bikes on the porch.

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 indicated the issue was opened for Commission discussion. Commissioner Montero stated that she was concerned with the vehicle doors opening over the sidewalk. She just recently had to put in a sidewalk at her house and even though she paid for it is not a private sidewalk. It is a public access so that creates an issue with her. Chair Hoth asked Mr. Cupples how much actual door or are we talking about in the sidewalk or the street? Mr. Cupples stated that a standard parking space is nine by 18 feet. The nine foot spaces really would depend on how they parked because if you've got nine foot spaces, the intent is to have nine foot space and you could open your door and not hit the car next to it, but usually if a car is parked there's a little bit of space in between those. It's probably close, but you would still have part of the door open over the sidewalk. Chair Hoth stated that it wouldn't truly be over the entire sidewalk. Mr. Cupples stated he didn't think so. Chair Hoth stated that the pathway in the back is probably unnecessary. Mr. Cupples stated that you are supposed to provide pedestrian access throughout the development. He also stated how critical is it to have a full pedestrian walkway through a parking lot? But it is something that we should strive for through the TSP. He sees the need for more commercial development than for residential developments. Commissioner Bill Carpenter stated that the bike rack seemed acceptable to him if it's acceptable to the planning director. Commissioner Montero asked Mr. Mead if these are strictly apartments and not condominiums. Mr. Mead stated that these are townhome-style apartments. Commissioner Montero asked if they are classified as apartments and not condominiums or timeshares, and will these be long term rental apartments. Mr. Mead stated that is what they are designed as. Chair Hoth stated the first condition hasn't been discussed and that was about eliminating a parking space. Do we need to do that? Is the door opening troublesome? Commissioner Bill Carpenter stated when you walk on a city sidewalk we find doors opening and closing all the time and as a pedestrian you have to step around it or say excuse me. Commissioner Montero stated that if you are in a wheelchair that could be problematic. Commissioner Bill Carpenter stated that is when the excuse will come in. Commissioner Neubecker stated that the door is not going to be open that long. Chair Hoth stated the general consensus here is that the parking plan is acceptable as is. Chair Hoth then stated condition two is good, condition three is good, condition four with the bikes stored in the garage and porch would be sufficient. Condition number five sounds like good common sense, toss condition number six. Condition number seven, eight, nine and ten seem pretty standard. Mr. Cupples did a recap of the conditions. Eliminate number one and number 2, the wheel stop is kept, bike parking is in the garage or on the porch. Keep number 5, toss number 6 and the rest are all kept.

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 with the modified conditions. Commissioner Neubecker seconded and the motion was carried unanimously.

**B. 19-031VRD** is a conditional use request by **James Scherber** for a **three (3)** bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **six (6)** people over the age of three, no more than to **ten (10)** regardless of age. The property is located at **405 8<sup>th</sup> Avenue (T6-R10-16DD-TL2900)** and it is zoned **RESIDENTIAL HIGH DENSITY (R3)**.

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. James Scherber, 134 Alpine, Seaside. They moved here last year and purchased two homes. When they are not having family members staying at 405 8<sup>th</sup> Avenue they would like to be able to rent it out as a

vacation rental. It has been a vacation rental for years and they would like to continue to have it as a vacation rental. They will change the parking over to 8<sup>th</sup> Avenue, right now it is on Franklin. He has noticed that some neighbors have concerns over another vacation rental in the area. He thinks that they can address any issues that anyone would have.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Hank Hornings, is a contractor here in Seaside. He is the contractor that will be updating the property and if anyone has any questions on the upgrades he is here to discuss 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. Erick Dunham, 331 8<sup>th</sup> Avenue, Seaside. This should be denied because there is not enough parking. The street is only 20 feet wide. Backing up onto North Franklin is hazardous. Backing up onto 8<sup>th</sup> Avenue is even worse. The house that was approved behind this home where you had them put the pad in for turn around doesn't work. He has had people back into his cars and his friend's cars. The corner of 8<sup>th</sup> and Franklin is jammed with overflow parking from all the other vacation rentals. There will 3 vacation rentals on the corner of 8<sup>th</sup> and Franklin if this gets approved. The off street parking needs to be looked at because of the larger trucks and campers and SUV's. As it stands there are 13 houses that are bordering north Franklin on two blocks between 6<sup>th</sup> Avenue and 8<sup>th</sup> Avenue. Of those 13 homes, seven are now vacation rental homes. If you approve this and it will make it eight out of 13 he thinks that's a little overkill. There's just no place for overflow parking and you're taking affordable housing out of the working people's grasp. We can't keep renting these houses out. Do we have a compliance officer that makes sure these people comply with the rules that you set forth? No, are they self-governed. Does anybody have an answer to that one? Mr. Cupples stated they're monitored by either the local contact or a property manager. Mr. Dunham asked who will manage the vacation rental people that have businesses that are supposed to be renting these out and taking care of cleaning and making sure they are in line with your regulations. There's no compliance. Mr. Dunham stated that Kevin and he have discussed this before. The off street parking requirements for vacation rentals are very antiquated. The rules need to be updated. With all the rules and with help of the public, we're getting too many jammed in together, allowing an over-abundance of vacation rentals in a small area is destroying our neighborhoods. It's also making it impossible for locals to live close to their jobs. The Planning Commission needs to figure out how to keep beach rental companies to stick to the regulations that they agreed to, to get a license and there's nobody doing that. Debbie has discussed it with him. Kevin, has discussed it with him. How many of you have driven through the intersection of eighth and Franklin. One? Imagine what it's like with overflow parking on that corner. If you're driving a car or a firetruck or even a garbage truck, you can't get through there. You could watch the neighbor's garage burn down because you couldn't get a fire truck down there. There's just too many cars off street parking that are supposed to be in their required spots. They're parking in the street. The parking or no parking signs, they're blocking driveways. He's been working with Kevin for five years and we're getting absolutely nowhere with the parking between the river and the ocean. We need to change the rules and they need to be changed soon because you're running everybody out of town. Who wants to be around a place where it's over 60% vacation rentals? Mr. Dunham asked if Commissioner Montero still has her vacation rental on 6<sup>th</sup> Avenue? Commissioner Montero answered yes. Mr. Dunham stated it's a pain in the ass. Commissioner Montero stated that her VRD is suspended at this point. She has her daughter living there. Mr. Dunham stated it's going to be worse when 121 8th applies for their permit because they have absolutely no parking. So we have to do something, because the parking is horrible and somebody going to get hurt. And if that's what it takes, he hopes it's not your kids.

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

Chair Hoth stated now is the time for rebuttal. Hank Horlings stated that people are very courteous when they are on vacation. Most people who are driving around are lost. At this home (405 8<sup>th</sup> Ave.) they are moving the parking to 8<sup>th</sup> Avenue. It is a narrow street but there are lots of narrow streets in Seaside and the only way to fix that is to tear out all the homes and widen the streets and that is not going to happen. You just have to learn to deal with it. You need the vacation rentals to keep the commerce coming into town to keep it going. With Mr. Scherber's home it is already a vacation rental and he is improving it to make it better for the neighborhood.

Mr. Dunham stood and stated if this is a seasonal town then why are we spending 12 million dollars on the convention center. That will be bringing people here 12 months out of the year and we have nothing but traffic problems between the ocean and the river as it is. Chair Hoth indicated the issue was opened

for Commission discussion. Commissioner Montero stated that the driveway that is currently there, is that legal? Mr. Scherber stated that the current driveway doesn't meet the standards. Mr. Cupples stated that it is an access into the garage, but it is not a legal parking space. They have moved the driveway to 8<sup>th</sup> Avenue. Commissioner Bill Carpenter stated that he is always opposed of telephone numbers being long distance and would like to require a local number. Mr. Scherber stated that he has a local number. He is not a rich developer from San Francisco. He has a zero tolerance policy, if any of his guest are parking on the street or making too much noise he will be there personally to take care of the issue. He will have cameras, one on the side of the house and one in front of the house. He has a device that detects if there are loud noises and it will alert him. He takes this very seriously. He will be a good neighbor.

Chair Hoth stated that he has heard that some people feel that the commission is just rubber stamping these things. There are parameters. The commission's responsibility here are: are the parameters being met and if things meet the conditions as they are written? This addresses your idea that the rules may need to be changed. We tended to go ahead and approve them because we have to. We just can't say, well I don't like them. If they meet the conditions we have to do that. That doesn't mean there aren't problems with them. It doesn't mean that maybe the rules do need to be looked at again. We are constantly discussing them. It might also be a good idea for Mr. Dunham to approach the city council with those as well to present his concerns to them because they sometimes give the planning commission direction on what they want to see. This one seems to meet most of the conditions. He would like to raise the one issue that he always raised when we do these, which is the matter of calculating the parking spaces. If it has three bedrooms and it should have three parking spots because if you have three bedrooms, you could have three couples which would be three cars and that would make a mess of two parking spaces and causes congestion in the street. He knows that's not a rule right now. It's different than what we do, but he would like to bring that up as a problem that we need to address among others. Commissioner Montero asked Mr. Hornings when is this work to take place? Mr. Hornings stated that it's scheduled to start when and if this is approved. Commissioner Montero stated so you're waiting on the approval before you even do the work. So if you're denied the work won't be done. Mr. Scherber stated that he anticipates that will be for the driveway and there's some work on the inside. That has to get done for safety reasons as well. It might take longer on getting the landscaping done, as you're probably aware, getting a good landscaper in Seaside during the season can be difficult. This is going to be for the family as well and he anticipates having his family members staying there and he wants it to look beautiful. At the end of the Commissioner's discussion, Chair Hoth closed the public hearing and Commissioner Bill Carpenter made a motion to approve the vacation rental under the guidelines that staff has presented. Commissioner Wickersham seconded and the motion was carried. With a three to two vote. Commissioner Montero and Chair Hoth voting no.

**C. 07-041VRD Compliance Review:** The Planning Commission will be conducting a compliance review of the vacation rental dwelling located at 441 16<sup>th</sup> Avenue (T6-R10-16DA-TL6202). The property is owned by Kelly Norling and it is zoned Medium Density Residential (R2). The Vacation Rental Dwelling (VRD) was originally approved in July of 2007 with a maximum occupancy of nine (9) people over the age of three. Since that time there have been numerous complaints concerning the VRD's compliance with the conditions of approval. The Commission will be re-evaluating the conditional use permit to determine if the conditions of approval should be amended or if the permit should be denied.

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 else who would like to offer testimony in favor of the request. Kelly Norling, 441 16<sup>th</sup> Avenue, Seaside. They built the house in 2007. They have rented it for eight years without any complaints. Maybe there was one and then a neighbor next door moved in, in 2015. All of the complaints have been solely from her. They have responded to those complaints, she believes in a timely manner. She is attentive and easy to talk to and so the complaints from the neighbor, she has responded to them or whoever was the local contact. Mostly these are parking complaints. She lets people know right away and at least a couple of places on the AirBnB page that this is a big deal. You may not at any time park on the street. She lets them know that in a personal email once they booked and even reminds them before they get there and then it is posted in at least in four places in the property, there's no way they can miss it. She tells them that there is no parking on the street. She received a letter from one recent guests who parked on the street for just a minute and he's just a typical renter who did this and then you tell them over and over, and they'll still do what they want. And it isn't because of ignorance or because she didn't let them know it was important. She can't control what other people do, but she can barrage them with warnings and she does. Then if there is a complaint if she had known about it, she can contact them immediately and usually it's remedied right

away. Her property is different too from the 8th Avenue house. There is usually nobody parked on the street at all. It seems like everybody, has driveways so isn't clogged. There isn't any congestion. The complainant is not inconvenienced or affected at all. So she's not sure what the motivation is, she personally feels it's just a personnel vendetta. She doesn't know what she's supposed to do. She'd love suggestions on what else she should be doing. She feels like if she's under review and her VRD licenses is at risk of being revoked or even being put on probation she should be told what she's doing wrong. She should be told what she could do to make it better. She is aware of a barking dog instance 2 years ago and she immediately took care of it. There are complaints after the fact but that's too late to do anything about it. She is available. Erin Barker is available. She got a complaint that the grass was too long, she employed the guy across the street. Instead of just saying your grass is too long and needs to be cut, Ms. Woodman contacted the mayor and whoever else would listen that the home was in violation. The grass was cut the same day. She said she'll do what she can and will work with anybody. She just doesn't think it's fair to remove her license because of something she has no control over, which is somebody else's behavior. If Kevin's recommendation is number one stated one more complaint would lower her occupancy to six, but it sure doesn't feel fair for her to have to cancel all her summer reservations. She implores the commission to please consider fairness. She would like to figure things out and work together, but if there's one more complaint and she has to cancel everybody's plans for the summer and they make them well in advance and often three generations because the home can accommodate 9 people and a lot of repeat people who come back. She doesn't want to call people and say sorry your reservation has been cancelled and good luck finding someplace else. It's easy to make allegations and it's harder to substantiate them. She is willing to go toe to toe on every issue and discuss any suggestion that she's not doing what she's supposed to do. She'd like to remedy this and not in an extreme way because she's available and interested in doing what she can to keep the house as a rental and to use the home themselves.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Christian Zupanic, Attorney for The Norlings. What you see in the staff report is this quote, numerous complaints. In this case the numerous complaints are really all the perspectives sent from one neighbor. We've been talking about this over the past several weeks. He just wants to reiterate and ask the question, how was it that we got here? He wants this to be a fair process, and doesn't think that we need to diminish the feelings or the legitimate complaints of anybody. That's not what the planning commission is here to do. In the ordinance itself. It talks about the application process of course, and it talks about complaints from two neighbors or, two different residences. And that sort of thing can precipitate. For the record, he believes that there's a small problem with the ordinance, procedurally speaking, he doesn't believe there we're really in the right places. He thinks the way the ordinance speaks just to the application process and not to the review process. So he just wants to put that objection on the record. However, now that we're here, he thinks that there's a reason that it has to be two people from two different residences. And that reason is that we're not here to settle personal disputes between neighbors. People may have disputes between neighbors. He gets that, but the planning commission usually doesn't get involved. You're here to enforce the ordinances and to make sure that these policies are enforced. Despite all of this again, he really does want to respect the wishes of all neighbors. There's competing interests here. He's a full time resident of this area. He doesn't live in Seaside. He lives Gearhart, which is very close. They have lots and lots of tourists, lots of tourism that supports our economy. But there's that struggle between the two factions of folks that come here and don't necessarily create more traffic. They put more money into the economy, but at the same time it's a busy, busy summer and it's a busy high season. So we've tried to balance those interests by using this VRD process, and putting conditions on rentals that can help VRD's integrate into their neighborhoods. If there have been complaints from any neighbor. It doesn't matter if it's from Ms. Woodman or whomever it is. In this case it's only been Ms. Woodman, but this rental has tried to respond timely to every single one of those complaints. And when he says timely response it's within a matter of hours. Erin Barker is the local contact. She does a fantastic job. He think it's extremely important that you have somebody that will do a great job. And is available 24 hours a day. Erin is here locally and has been doing this for a long time so she knows how to handle this stuff with grace and with greater effectiveness. So he has great confidence or ability to do that and one of the first things that's come up is the parking issue. When this planning commission met a couple of months ago, you had a work session about the parking issue, and Erin voiced some very good observations about where that ordinance or some of those conditions came from. It's little bit bizarre that for example, on the street, which is a public right of way, right? Anybody in the world can drive, park, get out and enjoy this public right of way. In a vacation rental when you have conditions on rental, anybody in the world can park in front of that house except for the people who are actually staying there. Now that seems a little bizarre obviously. Especially if you have other people coming to just be in the neighborhood that has the beach or if they even want to visit that particular rental, the landlord or the folks who are renting that place

have really no control of those folks. They don't have any contractual agreements with them. They've never spoken to them. So it is very, very hard to control. But even though it is hard to control the Norling's have done what he feels is a really huge effort to try to keep these tenants from not parking on the street. He just wanted to pass out a couple of things to the commissioners here to show some of the things. This first one, exhibit one. This is a notice that is up on the rental it is on the front door. It's next to the stairs and in the window. It's pretty much everywhere that a guest would be likely to see it. They've tried to really engineer this so that people understand the gravity of the off street parking rules. And knowing exactly where they're supposed to park by providing a map. This is exhibit two. This is an email from one of their records, Mason West. The reason he's sending this email is because Mason, from his perspective as a renter and really wants to detail how much effort the Norlings put into making sure that he complied. If there was a violation than the Norlings were responsive. He did not mean to offend but he was doing his absolute best to comply. Again back in the work session that happened a couple months ago. This commission talked a little bit about parking violations and why it's so hard to enforce them. Chair Hoth stated to keep things moving here, what you're discussing are issues that we do need to deal with. But they are general issues regarding changing the rules and that sort of stuff that doesn't necessarily apply to the specific things they're trying to discuss here. So if there is something you wish to add that's more specifically targeted in terms of compliance and how we're going to deal with the Norling's specific situation. That would help us. Mr. Zupanic stated that in this particular instance, it's an example of why it's so difficult to enforce parking over the general public for folks who just don't have actual relationships with the landlords. So in that aspect he feels like in this case to this particular neighborhood for this particular rental, he doesn't believe that it has necessarily been because of congestion, there may be certain corners in Seaside or anywhere else where there's an abnormal amount of congestion. He doesn't believe that this neighborhood is actually one of those neighborhoods where you could get to the point where any particular neighbors create parking issues, because there's no parking on the street or what have you. There is usually plenty of spaces on the street, which is really what this is designed to provide for. If ever there has been a violation or there will be a violation in the future, like somebody parking on the street, he just believe that there has to be adequate time to respond to it. He believes that Erin Barker has done a tremendous job in responding to parking violations and some people just don't get it. They parked on the street, she will get them off of it, but she just has to have time to be able to respond to those kinds of complaints to remedy it. There's another issue that was in Kevin's staff recommendations about some barking dogs issues. This is always a tough one because he's sure Ms. Woodman will definitely tell you that it's absolutely these tenants' dogs at this particular VRD. He doesn't know for certain, he hasn't had a chance to know whose barking dog this was. There's lots of dogs in the neighborhood. That's why he has no idea whether or not this is an assumption, but again it's the same idea. If there's a violation, if there's a complaint, there's a way to deal with it. That's why we have a local contact and if you get a hold of the local contact that will contact you, come in and take care of it. I really do believe in this. The strength of any VRD is the ability that local contact will be able to handle situations and disputes between neighbors. The last thing that he would like to say is that he wants to emphasize that this has been a VRD since 2007 and really no complaints for eight years. Again the only complaints have come from one neighbor, Ms. Woodman. Anything that does come across the desk, any complaint he believes can be fairly taken care of through the local contact. You just got to have a reasonable chance to respond to that without actually having to risk further conditions and further violations.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Inga Olson lives in back of this home. Sometimes the renters make too much noise. Even after midnight there are times when there is lots of drinking. They go in the hot tub and make lots of noise.

Chair Hoth asked if there was anyone else who would like to offer testimony. Bonnie Woodman, 451 16<sup>th</sup> Avenue, Seaside. Bonnie stated that she has talked to the commission, the city council, and she's the big bad ugly neighbor. When she spoke to the city council, the council member Montero said to her, that she will be notified when there's anything to be done about this VRD. She was not notified of the work session. She did not know that work session happened. She would have liked to have been there to have passed on some information to which something that she has worked on. She only has one copy. She contacted 11 cities along the Oregon coast and ask them to provide their rules and regulations concerning VRD's of the 11 cities, four of the cities were very, very good and what they responded and their techniques, how to handle VRD's. She wanted to present that to you at the work session, but did not know that it occurred. So this is coming after the fact. She came to Seaside to live out last years of her life. She was aware of the house next door being a VRD. She contacted neighbors, some have moved away some have stayed and she asked them what they thought about the place before she arrived. The name for that house, it's called the monster house and the reason it's called monster houses because of the numerous complaints that people have with this home but were too

afraid to come before the different councils. Noise, hot tub, parking. It also was referred to as the frat house because when younger groups get in there, they ask all their buddies to come and they bring sleeping roles and they stay there and they party and they talk. And when she has asked them to be quiet, they have been using profanity at her, they've even mooned her. They said call the police. She didn't want to call the police she wants this VRD to do what it needs to do. Control the people that are in there. And yes, they give notices to these people and yes these people to do whatever they damn well want to do. But she lives there and it's a nightmare. It's zoned for nine occupants. She has counted 10, 11, or 12 people coming out of that house. Some of the exhibits that you have there are passed on to you are emails that were sent later in the game. Talking about the fact that she stalked the people and they say, she stares at them, she doesn't stare at them. She is polite and when she says hello some of them are not so polite. Lately they have been very obnoxious and they wonder why, because of the Norlings, excuse me, Kelly Norling who's the owner has let them know that she's a jerk. Well this jerk is tired. You need to change the VRD rules in the future. And she's specifically asking in Kevin's staff report to kindly make sure that there's proper verbiage, where even visitors come to this house are not allowed to park on the street they can go visit downtown at a restaurant or something. If you already have nine occupants and you're already over the limit with maybe two or three other people, you start inviting other people over. You've got excess amount of people there and excess amount of cars and noise and they don't care. They just don't care. They have their right, they come here they will pay lots of money, they want to park and they're entitled to it. They need to obey the rules and regulations. She has come before you several times and she has come before the city council, she even pleaded to the congressmen, the governor of this state, to help. You need to control these people. Bringing the money in that's fine and dandy, but please be responsible for what they're doing. Erin Barker just came on to this situation in January. She has not been here during the four years that she's lived here, she's just came board and she's doing what she needs to do and she will call her when she needs to. She gets her emails. But it's the past no no's that continue in the future and continue and continue. When she did contact the Norlings they were not responsible in writing her right away. They didn't want to hear from me. They didn't want to deal with her. And when they did it was nothing that they could do because they don't live here. She's just begging you to please use the probationary period and she's asking you to give it a year and ask you to look at the VRD regulations that other cities have where if this happens in two months or this happens in four months cause it's going to happen. It's not going to stop and she needs help. She needs you to help back it up. And there are other people out here that have just as many issues. And if she has to, she will get the list of the 320 VRD's and she will go door to door and she will get a petition and she will get other people to help back me up when it comes to these VRD Rules. Please listen to us. We live here 24/7 365 days a year. We're not absentee owners. Some of these emails that Kelly Norling passed on, to Kevin Cupples is a huge travesty telling her that she stalked them. They're saying that she followed them to the beach. One person goes on and on and on about her blue car following them down the road. She doesn't own a blue car. It's a fabrication. The Norlings need to realize that it isn't just the almighty buck that they have to look for. They need to care about the neighborhood. There's one other party that is mentioned in the letter saying that they too have had many years of problems and thanks to the lady that was behind the Norling's house. She's had to live with it for a long time. People coming out on the top deck and the hot tub situation. Please look over the staff report that Kevin Cupples did. Don't make a decision tonight. Chew on it, do it in your next monthly meeting. The probationary period needs to be given and the verbiage about vehicles parking at their location. Visitors have to be limited. Take care of us. Please take care of us before the money.

Chair Hoth asked if there was anyone else who would like to offer testimony? Terrance McCarty, 421 16th Avenue, which is approximately four or five doors down from the subject property. He was wounded in Vietnam and was blown off a tank. His hearing is terrible. He wears hearing aids and in the middle of the night he has been woken up four times by the noises coming from this property. He just doesn't think that's right that he should be woken up. If he takes out his hearing aids he can't hear a dog bark outside of his door, and yet these people are waking him up at two, three, four o'clock in the morning. He doesn't think it should be happening in that way. There's multiple times he's been out working on his truck sometimes 7:30 in the morning and he has watched 12 people come out of that house laughing and joking having a great time. His understanding is that the maximum rental occupancy is nine. Maybe their friends. Okay. That's up to them. But that number of people coming out of the house making noise at two, three, four o'clock in the morning is not right. He can't take it and he hears terrible.

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, 800 N Roosevelt, Seaside. Erin stated that in January she started being the local contact. They figured out the best ways to communicate with Kelly and how she's

going to coordinate the whole process and notifications that she would get. She sent out the notifications to the neighbors to make sure they had her phone numbers. With her not really knowing the history other than obviously there had been some, she thinks she's the fifth person that has been asked to do this because nobody seems to get the end results. The end result is, if there's something happening somebody's going to respond, she's assuming that those people responded, but she thinks the problem is you need to be able to solve that problem right away. She thinks unless something never, ever, ever happens there's not going to be a solution that's going to be satisfactory. So in the meantime she did a lot of research looking into these claims. She started knocking on doors in the neighborhood to find out, number one, did you get her card? She has been doing drive-bys. As she would see people she would introduce herself and jokingly say "I am watching out for this house to see if things are going okay, she's not casing out anyone's home. She spoke with several neighbors, and asked them if they had her phone number and asked if they had any problems with people in the hot tub or a lot of parties or anything, they had not. She had asked one of the neighbors how long they lived there and they responded two years. She went to another neighbor, knocked on the door, introduced herself. She told the neighbor that she was watching the house because one of the neighbors was having some problems with renters and she's just trying to get to the bottom of it and do some fact finding. The neighbor turned and pointed and asked if it was that home over here and said they hadn't had problems with that home or any of the homes. And then they asked if the one complaining was right next door and she said yes. And they said, don't worry about it, that's just her. There aren't problems and that surprised her. Erin stated well, she's reporting lots of problems and wants the permit revoked and she's on a fact finding mission to see what are their problems? The neighbor basically told her that she's just very sensitive to everything and that it isn't just this house, it's his house as well. And he said, he was warned about her before he moved in and Erin asked by whom and he said, his landlord. So Erin said, okay, do you have any problems with anything on the street? And he said, there are and we've called them. He said, there's probably three or four AirBnBs and for the most part, people come and go. He hasn't had problems with them. Those people have been respectful. Once he did comment that when he first moved in that he did feel that the neighborhood was watching him and it made him feel uncomfortable. His landlord told him to just ignore it. Erin did speak with the lady right behind the Norling home and asked the same questions and she said, you know, that there had been, she said she remembered a party and it was a very long time ago, maybe last year. And then she said, no, maybe it had been 2 years ago, but that she hadn't had problems other than she commented that the hot tub used to start itself up during the night and go through like a self-cleaning or some kind of process and she could hear it when it would start up, but now that happens during the daytime. She said that it's good now. Erin asked if there were any problems and when Erin talked to her on Saturday or Sunday, that's what she told me. Erin heard from another neighbor about how horrible it was and then realized they were recanting what they've been told because they had described how Bonnie had called the sheriff 36 times, so she looked up in police records and there were four calls. The most recent call was from her (Erin) regarding an abandoned vehicle that looked pretty sketchy. The vehicle didn't bother Bonnie, but it was literally 20 paces from her driveway, which would bother Erin because it looked like someone was definitely living in there. When she called the police to describe it they asked what color is the car. Erin said it's a moss colored beige and it looked rough. Apparently there was someone living in there. Two of the renters that she talked to have lived there for two years and they didn't have any problems. So those calls, one of them is for her the most recent one going back to the last four years with that address, there was a civil issue in March of 2016, the issue was between the property manager Bobby with Rogers Inn and renters. Erin went into Bobby's office once with an issue where one of his renters had damaged a fence between one of his rental properties and hers. And she walked out of there with her jaw on the floor, on how she was treated. He came to her house so she could imagine other people's reaction. The next one was June 2018 by vacationers staying at the home who had a bicycle or bicycle trailer stolen from the house. The third one was in August of 2017 of vacationers were reporting and smell of gas odor and they were concerned about a gas leak. It was determined there was a problem going on at the sewage treatment plan. Apparently there was something that was not functioning and to them it smelled like there was gas. There was an issue with the neighbor calling the police on Bonnie apparently because they were reporting that she was taking photos of their children and not speaking very nice to her children. That was in April of 2017, but basically each had such completely opposite stories. She said that she was never out of her house. And he said, no, that's not true. Bonnie wanted to report to be filed for filing a false police report. And that other person who said she was taking pictures, so the police officer told him to basically, pick up your marbles and go home and if you have disputes maybe document these. Basically there's nothing the police can do.

Chair Hoth asked if Erin had this written down? Erin stated Yes. Chair Hoth asked if she'd like to submit that for the record. Erin's conclusion was she think it boils down to this: she thinks, everybody has a

different level of sensitivity to things and she thinks this is somebody who is very sensitive. There would have already been multiple complaints from multiple people instead of a barrage of complaints from one person and this is kind of what it boils down to, it is just a hyper sensitive person and she can appreciate that. So the first experience with renters that she had and these are people that grew up here. Their experience, and this recounts their trying so very hard to actually be a good neighbor and do the parking requirements correctly. Erin didn't include their guests. Mr. Cupples asked if this was Max's letter. Erin stated yes. Mr. Cupples stated they've got it. Erin stated she's not sure about what the barking dog issue was when they were there but they talked about one person having to stay and study and so the rest of the group went out and the dog stayed there with him and when they pulled up there the dog was barking. The dog wasn't unattended. Erin stated that she really didn't think that if this had been an ongoing problem for years, with no resolution, there would have been several complaints from different people not just numerous complaints from one person.

Chair Hoth asked if there was anyone else who would like to offer testimony. John Norling one of the owners of this vacation rental. He thinks it's important to have context around these numerous complaints. Mr. Norling agrees with Christian and numerous complaints and images of what they are calculating. It's roughly comes through about 5% of their renters groups that are causing these complaints. Of all the complaints coming in, it's over 95% that deal with the parking. That may help you put into context the complaints. There is the occasional barking dog. As for the frat house and the noise they were never notified of that complaint if they were they would have taken care of it. He thinks it's important to note that of all the complaints were rectified in a reasonable period of time. Some are half hour in terms of the parking cars. So with regards to the proposed staff report and criteria number one, which as drafted would have an automatic revocation or reduction in occupancy if there was a car parked in the wrong place, they implore the commission to allow them to have some control over that. For example, if it's not rectified in a certain amount of time because that way they can go over there solve the problem and they're good property owners, they've been painted as investment bankers or absentee property owner that's not the case. They built this place for their family. They're renting it to help pay the mortgage. They do want to come down more often and stay. They love Seaside, their renters love Seaside and enjoy staying there. They're not absentee owners. As Kelly stated earlier they are doing everything they can, if there are calls about parking when there's a problem, they're on it. Erin's on it. Also he'd like you to urge you to read Mr. West's email where he makes the point that Kelly really is good and is not maligning Ms. Woodman. Yet they are referred to as liars and scum. Chair Hoth stated let's try not to go there.

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

Chair Hoth indicated the issue was opened for Commission discussion.

Chair Hoth stated that he did some looking around and there is an argument in jurisprudence that's been going on for thousands of years, which is called the letter of the law and the spirit of the law and this is one of those cases where we have that problem possibly, although he's not intimately involved with these various complaints, but what we're trying to parse here is coming to some kind of conclusion that provides fairness and that means dealing with these two things. The letter of the law means what does the law say? And you do exactly what it says, the spirit of the law is the intent of the law or rule. In this case, the letter of the law says if you park in the street that's a violation. The spirit of the law was that we didn't have congestion. So do we go with the letter or the spirit of the law and an example that they use often is you're driving down highway 101 where it's a 40 mile an hour speed limit. You're driving 41. The letter of the law says you are in violation. That you're exceeding the speed limit. How many of you feel it would be fair to pull them over and give them a ticket? He doesn't think too many people would. So in a sense the letter of the law is one thing and the spirit of the law is another. That's another thing that actually applies to this here. He asked Mr. Cupples, how many complaints, how many people have complained about this house? Two times in writing? Mr. Cupples stated at one point we had two individuals complain about the noise on the property. Other than that the complaints, as he recalls, have been focused from Bonnie. Chair Hoth stated so technically it requires two written complaints from two separate people, which we don't have here do we? Mr. Cupples stated we actually have a letter in the file confirming basically from the neighbors saying they've had problems. Chair Hoth stated in his point of view, rules are created to provide a way to solve these problems not to be draconian or to punish. It sounds like there are some problems here that sound like something that we can do, but we need to be aware and try to draw a line that's fair to both parties' issues. Commissioner Montero stated that in regards to Chair Hoth's letter of the law and the spirit of the law statement, which she totally understands if you're going 41 miles an hour how that is a violation, however, this isn't just about the person and exceeding the speed by one mile an hour. Unfortunately, this is about two different parties and how one party is affecting the other, whether they be three parties, it just depends

on direction of how you want to draw that wheel, so it's not just affecting one party. Chair Hoth stated that one of the issues that we're dealing with here is new to us. We haven't been involved with these previous complaints. He doesn't think the commission wants to try to decide what has actually occurred or what hasn't actually occurred, but rather accept the fact that it's certainly possible that things have occurred, and that we need to deal with this. Erin you do ramble at times but you do your job very well and we feel like if you're in charge here, you're going to deal with these issues appropriately. If things happen and they aren't dealt with, we'll know about it one way or the other.

Chair Hoth stated at this point Mr. Cupples has attempted to put some conditions in place that need to be met over a period of time so that we can determine whether the situation is being remedied. He doesn't see a large problem with them. If the commissioners are satisfied with the report, the only one that seems to be a problem is number four. He doesn't like to be backed into a situation where they have to do something. He'd rather it said the commission may have the capacity to revoke it if they so choose. Commissioner Bill Carpenter asked Erin Barker to come to the monthly meeting and give the commission a report on a monthly basis? We do have a work session too that you could give the report then to. Erin stated she'd be happy to give the commissioners a monthly report specifically on this property. Bonnie can email Erin any time. Bonnie has e-mailed her and called her since Erin took over being the local contact. So that's actually really helpful to get an email because she's not always getting an email. So the best way is to send her an email because that way she has that written documentation, but a phone is also helpful because her phone lives around her neck like a boat anchor. The last time Bonnie called her she was waiting for Charter Communications up at Whalers Point. So she ended up having to call those people, she couldn't go down there physically because she had been waiting for two hours and he was behind and he was going to be there any minute. So having both is a good thing. Bonnie has been really good about communicating any issues with her. Erin thinks she's been good about dealing with the issues and then responding back so that Bonnie is aware that she got the message and what she's done.

Commissioner Bill Carpenter stated okay from that standpoint, if we have probationary period or if we choose that course, we need to have a status report on whether the probationary period is working. Chair Hoth asked if he would like that as an additional condition. What kind of a timeline? Commissioner Bill Carpenter suggested a four month period of time or Labor Day or the end of September. Commissioner Wickersham stated he doesn't know how he feels about number one. They talked about maybe putting a time limit if they haven't responded in two hours for the parking situation that'd be almost like condition number four. Chair Hoth stated that it also says visitors are not the occupants and has always been a problem and needs to be looked at. Again, we're dealing with the spirit of the law. Obviously if somebody pulls up and visits in one car and parks in the street it is not causing great harm but if a bunch of cars do then it can cause a problem. Commissioner Bill Carpenter stated that it's also an issue if people do park on the streets as it is legal. He is not talking about people who are contractually renting place, but visitors and people who are not visitors. Commissioner Neubecker stated that people park on the street in front of a house because they're going to walk to the beach. That becomes an issue in identifying that vehicle to their property, you can't. Chair Hoth stated that we are talking about condition number one change the word "will" to "may." Mr. Cupples stated then down in the last sentence is another will to may? Chair Hoth stated that they may consider revoking the license. Mr. Cupples asked Commissioner Wickersham if he was suggesting putting the documented instances being not responded to within a reasonable period of time, rolling them into one for provision. Commissioner Wickersham stated yes. Chair Hoth asked if Erin agreed to the monthly report. Erin stated she did agree to do a monthly report on like a journal or diary with the communications that she's received and she's sure that Bonnie will probably do the same. Chair Hoth asked if the Norlings would like to respond to what the commission is about to set forth. Mr. Norling stated sure. It would be changing the "wills" to "may" and then adding a reasonable timeframe for the parking. Chair Hoth stated and then we're going to have Erin taking care of things to let the commission know how things are going so that they can evaluate the situation over the summer and get some information for ourselves.

At the end of the Commissioner's discussion, Chair Hoth closed the public hearing and Commissioner Bill Carpenter made a motion to approve the modified staff report and accept this period of probation for this VRD. Commissioner Neubecker seconded and the motion was carried unanimously.

Commissioner Bill Carpenter asked if Mr. Cupples has heard back from city council regarding a joint work session. Mr. Cupples stated they didn't actually have time. He wanted to roll that in a fifth Monday meeting and he was basically told with the budget committee and everything going on, they really didn't have time to do that. He's been in contact with Randy Frank and Steve Wright when they did their goal setting session, they actually identify specific things that different counselors would be working on.

Steve and Randy are the ones who he will be working with in order to look at additional vacation rental regulations, changes, policies and once that's done, he still needs to provide something that is kind of a performance or maybe a probationary log. Now, this has actually helped him in being able to get that to you during the work session as well.

**ORDINANCE ADMINISTRATION:** Chair Hoth stated this is regarding the Seaside's Municipal Airport bike shed. Mr. Cupples stated this is pretty minor review. He's not going to go over the details and it is a pretty small building under the airport overlay zone. The ordinance basically says all building permits need to be reviewed by the planning commission. And in this case you're talking about relatively small storage building that the airport committee is actually sponsoring and wanting to do the building. And so it still has to be reviewed and looked at and they have to check it for our height restrictions. As opposed to having building height restriction, it's actually airport clear zones are surfaces that that increase as you move out to the airport. He has to make sure that the building doesn't violate that. So what he's done is put it into Google so that he's actually got the primary surface and then he measured off that. Sort of like the Bayview transits building. Chair Hoth stated so it's pretty much the same thing we did with the other storage building. Mr. Cupples stated the commission said that they didn't want to see any of these until the airport community could actually review and give their input on that. Well this is actually the airport committee that was suggesting having the building built. Chair Hoth asked if they needed to vote on it. Mr. Cupples stated the commission will need to make a motion to actually approve the building. Commissioner Bill Carpenter made a motion to approve the bike shed. Commission Neubecker seconded and the motion was carried.

**COMMENTS FROM THE PUBLIC:**

Mark Hanson he lives on 7<sup>th</sup> Ave. when you turn from sixth onto N Franklin you need a bigger fire lane. It needs a 30 foot red fire line.

Mr. Hornings asked about the usage of drone within the seaside city limits? He was told before that it's still kind of a gray area. He was just giving somebody a heads up that was about the fly drone in the city limits and getting permission for flying it within the city limits. He also would like to make a suggestion for parking. Is there any way that we can actually get beach parking back again to people where people can drive on the beach and help to alleviate parking. The commissioners stated no.

Terrance McCarty the gentleman was saying about parking on N. Franklin, between Holladay and the beach, you can't get a fire engine through. People are parking on both sides of the street. When he's driving his pick up through there, you have to find holes to get the oncoming traffic through. You cannot get a fire truck or an ambulance through there. He had personally checked these numbers. If there's a fire on 15<sup>th</sup> or 16<sup>th</sup> Avenues or whatever from 12<sup>th</sup> Avenue down, you can't get a fire truck through there.

**COMMENTS FROM COMMISSION/STAFF:**

**ADJOURNMENT:** Adjourned at 8:00 pm.

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Chris Hoth, Chairperson

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Debbie Kenyon, Admin. Assistant