

**MINUTES SEASIDE PLANNING COMMISSION**  
**July 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:** June 4, 2019 adopted with the corrections Chair Hoth stated.

**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. 19-035VRD** is a conditional use request by **Nicolina Dejeu** for a **three (3)** bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of **nine (9)** people over the age of three. The property is located at **470 16<sup>th</sup> Avenue (T6-R10-16AD-TL00901)** and it is zoned **Medium Density Residential (R2)**.

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Nicole Dejeu and the owner of 470 16th Avenue, Seaside. She's not sure what to say so if the commission has any questions she is here to answer them.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Michelle Webb and she lives here locally and she is on call 24/7. Her address is 33789 Cullaby Lake Lane, Warrenton.

Chair Hoth asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, Beach House vacation rental and property management. She just wants to add some information regarding the property. They used to manage this property years ago and wanted to at least

show that she does have documentation that it was a vacation rental before it went into a long term rental.

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. Bonnie Woodman, 451 16<sup>th</sup> Avenue, Seaside. She really doesn't have a problem with them. She doesn't have any objection really for them to have the VRD what she really objects to, is the fact that both the owner and the property manager are very smart individuals and for them to have put it on Airbnb and run it as an unlicensed business is wrong. Bonnie feels they should be penalized for what they have done. They can claim that they were ignorant of the fact, but when you are in any location, you find out the ABC's about what it is that you have to do in the area. She doesn't buy the fact that neither one of them knew that they could rent the place without having issues. Now they can have the VRD. She doesn't have a problem, but she feels that they should be penalized for what they have done in the past. She has their reviews that were online for Airbnb since July, 2018. These are not family members. These are people in the public that went through Airbnb to have this rented. There had to have been an exchange of monies. She objects to that and appreciates the fact that they're coming back on board and wanting to be a VRD. She doesn't like them in her neighborhood as you know she is trying to do something about controlling the VRD's in Seaside. This just keeps going on and on. She asked a representative from Tiffany Mitchell's office to be here tonight. It's a holiday and they were not able to come here. You will either see Tiffany Mitchell or one of your representatives in the future. They're on her side. They're wanting to do things in the legislature at the state capitol to try and control the VRD's. Seaside is running amuck and you need to nip it in the bud. The Norling home was the big issue before. She has an apology in that packet from somebody who had wrote in the letter defaming her and her actions at the Norling residence, he has apologized. So at least somebody has come forth and not perpetuated the lies that have been told against her. She sent the information to Kevin Cupples June 6<sup>th</sup> about the fact that this house 470 16<sup>th</sup> Avenue was running without a license. She also sent him all the information that you have there about their recommendations for renting the place. The very last page is Astoria is fining people who are listing their property on Airbnb. All you have to do is put a person's house number into the system and you can find out right away if they're on Airbnb and then you can find out through the process whether or not they have a license. She unfortunately knows two other people who are running a VRD without a license and her conscience says to bring them forth and she very likely will. So please let them have their license. She will watch them like a hawk.

Vice Chair Posalski stated that he knows that the city has a process for finding these noncompliant, rooms for room tax. Mr. Cupples stated that's what picked this one up. The owner was contacted and they stopped and canceled their rentals. Debbie contacted them and that's why they're in here now. Vice Chair Posalski stated the process for that is handled through a city hall, not through the Planning Commission. Mr. Cupples stated that is correct. They submit the application at City Hall. Vice Chair Posalski stated so any fines or anything like that are handled through there and not through the planning commission right? Mr. Cupples stated that it can be done through either whether it was done for the business license or whether it was done for the zoning ordinance. Vice Chair Posalski stated but not through the planning commission. Mr. Cupples stated that because they were renting through Airbnb, they were actually paying transient room tax over that time. Because Airbnb pays it, but they are actually supposed to report it. That's why one of the conditions of approval points that out saying that even if you're renting through Airbnb and they're making the payment of the room tax, they're still required to report to finance what they're taking in.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham, 331 8th Avenue, Seaside. He just wants to put in his 2 cents worth about the vacation rentals in general. We don't need any more in this town. They're ruining the neighborhoods. He doesn't care if they follow the requirements that the commission sets forth. The requirements are antiquated. They need to be updated. We need a complete moratorium on these things so that we don't destroy anything between the river and the ocean and that's what you're doing. There's no compliance with what you have. Obviously this planning department is overburdened because they can't keep anything under control. What do you do when you can't keep it under control? Chair Hoth stated that he's going to have to limit what Mr. Dunham is saying. This is the time to speak specifically about this vacation rental. Mr. Dunham stated we don't need any more vacation rentals we need a moratorium on them.

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

Chair Hoth stated that it is time for the applicant's rebuttal. Michelle Webb stated that from April through May they were hoping to Airbnb with long term renters because she doesn't want to clean houses and Niki comes over from the city. They were hoping to have long term renters and they were able to get a month and a half renter in there. And that's what they were advertising on Airbnb to begin with. They did end up with some short term rentals. It was her idea to try it and see what would happen. They got a couple of rentals and then they got nothing. She suggested maybe Niki should contact Erin at Beach House and go back to vacation rental again and that's when they got the 45 day rental which they were happy about. When she went with Airbnb, she did contact them. It is an interview process. She did her research and they had told her that they had a contract with the City of Seaside and they would pay the taxes and send them a statement. The people that stayed 45 days paid room tax. So to her that's kind of a benefit to the city. They made sure that the taxes were collected and paid. What Airbnb did not advise them of is they did not advise her about the license. They were not actually looking to run it as a VRD. They really wanted more long term renters and the people they rented it to were people working in Astoria on a boat out of Virginia. Most of the renters are out of state, out of country. Her family came from British Columbia this week and her son's coming from California. When they cancelled all the rentals, they decided to let some people use the house. Airbnb contacted her, she's not kidding you, one day before she heard from Kevin. She has the text from Airbnb or the email they sent her and it was kind of a general email, make sure you contact the city that you're renting the home to make sure that you have all your licenses and stuff that you need through them. She called Nikki and said, you know, it's telling me we need a vacation rental license, so they ought to apply for one. Niki told her she was going to Africa and will be back in three or four days, and so they just did it Niki called and said she would get the paperwork to me as soon as she gets back from Africa. So that's where they are at. A comedy of errors. Niki Dejeu stated that in her prior letter, she hopes that the commission have all read it. She's had nothing but nightmares with fulltime renters and in this situation she could be there and be aware of what's happening. They had no clue about this and that is the God's honest truth. She didn't know and wouldn't willfully do something illegal. She would like the commission to permit her to do a vacation rental. If you read that letter about John Ethan Osbourne the police were called and drugs were being sold out of the house. They destroyed her house entirely. It was just a nightmare. She thought if she could make some money off of it and actually pay the mortgage or she might just sell it. She wasn't sure what she would do because now that she's divorced and only has one income, it's really hard to manage. So she thought that was it. So hopefully you will understand her situation. Michelle Webb stated that she had one more item, if you want to check out the advertisement, they only rent for a minimum of four days. They don't rent out on weekends and the rules are no parties they do not allow pets. And because of the parking situation that Kevin discussed and that you read, they are in agreement at this time to just give them an occupancy of six or two cars until they get the paving done they are fine with that.

Chair Hoth closed the public hearing and opened the discussion for the commission. Commissioner Montero asked if this was previously a vacation rental current. Ms. Dejeu stated yes that is correct. Commissioner Montero stated Okay, and you knew you had to have a license then, right? Ms. Dejeu stated yes, but it wasn't through Airbnb. Commissioner Montero stated that would have been through the city. You already have advertising out there for this property as a vacation rental? Ms. Dejeu stated yes, but we stopped. We froze any reservations. Bonnie Woodman spoke from the audience that it's still online. Ms. Dejeu stated that yes, it is still on line and if you look at the reservations, anybody who has requested a reservation has been denied. Commissioner Montero asked Mr. Cupples to correct me if she's wrong, the definition of a short term rental is 30 days or less. Correct. Mr. Cupples stated for periods, less than 30 days. Commissioner Montero so when something is rented through Airbnb or what have you, beyond that 30 days, how's that property classified then? Mr. Cupples stated it wouldn't be a vacation rental. Michelle Webb stated they thought they weren't getting in trouble because they had this great long term rental and they gave a big discount. Commissioner Montero stated it doesn't matter. Michelle Webb stated that's why they were hoping they would get more renters. Commissioner Montero stated that she just wants to get those points cleared up. Commissioner Bill Carpenter stated that the driveway is 40 feet long and that would fit two cars. Correct. Mr. Cupples stated Right. Commissioner Bill Carpenter stated that he would limit the occupants to six, with the two parking spaces with very strong instructions about NO parking on the streets. Michelle Webb handed out a new parking plan of what they are proposing when they have the money to do it. So this would be to change it to three bedroom with three parking spaces. He hasn't seen it yet but that's what the commission had discussed. Commissioner Bill Carpenter asked Kevin if he would have the ability to move it up to the nine after she complies. Mr. Cupples stated if that's your wish, he thinks the condition is actually written in that format and the commission has done that on others where they had limits on the occupancy until such time as it's done. Regardless of whatever happens, they're still going to pave the access up to that space within a year. Commissioner Montero asked if the applicant would have to

reapply all over again to obtain a higher occupancy. Mr. Cupples stated not if it's approved the way that it's currently written currently.

Vice Chair Posalski stated you're saying that it's okay to have the gravel driveway for a year? Mr. Cupples stated yes. Ms. Webb stated that she has some pictures of the driveway that shows how hard the gravel is. The gravel is actually below the sidewalk level, so the chances of actually getting gravel onto the sidewalk are really very minimal. Mr. Cupples stated that at the time of inspection he was actually looking at the gravel because he was trying to use it as an example to the applicant of saying, well we want to make sure that's done, so gravel doesn't get dragged out in the street and there wasn't any just because it's been there for a long time and it's been there since the house was built. Commissioner Teri Carpenter stated however the rules should still be the rules by having the driveway paved. Ms. Webb stated they still intend on getting that done within the year. Chair Hoth asked if anyone has any issues about limiting the occupancy to six and advertising it as a three bedroom. Commission Montero stated that she thinks the commission should limit the occupancy to six. Ms. Webb stated that they have already changed it on the website. Commissioner Teri Carpenter stated she still has concerns about the applicant knowingly operating the VRD without valid license. She doesn't know what the commission can actually say or do or put a restriction or penalize on it, but that is a concern of hers.

Vice Chair Posalski asked how is that controlled? If you have a six bedroom house, and can only have 10 people there. Mr. Cupples stated, if you took a literal read of the ordinance and said, well, I have a five bedroom house, then you automatically have to have five parking spaces, but your occupancy would be limited to 10 maybe. You could potentially block off a bedroom. But there are applicants from time to time that say, I don't want that many. There are people who get licensed for nine and they say, well I don't want more than eight or I don't want more than six. We had one that was a three bedroom home and they said they don't want six. Vice Chair Posalski stated he just wants to know which parts are the cause and effect. In other words, is it the three bedrooms that causes the three parking spots? And is it the three bedrooms that causes the 10 people maximum? Is it the car size? Mr. Cupples stated if you have two bedrooms, no matter what, you're not going to get an occupancy for more than six. If you have a one bedroom, you still have to have two off street parking spaces because that's the absolute minimum. If someone says I've got a limited occupancy, and not planning on having more than two people per bedroom, then with a six occupancy, even though they've got a three bedroom they can have the two parking spaces and that's based on the ordinance. Vice Chair Posalski stated so as long as the occupancy isn't over six then two parking spaces is okay. Mr. Cupples stated that is correct. That's the way it's been read and there's been discussion about that being problematic. Chair Hoth has had issues with that and Commissioner Montero has brought up issues with that. Vice Chair Posalski asked is that an issue that's going to be discussed at the end of the month joint work session with the council members? Mr. Cupples stated that it could be, but if in fact someone says, I don't want more than this many people in their house and you're going to use that as the limiting formula, then he thinks you can do that through the way you adopt findings. Commissioner Teri Carpenter stated that her concern would be, if there's four bedrooms in the house and there's only two parking spots, even if you limited to six, people are still going to use those rooms regardless. Mr. Cupples stated if you get to the extreme, he can see that. Commissioner Teri Carpenter stated especially if they're familiar with the house too. This house has four bedrooms so let's bring everybody. Chair Hoth stated especially if it has three bedrooms could be three couples, which could be three cars. Vice Chair Posalski stated that is when violations happen. Commissioner Teri Carpenter stated nobody is going to know that that's happened. Ms. Webb stated that they installed an outside camera. It's posted on their advertisement and they have an alert that comes on. They watch the property at check in and count how many people are entering the property. They're ready to go over and tell them they booked for six and six is what you got. Commissioner Teri Carpenter stated they're all good things, but when we're designing a rule it needs to be across the board for everybody and it needs to be something we can enforce. Vice Chair Posalski stated that he doesn't think we have the power on any VRD really to control how many people walk through that front door. The commission can set guidelines but people break the rules all the time.

At the end of the Commissioners discussion, Commissioner Montero made a motion that we reduce it to a two bedroom with just six people and parking for two cars. And at the time when the driveway is done, they can increase the number of bedrooms in accordance with parking spaces. Chair Hoth asked if Commissioner Montero would clarify the two bedrooms. Commissioner Montero stated two bedrooms, you pick the two you want. Maybe the third bedroom could be referred to as a bonus room at this point. They cannot advertise it as a three bedroom with two parking space. Commissioner Neubecker seconded the motion and the motion was carried with a five to one vote. Vice Chair Posalski voted no.

Mr. Cupples stated for clarification if they provide the third space, is that going to be adequate to allow for the third bedroom to be used in advertising? Commissioner Montero stated yes.

- B. 19-040CU:** A conditional use request by **Romano Development** to allow the establishment of a three unit condominium at 321 S Prom (T6, R10, 21AC TL: 11900). The proposed units would be side-by-side (townhome style) and the 1<sup>st</sup> floor would be used for parking with access from Avenue A. The property is zoned Resort Residential (RR), and although the zone permits motels outright, condominiums are a conditionally permitted use.

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. Gabe Headrick. He is the principle architect with Steelhead Architecture in Portland. Mr. Headrick stated that Kevin stated everything pretty well in the staff report. He believes that they have met all the conditions that are required for the conditional use. He would be happy to answer any questions the commission may have.

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. Dan Caleb, 25 Avenue A, Seaside. They are concerned about the setback in front of their property is rather small. They will be staring directly into the side of the building. Glancing at this, and he is not an expert obviously in the zoning ordinances, but he was under the impression that this would be the rear side of the building and there is a 15 foot setback on the very back of the building, which he believes is required on the rear of the building. But they are also on the rear of the building and they have a much smaller setback staring at us. He was at least hoping that they could somehow get the plans to adjust so that the setback in front of their house corresponds to the 15 foot setback that you're supposed to have from the rear of the property. They are not opposed to the development in general just opposed to the development being directly outside their front door.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Eric Dunham, Seaside Resident. Mr. Dunham asked if this going to be a condominium for rent or for purchase? Is this going to be a Vacation rental place? Chair Hoth stated that it's going to be for transient rental, which is different than a VRD. It will be more like condos that are already along the Prom. Mr. Dunham stated that this is going to open up a can of worms for everybody on the Prom then to take the residences away and give them an incentive to put in condominiums? He stated that there's about two vacant lots on the Prom that are empty. Chair Hoth stated that he doesn't know how many lots are vacant along the Prom. This property was one of the last lots available when the Pearl was submitted. Mr. Dunham stated there's a couple tear downs that just happened that are down on the south end. Vice Chair Posalski stated that those are in a different zone. Mr. Dunham stated so this isn't going to screw up the residential values by putting in a condo next to residential properties. Vice Chair Posalski that this property is zoned Resort Residential as opposed to the properties farther down the Prom that zoned R3 and R2. Mr. Cupples stated this is a zone that permits motels outright. Mr. Dunham asked if this going to be run as a motel. Mr. Cupples stated that condominiums are individual boxes that you're purchasing and those can be rented for transient occupancies. Mr. Dunham stated it's going to open up a can of worms down the road.

Mr. Cupples stated that you've actually got transient rental condos at the Promenade and the Sand & Sea which is right next door. Mr. Dunham asked if we need more, that's the question. Do we need more vacation rentals?

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

Chair Hoth stated that now is the time for the applicant's rebuttal. Gabe Headrick stated regarding the rentals, they are going to be held by one company. It's not going to be sold to three separate people, but they do plan on renting them out. Then regarding the setback, the notion was that Avenue A is the front, so they looked at it as the setback to the side was meeting the eight foot setback as required by code was how they interpreted it.

Erin Barker stated a bit of history 321 S Prom used to be an eight bedroom, eight bath vacation rental. There was a fire at the adjacent property that caused so much damage that it had to be demolished. She thinks it was probably 2001 it's been vacant ever since. She has seen project after project come

here. She really would rather see three condos and with it being zoned resort residential, somebody could just build a Best Western resort there. So she thinks a three condo concept works better, but it used to be an eight bedroom, eight bath VRD.

Chair Hoth asked Mr. Cupples if he could address the two issues that have kind of been raised and clarify them? One, the setbacks and the other, what is a transit rental and how's that different than a VRD? Mr. Cupples stated under the definitions in the ordinance when you have a standard lot is you've got one street frontage, you've got two sides and a rear on a corner lot based on the definitions in the ordinance you have one front yard, you have a street side yard and everything else is considered sides. So if there were six sides to the property and it's a corner lot. All the rest of those would actually be considered side yards. Chair Hoth stated just for clarification there still is a platted road along the Prom. Mr. Cupples stated correct. So that's actually a corner lot. The applicant's plan actually meets a 15 foot setback on one of the property lines and it's called out as a rear. And he wouldn't actually call that out as a rear. It would have been a five foot setback for a two story structure. Anything over two stories, the setback actually increases in that zone to eight feet. If the applicant was building a two story structure then the building next to the Calef's would be five feet away instead of eight feet, which is what the applicant is being required to do because they're actually going up to the full height in the zone. If someone just built a building there and they built a two story structure, it would be five feet from the property line would be the requirement. Chair Hoth stated so now with the transient rental what's different from the VRD's and how they're regulated. Mr. Cupples stated vacation rental dwellings normally are in single family dwellings. You can have them in a single family dwelling, you can have them in a duplex, you can have them in a tri-plex. The planning commission has talked about not allowing those in duplexes or triplexes or maybe limiting it to one or whatever, but that's all a matter of policy that hasn't been written yet. Because of the ownership of condominiums, it's customary and traditional for condominiums to actually be rented as transient rentals. In the past when you've done condominiums through a conditional use permit, they've all been done either planned development or in the RR zone. But if you're doing a condo in the RR zone, it's a conditionally permitted use. And why they put them in as a conditionally permitted use in the RR where you're allowed to do a motel? He can't answer that. He doesn't know what the nature of that was. They do have special requirements in Article six for timeshares, but they don't have special provisions for condominiums even though they're a conditionally permitted use. Chair Hoth stated that it requires a manager if there's no desk and that sort of thing. Would that manager have to be the same like a VRD or can they just be the manager of the property? How's that work? Mr. Cupples stated they would need to have a manager for the property. When we do transient rental condos, it's really through policy that we're having them meet more or less the similar standards to what a vacation rental dwelling would be. But by definition they're not a VRD. Every condominium he's seen has gone through a condominium plat and it's got different regulations through the real estate agency of how you set up a condo.

Commissioner Montero stated so right off of this conversation you mentioned in your presentation that a company is going to own these three units. Is that correct? Mr. Headrick stated that is correct. Commissioner Montero asked if Romano development is going to sell each individual unit. Mr. Headrick stated No, they will not sell it. They will hire a manager to manage the units. Commissioner Montero stated so these aren't purchased condominiums at all this, these are three rented units. Mr. Headrick stated correct. Commissioner Montero asked if they were going to be long term or short term. Commissioner Montero stated short term and short term being 30 days and under tells her that's a VRD and one of her concerns, if you look at unit A, it has three bedrooms. Mr. Headrick stated that it is a two bedroom.

Commissioner Teri Carpenter stated that her concern is the end to end parking and nobody likes that nobody ever uses it so where are people going to park? They can't park on the street. Mr. Headrick stated there's no parking on the fire access. Commissioner Teri Carpenter stated the two car garage side by side that definitely works and that's more usable. If they're going to be renting short term, then they're either a hotel or a VRD you can't say you're a condo. Vice Chair Posalski stated if this was classified as a three suite motel, they wouldn't even have to be here. Mr. Cupples stated that is correct they'd be asking for something different, because a motel is supposed to have four units not three. Mr. Cupples asked Mr. Headrick if they're actually going to file a condominium plat with this? Mr. Headrick stated yes. Mr. Cupples stated Okay. It's condominium by definition. There's a difference in the potential for ownership. They can actually sell off the individual boxes. When you file a condominium Plat, it's no longer just a multifamily dwelling. So it's not a tri-plex. It's semantics at this point or actually it's not semantics definitions, but they are treated differently under the zoning ordinance and through state law. Commissioner Teri Carpenter asked if this was at a different zone, a couple streets over, back from the Prom and then they would be under different rules. Mr. Cupples stated yes if they were in

an R2 zone or in R3 zone, which you can do condos in those, but you're looking at doing them as plan development in order to even allow them, they go through a completely different review process. Commissioner Montero asked if they have to go through a design review board or anything like that. Mr. Cupples stated no. Commissioner Montero then asked if there was any design criteria as far as the appearance. Mr. Cupples stated no. If this were proposed as a triplex and there was one owner and there was no potential condominium for it, then it would be an outright permitted use. If they wanted to do transient occupancy in it, then it would come back through for vacation rental. Commissioner Teri Carpenter stated that she has the same concerns that Commissioner Montero has. Unfortunately, the City of Seaside as far as she knows, doesn't really have any planned direction towards what they want the city to look like in the future. Vice Chair Posalski stated that it will match the convention center very well. Commissioner Montero asked what are the exterior materials? Mr. Headrick stated that they are still evaluating that at the moment. Commissioner Montero stated, so nothing blindingly reflective or anything like that? Mr. Headrick stated no.

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

**ORDINANCE ADMINISTRATION:** Mr. Cupples stated that there will be a joint work session on Monday, July 29<sup>th</sup> and it starts at 6pm here in the council chambers.

**COMMENTS FROM THE PUBLIC:** Erin Barker presented some information that she gives to her guest that check in over the Fourth of July.

Mary Kemhus, 86183 S Wahanna. The Prom is a beautiful place and a place that draws a lot of business and tourism to Seaside. She would like to know where the responsibility lies in terms of maintaining a certain architectural flavor to Prom. Maybe that's something she can talk to somebody later, but do you have any direction in terms of how that could come about? Is that a City Council thing? Mr. Cupples stated he thinks that what Mary is talking about is generally considered some type of overlay zone that would be established in order to set some kind of building standard. There was discussion with the planning commission. It would be a combination of the Planning Commission and the City Council actually putting that into ordinance. The down side in Oregon to some extent is, if you establish those things because of a ballot measure that was passed. If someone has a property and they redevelop the property, they would get an automatic buyout of whatever restriction was put on it. But if that was established, if you set up some kind of visioning for the Prom and said, we want to try and see this type of architectural style. That was discussed of having craftsman style homes at one point and that kind of ran out of gas and they never did go forward as far as being something that wanted to be promoted in the form of ordinance. Then it was talked about by a number of the other planning commissioners, not just council members. He knows the council was involved in that too and saying, well maybe rather than putting it into hard and fast ordinance or creating an overlay zone where someone says, oh, you have to have this, not a cookie cutter form, but this particular form, which is actually kind of falling out of favor in many cases under some ordinances, they were saying, well, maybe what we should do is look at putting some guidelines together saying this is what we'd like to see. But that wouldn't be compelling them. That would be all voluntary. Mary asked how does that happen? How does that move forward? Mr. Cupples stated that she could bring it up before the Planning Commission and if the Planning Commission wanted to take that on as a project between the Planning Commission and Council. If there's interest in it, then they could move forward with it. Mary stated she knows that you all have a lot of extra time and you're looking for extra things to do. So she brings that forward now and if she can help in some way, let her know now. Chair Hoth stated that if she wanted to bring it up, we're having 29th is joint work session with the city council so she can address that and get both in one shot. Mary stated that she would totally love to do that. Unfortunately she will be incarcerated at the fair at that time.

Mr. Cupples stated that he would suggest she put that in writing and then it can be shared with the Planning Commission and Council. And he doesn't know with the last visioning that was done if there was really anything that was speaking to doing something like that. Seaside doesn't even have a design review provision in its ordinance, but some of those are big undertakings when people take them on, but they can be as big or as small as you want. There's probably some architectural firms out there that would jump on the chance to actually do some, charities that would actually explore that type of thing.

Chair Hoth asked if there was anyone else who would like to comment. Eric Dunham asked if we have anybody on board for a compliance officer for these vacation rentals and for like she was saying about properties just to get them to mow the lawn on the Prom or pick up the dog poop that's on the Prom.

Chair Hoth stated that's generally handled through the complaint process. Mr. Cupples stated if you're looking for a compliance officer right now, they had a compliance officer at the police department that was in towards the final end of running and that person hasn't worked out. He thinks they're getting ready to restart the interview process for that. Mr. Dunham asked does that mean that you guys are given up on the compliance then? Mr. Cupples stated no. Mr. Dunham asked how do we get them to mow the lawns on the Prom and how do we get them daily to double check when you okay a permit for vacation rental to make sure that they have lived up to what you said they could do. Mr. Cupples as far as someone not mowing their lawn that's a general ordinance standard. It's not even a VRD thing. Mr. Dunham asked who checks up on them when you ok a permit? Who goes by and says, okay you've done what we said you could do? Mr. Cupples stated that he goes through and does final inspection or we get documented evidence before they start renting.

Vice Chair Posalski stated to Mary that he knows that this meeting that's happening at the end of the month is really focused on the VRDs I would say that adding the additional piece that you're talking about may be pushed off beyond that. So if it doesn't get mentioned, that would be why. Mary stated okay. Not a problem. Don't worry.

**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