

MINUTES SEASIDE PLANNING COMMISSION
September 4, 2018

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, Teri Carpenter, Ray Romine, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Lou Neubecker

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: 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. Chair Hoth then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: August 7, 2018; Approved Minutes as submitted.

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. **18-065VRD** is a conditional use request by **Jon & Erin Harding** for a **three** (3) bedroom Vacation Rental Dwelling with a maximum occupancy of not more than **nine** (9) people over the age of three. The property is located at **2423 S Edgewood (6 10 28BD TL 3902)** and it is zoned **Medium Density Residential (R-2)**.

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

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Jon Harding, 17109 111th St E, Bonney Lake. He is the owner of 2421 & 2423 S Edgewood.

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. Doug Mitchell, 2426 S Edgewood. He has seen a lot of vacation rentals come up and he has a vacation rental at his home. He feels that they are changing the neighborhood. People are building these big homes just to become vacation rentals. Chair Hoth stated that vacation rentals have been a problem and a benefit to the city and asked if Mr. Mitchell was serious about changing the rules and how many vacation rentals are allowed then he should go to the city council meetings and let his concerns be known to the council members. Then the council members can direct the planning commission to start looking at better ways to manage them.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. John Bilski, 415 #A N Jackson, Seaside. John asked if vacation rentals have ever been denied. Vice Chair Posalski stated yes, but not very often. Chair Hoth stated that vacation rentals are a very complex issue. When they come to the planning commission there are criteria that needs to be met and in most cases these

vacation rentals meet that criteria. They are a conditional use and when they come before the planning commission the planning commission can put more restrictions on them. It's a complicated issue. Commissioner Ridout asked if Mr. Mitchell had a vacation rental and Mr. Mitchell stated that he has vacation rental and lives across the street from this vacation rental. Mr. Mitchell stated that he would rather have people put in an application for a vacation rental before they can build if that is what their intent is. The neighborhood used to have small or medium size homes now people are building these huge homes to turn into vacation rentals and the neighborhood is losing its charm. Vice Chair Posalski asked Mr. Cupples if the reason the planning commission sees vacation rentals is because of the density of the vacation rentals. Mr. Cupples stated that the planning commission only sees VRD applications if the density is over 20%. Mr. Cupples stated what he has been suggesting to people who have concerns about vacation rentals is to write up their concerns and send it to City Hall for the city council members and planning commission members or send it to our office and we'll make sure that it gets to the appropriate people. Then when city council and the planning commission members start getting notifications from people in the neighborhoods with suggestions on how to better manage the vacation rentals or make changes to the ordinances they can use those suggestions and review them with specifics on what neighbors want to see changed. Commissioner Ridout asked if Mr. Harding was going to use ½ of the duplex for vacation rental and then keep the other ½ for himself. Mr. Harding stated not really one side will be a permanent renter and he will be using the other ½ himself and then it will be a vacation rental when his family is not there.

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

- B. **18-012VRD & 18-036V Appeal-** This is an appeal by Frances Kubicek of the Planning Director's approval of the following request: A conditional use request (**18-012VRD**) by **Daryl Habit** for a **three (3)** bedroom Vacation Rental Dwelling (VRD) permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **600 15th Avenue (T6-R10-S15CB-TL13002)** and it is zoned High Density Residential (R-3). The owner is also requesting a variance (**18-036V**) to the 50% side yard landscaping requirement for the area east of the dwelling because it is all currently committed to access for the neighboring properties. Two new spaces will be developed on the south side of the dwelling without taking up more than 50% of that front yard area.

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. Wallace Carey, 602 15th Avenue, Seaside. Mr. Carey lives in the adjacent townhome. He brought in photos of the parking issues he's having already and it's not a vacation rental yet. They have lived at this location for 1 ½ years. They thought they had found a nice quiet neighborhood but finding out how bad the attached townhome was as a vacation rental brought concerns once they found out the place was for sale. They met the new owners they assured them that it was not going to be used as a vacation rental again and that was not true. They have a 10 year old in school and his wife works full time and goes to school full time and he a 100% disabled vet and is a stay at home parent. They have a set routine to assure they meet their daily needs and this vacation rental disrupts that. They have had people try to walk into their home thinking it was the vacation rental. The home next door has been used as a vacation rental since July 4th of this year with two families from Seattle and others since then. It's been problematic with renters coming in late, making a lot of noise and slamming doors people running up and down the stairs causing lots of noise issues. It's very disruptive with having two people trying to study and himself having issues with the noise and especially fireworks on the Holidays. One of the biggest things is having the people next door having four cars and blocking the driveway. The little cul-de-sac is not made for all the vehicles that the vacation rental brings in. If this does become a vacation rental then there needs to be a local contact number for the people who live in the cul-de-sac to call when people are making lots of noise and blocking the driveway.

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. Darrel Habit owner of 600 15th Avenue and also have a residence in Beaverton. They purchased the property in December of 2017 and are working through the process to have it re-approved. This will have a maximum of 6 people. It is not actively been a vacation rental since they purchased the property. They have had friends and relatives stay at the property. There has been other people parking on the property and are not associated with the property. They do have a local property manager that lives a

couple of blocks from this home. His understanding is that there is a process already in place if there are problems with the renters at the home. He would appreciate the opportunity to do a vacation rental and then take things from there if there are any complaints.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. John, 415 #A, N Jackson St. Seaside. He just wanted to add that the city council should really take a look at this problem and make some changes instead of just saying, yeah it's a problem and there is nothing we can do about it. This is a prime example of a resident having a legitimate concern and residents' concerns are very important. Chair Hoth stated that we do discuss this and changes have been made. It's not that we haven't done anything it is a very complex issue and we'll continue to make changes with citizen involvement.

Chair Hoth closed the public hearing and indicated the issue was opened for Commission discussion.

Chair Hoth stated that he understands that the parking is on the south side of the property. Mr. Cupples stated that it was evaluated on inspection. They can park two cars there and still have 50% of the required landscaping. Vice Chair Posalski asked if the city has received any complaints on this particular property. Mr. Cupples stated that there was nothing in the file. He thinks in the appellant's property there were complaints on that one when it was a vacation rental, but that was before the current owner even owned it. Chair Hoth asked Mr. Carey if he was aware of the property manager's phone number. Mr. Carey stated no, they don't have any contact information for the property manager, the only that he can do is call his property manager, North Coast Rentals, in Gearhart and make a complaint that way. Chair Hoth asked Mr. Cupples if this was currently a vacation rental. Mr. Cupples stated not at this time, it's going through the process. Mr. Habit was given a punch list and must complete everything on the list before he can be issued a business license. Chair Hoth asked how long this was a vacation rental before the new people purchased the property. Mr. Cupples stated that he doesn't know. Chair Hoth asked Mr. Carey if the problems happened when it was previously a vacation rental. Mr. Carey stated that is correct and they don't want to go through that again. Mr. Carey also stated that the reason there hasn't been any complaints over the last year and a half is because he'll go over and knock on the door and ask them to be quiet or he will call the police. He gives them one warning and then he calls the police. Most people will listen and other times they don't. Chair Hoth stated that Mr. Carey shouldn't have to do that and that is one of the reasons there is a local contact. So if there are issues you can call the local contact/manager to come over and take care of the issue immediately. This is a new owner with a property manager and we cannot deny it for potential conflicts. But if it becomes an issue then something can be done. Mr. Cupples wanted the commission to know that when we make a decision the notice is going to the property owner it's not going to the renter. In this case we can simply pass along to the neighbor that there is the local contact. Chair Hoth asked when the decisions are done don't we contact the property owner? Mr. Cupples stated yes we send the mailings to the property owner but not the renters. Commissioner Bill Carpenter stated that he is a renter and he isn't notified of anything either. The only way he knows what is going on is by checking the website or by contacting city hall. Vice Chair Posalski asked Mr. Carey if the only way he can contact anyone is through his property manager. Mr. Carey stated yes but their property manager can't get involved it has to be owner of the property. So that is why he has been in contact with the renters. Vice Chair Posalski asked Mr. Cupples of the process with this appeal what has been done to solve this issue with parking and complaints. Mr. Cupples stated that to the best of our knowledge this has not been operating as a VRD since the application was submitted. So if they are having problems with prior stuff, we haven't been aware. Commissioner Romine stated that townhomes, condominiums and apartments seem to have more problems because of the close proximity to each other. You would hope that in some cases with a long term rental would be more available to a working environment. With the short term rental there are policies in place that will help the long term tenant. At the end of the day it's still the same, getting along with your neighbors and knowing what to do and who to contact if issues come up. With short term rentals there is a local contact number and that local contact needs to be available 24 / 7 that is part of the process and criteria that the planning commission has established to approve vacation rentals. You actually have more protection as an individual in noise and complaint resolution than if you were deal with a neighbor. We have rules with vacation rentals and if we have numerous complaints then the owner could lose their ability to have a vacation rental and that process is in place. Vice Chair Posalski stated that their biggest problem seems to be from the previous owners and that situation has resolved itself. Commissioner Ridout stated that he would have to disagree. He stated there is a big difference if you are living next to housing where the occupants are changing weekly and training a neighbor to be quiet. It's an entirely different game. When you look at this structure and floor plans you have bedrooms against bedrooms and that leaves noise potential. People come to the beach to party and have a good time and when you have someone living that close it does cause noise issues. He wonders if there is a way to deal with not having shared walls and maybe not

having duplexes. A vacation rental should not be allowed in duplexes. Commissioner Romine stated that from the perspective of land use, a townhome is two separate units of land. A duplex would have a single owner. A townhome is also built with firewalls and better sound proofing than a duplex. Commissioner Ridout stated that the effect of having that VRD against a permanent renter is greater. Vice Chair Posalski asked Commissioner Ridout if he wouldn't be opposed if an ordinance came along that stated townhomes and duplexes would not be allowed to be vacation rentals. Commissioner Ridout stated absolutely, we cannot look at the past but we can change it looking forward. Commissioner Teri Carpenter stated another issue that she sees here is that most or all full time renters are almost shielded from the information, because they don't receive the notice. If there is a problem they don't know who to contact and so they call the police, is it really a police problem. It's knowing where to get the information, and as a matter of fact if all the homes in the neighborhood are vacation rentals you're not going to get to many complaints. People need to know how to get the information. Chair Hoth stated that we need to make it as a condition of approval or a policy to mail to the physical address as well as the property owner if that person does not live at the property. Mr. Cupples stated that in some cases the home will not have a mail receptacle. Someone in the audience asked wouldn't you have to have a mailing address if you lived at the property. Commissioner Bill Carpenter stated that they would have a P.O. Box. Mr. Cupples stated that we get our information from the county tax records and if it were an apartment building there is only one owner and they would get the notice but not all the tenants. That is why when we do Tsunami outreach we have volunteers go to the apartment buildings because we can send information in the water bills that go to the property owner but it doesn't get the information to the tenants so that is kind of problematic when you are trying to get the information to all the tenants. If there are renters around we hope that the property owner would be responsible enough to let the tenants know who to contact. Chair Hoth stated that he would feel better if it came from us. Mr. Cupples stated that we could make it a condition of approval that the property managers with an approval has to provide that information to the neighbors whether it be knock on doors or send mailings to the local address. We can't have then place door hangers because that's illegal in the city. But there are some property managers who go out in the field and do that now. Chair Hoth stated that he would appreciate it if this would be policy from now on. Commissioner Bill Carpenter stated that having been a renter here in Seaside he would like this to become a topic at one of the work sessions. Mr. Cupples asked Commissioner Bill Carpenter if we mailed directly to that street address would he receive the mailing. Commissioner Bill Carpenter stated yes in previous situations he has known the property next to his was a vacation rental but had no idea how to get a hold of the property managers. Vice Chair Posalski stated that as many property managers that we have in this town we should put requirements on their business license that they are required to notify all the tenants that the city sends notices to. Commissioner Bill Carpenter stated that's a good idea to, but we need to discuss this in depth at a work session. Commissioner Ridout asked what were the parameters regarding vacation rentals? Mr. Cupples stated that west of Holladay. Commissioner Ridout stated if there were on the other side of the river then this wouldn't be an issue. Commissioner Teri Carpenter stated that with the way the parking area is set up at this rental it will be a problem. Chair Romine stated again part of the property manager's problem to deal with and if they find that cars are illegally parked and are associated with the VRD then they can contact the property manager. Mr. Carey stated that would be nice but when you come home and try to pull in your driveway and you can't even get in your garage it's a problem. Chair Hoth stated that unfortunately sometimes you have to suffer through the inconvenience before something can be done and we can't legislate on potentiality. Chair Romine stated that the VRD has been approved and the motion would be to approve or deny the appeal. Chair Hoth stated yes.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Vice Chair Posalski made a motion to deny the appeal under the guidelines that staff has presented.

Commissioner Bill Carpenter seconded and Commissioner Ridout stated he wanted to discuss this more and that there are times when we are going to look and say that you do not have the right to have vacation rentals anywhere. We are looking at whether or not it fits and some properties aren't going to fit and this should not be a vacation rental with all the parking issues already. Commissioner Ridout stated he lives in a vacation rental area and if people just followed the rules there wouldn't be problems but people don't follow the rules. Chair Hoth asked if in this instance if all the rules were followed, could this be a vacation rental. Commissioner Ridout stated no, because to follow the rules you have to make the situation where users of the property are encourage to use it the right and it takes time to train them. These people will be here for a week and then a new group comes in. Vice Chair Posalski asked if that isn't the case with every VRD, Commissioner Ridout stated yes but if the parking is setup to help people do it the right way rather than the wrong way you don't have as many problems. Chair Hoth stated that this could have been the case with a lot of VRD's and we could have denied them on the idea of potential problems. Vice Chair Posalski stated the some people potentially behaving badly is not a

reason to deny a vacation rental he doesn't think they could justify that. Commissioner Teri Carpenter stated that in the end, do they meet the criteria? Vice Chair Posalski asked Mr. Carey if the parking is the main issue. Mr. Carey stated yes, if they park in the designated parking then there isn't a problem but when they park in front of the garage then other people can't get through.

Chair Hoth stated that there is a motion and a second on the table to deny the appeal, those in favor say I, Chair Hoth, Vice Chair Posalski, Commissioner Teri Carpenter, Commissioner Carpenter, Commissioner Romine voted yes. Chair Hoth asked all those opposed say nay Commissioner Ridout voted nay. Chair Hoth stated that the motion was carried.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: John Bilski, 415 A N Jackson, Seaside. One of the things that come to mind is an analogy that if the city puts in a dog park and there's a sign that says leash required typically people don't follow that rule. The city thinks well that's all we need to do. Then someone gets bit by a dog off the leash, then ultimately the city needs to ask themselves are dogs going to be allowed in the park. The leash law and the sign really don't work and he feels that is what is happening with vacation rentals and appreciates the commission's work on all the issues that they deal with.

COMMENTS FROM COMMISSION/STAFF: Commissioner Teri Carpenter said thank you for getting the packets out early.

Mr. Cupples stated that usually in November he takes a week off and it's very close to the beginning of the month and this year he will not be here on November 6th. There is a possibility that we have an applicant that could have an early hearing if we did it during a work session in October or maybe roll it to November 13th. If one of those weeks works better. Vice Chair Posalski and Commissioner Ridout stated that they will not be able to attend the next work session. Commissioner Ridout stated that he will not be able to attend the October 2nd meeting either. Commissioner Bill Carpenter stated that he will not be able to attend the October 2nd meeting. Chair Hoth stated that he may not attend the October 2nd meeting.

ADJOURNMENT: Adjourned at 8:03 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant