

MINUTES SEASIDE PLANNING COMMISSION
January 4, 2011

CALL TO ORDER: Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, and Bill Carpenter, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning 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 Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. Commissioner Dideum recused herself from agenda item E. 10-050CU – North Coast Family Fellowship because she attends services there.

APPROVAL OF MINUTES: Motion to approve the December 7, 2010;
Commissioner Carpenter made a motion to approve December 7, 2010 minutes as submitted.
Commissioner Dideum seconded the motion was carried unanimously.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

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.) Continued - 10-040ZMA - The applicant is requesting the adoption of a new Zoning Map of Seaside, Oregon prepared by the Columbia Estuary Study Taskforce (CREST). Although the map is intended to reflect the zones currently identified on the official City Zoning Map, some prior mapping errors have been corrected on the map that was previously adopted in 2005. These changes are intended to resolve the obvious errors currently present on the map and improve the readability by distinguishing the contrast between zones.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. One thing that will be updated are some white streets that need to be colored in before they go to the City Council for approval.

Chair Horning asked if any of the Commissioners had any changes or deletions to the map. There was no response.

Commissioner Carpenter made a motion to recommend this map be forwarded to the City Council for their approval.

Commissioner Romine seconded and the motion was carried unanimously.

B.) 10-039VRD is a request by Debra & Dave DeBlois for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **1240 S. Downing**.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Debbie DeBlois owner of the home at 1240 S Downing.

Chair Horning asked how long the DeBlois have been owners of the property. Ms. DeBlois stated that they have owned it for the past 10 years and they have purchased another property at 1420 S Downing and stay there on week ends.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Erin Barker with Beach House Vacation Rentals, Several years ago Erin managed the property down the street that was owned by the Kings. If there are any complaints people need to know the local contact. Ms. DeBlois did mention that they have a vacation rental next to their home and it has a hot tub outside and when people get to loud Ms. DeBlois would turn the light on and off and then the people would quiet down. Ms. DeBlois has managed other properties and knows how to handle clients. If there are any problems with guests she knows how to handle it.

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

Chair Horning asked if the applicant would like to rebut any of these comments.

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

Commissioner Hoth would like some clarification on exactly who is Irene Dunn. Ms. DeBlois said that she is a very close friend that lives down the street and she had not made a final decision on who the manager would be but now she's pretty sure it will be Erin.

Commissioner Hoth asked how the neighbors will know who the new manager will be. Mr. Cupples stated that the owners will need to notify every one within 100 feet of the property of who the property manager will be.

Commissioner Carpenter made a motion to accept this application as written. Commissioner Winters seconded the motion and the motion was carried unanimously.

C.) 10-046VRD is a request by Carol Curl for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at **1120 S. Columbia.**

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Sharon Rauwolf, Oceanside Vacation Rentals resides at 1260 S Columbia and will be the property manager.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. There was no response.

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

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

Commissioner Dideum stated they applied for occupancy of nine (9) and all the data says six (6). Mr. Cupples stated that they did apply for nine (9) but we reduced their occupancy because they did not adequately supply the parking needed for a higher occupancy.

Commissioner Carpenter made a motion to accept this application as written in the staff report. Commissioner Dideum seconded and the motion was carried unanimously.

D.) 10-048VRD is a request by Eric & Joan Lowe for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential High Density (R-3) zone. The property is located at **711 N Franklin.**

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Joan Lowe 53 Briarwood Rd, Lake Oswego. Have had another vacation rental on 15th Ave and have never had a problem with that one except once they did get a phone call from a renter at 9pm and were on the doorstep by 10:30.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. There was no response

Chair Horning asked if there was anyone who would like to offer testimony in opposition. Raeann Schimpf 405 8th Ave. Seaside This is a second home and spend lots of time here. This is about the 5th or 6th owner change since they bought the home. There is a real problem with parking. In current times most people drive SUV's and there is simply not enough room to park 3 SUV's on the property. When renters come to the property there is usually one SUV parked in the driveway and then 2 parked on the street. Last year there was a problem with a fire truck not being able to come up the street because of the cars parked on the street. This is a real safety concern if there was an emergency the emergency vehicles would not be able to get up the street. Our request is not to oppose someone renting there house it's the number of vehicles. They came to town on the 31st and there was an SUV parked sideways in the neighbor's yard across his driveway. It turned out that whoever was staying at the house parked across the street across the neighbor's driveway so the neighbors couldn't have even parked in their driveway if they had come down. The greatest concern is that there is just not enough parking for 3 cars. Raeann brought in some photos that are located in the staff file. We are not opposing anyone renting the home; it's just the safety issues.

Chair Horning asked if there was anyone else who would like to offer testimony in opposition. Larry Slick – 317 6th Ave one block over from the property. Everything that he just heard is covered to a tea. North Franklin is way to narrow; the corner is way to narrow. In the summer you can barely get through North Franklin. The fire hydrant is right on the corner and you can see that the fence has been smashed because of people trying make the turn. The driveway is way to narrow for two cars to be parked there. Rarely do people use the garage to park their vehicles when on vacation. The previous property manager probably has pages of complaints regarding the parking situation on this property. Now we have an opportunity to speak we do not want to have three cars parked there.

Chair Horning asked if there was anyone else who would like to offer testimony in opposition. Mark Hanson – 328 7th Ave. He is not opposed to anyone renting their home for a short term rental. He has been involved with one on the Prom for the past twenty years and the house that he currently lives in now was used as a short term rental. It is just that at this particular property there is just not enough off street parking. Mr. Hanson stated that when he was renting his home they where allowed only 2 people per bedroom, has that changed over the years to now allow three people per bedroom? Mr. Cupples stated he cannot say exactly when the change came into effect but it is roughly around 2000. There was a change in how the calculation was being done and it is basically age discrepancy. Now it is basically three individuals over the age of three. Mr. Hanson's main concern is ingress and egress on Franklin and emergency access to properties on Franklin. Mr. Hanson questioned if the City does approve this and the people don't abide by the conditions is it back to square one? Chair Horning stated that there are policies in place that once a complaint is written, it is investigated and if the complaint is not taken care of and the City receives several complaints and nothing is still being done by the property manager/property owner the City may revoke the permit.

Chair Horning asked if the applicant would like rebut any of these comments. Joan Lowe- They have spent the last six months looking for a vacation rental property and have lot of conversations with the planning department and decided against a lot of the properties. But this property fit all of their needs. Glenn Taylor did let them know in advance that the property did have previous complaints about he parking and it's obvious by looking at the street and the driveway that both are narrow. One thing they would like to assure the commission is that whenever they rent the house the guests must sign an agreement. One of the agreements will be they must park in the driveway and garage. Glenn has come over and measured there are two spots in the driveway and one in the garage. Having a license for 9 doesn't mean they will rent to nine people. The intent is that they would rent to 4 to 6 people and would have no problem giving the neighbors her direct telephone number so they can contact her at anytime.

Erin Barker, Beach House Vacation Rentals. Erin stated that they did manage this home several years ago. She had a permit for nine and the garage was not used for parking. The owner only rented it for six people and only had the parking for two cars. Erin remembers that one time a renter had brought a boat

with them and that was an issue. It is tight parking but the previous history shows that two cars can park in the driveway.

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

Commissioner Romine asked any of the neighbors if they contacted the property manager or the City about the parking issues. Larry Slick stated that one of the neighbors that couldn't make it this evening and he had made multiple complaints about the parking and had spoken with the property manager about the situation with the parking. Raean Schimpf stated that Eric Dunham is the owner of the yellow house and that he wanted to make it tonight but he has an ailing mother and couldn't make it tonight. But he did contact the property manager multiple times about the parking situation. They were with Eric on at least two occasions when he contacted the property manager because he couldn't park in his own driveway because there were so many cars parked in front of his home and in front of the gate across his driveway. Raean stated that they come down on Thursday night and there was a car from that property already parked across the neighbor's driveway and that concerns them. Commissioner Romine asked Joan Lowe (owner) about the local managers, do they have any property management expense or conflict resolution experience. Joan stated they own a business and know how to handle difficult people. They own Seaside Temporary and have lived in the area for a long time. Commissioner Romine stated that it becomes apparent to him that based on the comments from the neighbors it was poorly managed. Joan agreed.

Commissioner Dideum stated that North Franklin is a very narrow street and it's amazing that people are even allowed to park on either side of the street. She parked her car in the driveway to see if she could easily put two cars in there and it would be very difficult to do. Commissioner Dideum stated that she would prefer to have the home licensed for 6 and parking for two vehicles.

Commissioner Winters stated that it is like parking at Safeway on a busy day you just have to know how to maneuver your vehicle to park in those smaller parking spaces.

Commissioner Hoth stated that parking has always been an issue with vacation rentals and identifying who is a renter and who is not. Commissioner Hoth also feels that reducing the occupancy to 6 and the parking to 2 spots would work best for the neighbors.

Commissioner Hoth made a motion to accept this application with the reduction in occupancy to 6 and 2 parking spaces. Commissioner Romine seconded and the motion was carried unanimously.

E.) 10-050CU: A conditional use request by North Coast Christian Fellowship to utilize the existing building located at 240 S Roosevelt (T6 R10 21AD TL: 12700) for church services. The property is zoned General Commercial (C3). This request will allow the existing building to be used for worship services in a more causal venue.

Mr. Cupples would insulate himself from the preceding agenda item because he attends the Church on a semi-regular basis. Mr. Cupples did call Oregon State to make sure that he didn't have a conflict of interest in this matter and they assured him he did not. Mr. Taylor did the staff report. Mr. Cupples would like to stay out of the decision making on this particular item.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Larry Riedman, Executive Pastor of North Coast Family Fellowship. They would like to establish a satellite ministry there where they will be broadcasting services. The services will have a live band but the preacher will be on video. It is entirely a different kind of venue for a church. Several other churches in the northwest are now doing this. The first issue that we came across with this property was the parking and we have made arrangements with the Moose Lodge to use their parking. They now have a letter from the Moose Lodge that he will give to Mr. Cupples 14 is the minimum allowed parking spaces for that site and they have 25 available.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. There was no response.

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

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

Commissioner Carpenter stated that some time back the commission approved a conditional use permit for the Church the was established on Broadway. Is that Church still using the parking? Mr. Riedman stated that he has talked with the Moose Lodge and they have never seen anyone use the parking. Commissioner Hoth asked if there was an agreement with the Moose Lodge for the other church to use the parking lot. Mr. Cupples stated that he looked back at the staff report for that Church and because they were in a different zone, the C-4 zone. The C-4 zone states that if you have an existing building you do not have to provide parking it's like being in the downtown parking assessment district. It was not put on as a condition of approval that they did provide a letter with their submittal but it wasn't a condition of approval.

Commissioner Hoth asked if any changes occur will they have to maintain a parking agreement? Mr. Cupples stated that the intent of the condition is that they have to document that they have an official parking agreement with the individual that had the parking. If the Moose sells or something else happens they have to maintain an official parking agreement with 14 spaces available. Otherwise if they loose the parking then they will not be able to hold services there. Commissioner Hoth asked how might any hours in use affect this use? Mr Cupples stated that they would have to make sure they didn't have a conflict with any other use or overlapping parking. If the Moose sells to the Eagles and the Eagles decide to use the parking during that time period then the Church would need to change times because that would be a conflict and overlapping in the parking. Based on the conditions of approval you are not saying that you will only be open these hours it is just based on the parking.

Commissioner Winters made a motion to accept this application. Commissioner Romine seconded and the motion was carried unanimously.

ELECTION OF OFFICERS: Commissioner Hoth nominated the current Chairman Horning to continue in that position since he's done such an excellent job in the past. Commissioner Carpenter seconded the motion was carried unanimously.

Commissioner Carpenter made a motion that Commissioner Romine be nominated as Vice Chair. Commissioner Winters seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION:

COMMENTS FROM THE PUBLIC: Bill Teeple, 33230 Beerman Creek Lane, Seaside also owns property in the City Limits. Mr. Teeple is here tonight to appeal to you to table the TSP for a little bit. The reason being is that in order to make a decision you have to have all the facts for you to make a good informed decision. There are about 4 really pertinent issues that are involved in all of this.

- Location of the schools
- Location of the hospital
- Problem with the flooding
- Ave S, and getting out of the tsunami inundation zone

The main important thing is how are we going to address the tsunami situation. One of the things we just accomplished in Seaside is the new library. The elevation of the library is about 10 feet and it should be at 80 feet. At some point we are going to have to consider moving the library. All this money that is considered being spent with in this infrastructure along 101, bicycle lanes etc. it's all involved in this. Mr. Teeple would like to see this tabled until the urban growth boundary determination has been made the location of those schools. Then we know how to link up the infrastructure down here with the schools and hospital.

Mr. Cupples stated that the Planning Commission and the City Council are aware that the schools and the hospital maybe looking for a site above the 80 ft. contour line. In fact they recently applied for a comprehensive plan amendment that says they can look at sites that are above that elevation for those type of facilities. It hasn't been ironed out on which site they want to go to. Instead of tabling the TSP which really hamstring any funding proposals that you want to take on as far as any improvements along Highway 101, Wahanna Rd or any of the pedestrian bridges that you may have anything in that plan, in fact even the legal advisor for the hospital acknowledged the fact the if they get ready to do that they are going to justify an urban growth boundary expansion which they don't have fine tuned yet and they are aware they are going to have to amend the TSP in order to do exactly what you are talking about. The TSP is really a City wide document and if you get ready to add property to the urban growth boundary and address access issues you mold that into an amendment to the TSP rather than hold the TSP hostage until you get that part down, because you don't know when that part is going to be done. As far as Mr. Cupples knows the school and the hospitals don't know for sure how the whole campus situation is going to work out. If the improvements are done in the TSP, if in fact we can get funding for

these things, there is a possibility that we can get a pedestrian bridge up by the high school now which would benefit the schools before they move. But if you don't have a plan in place then you end up at the back of the line for funding. Regarding the flooding on the south end of town, that is out of the City limits. The County, City, O.D.O.T , Cannon Beach and even the school district have been trying to get something done about that. But its under hydraulic analysis right now. Mr. Teeple stated that there is one more issue that is really important and that is creating a bypass around Seaside. For the last 40 years he has been told they will consider that in 10 years, they will consider that in 20 years well one of the road blocks in that is that it cannot be considered unless it is in the urban growth boundary. So in order to get a bypass above 80 feet it is going to have to be out of the urban growth boundary as it sits right now. But one of the criteria would bring that within this criteria that they want is if we can get the urban growth boundary above 80 feet then we could have a consideration for a bypass that would be away from the tsunami zone and above the 80 foot line. Part of his point is all this money will be spent in a tsunami zone. The infrastructure a big part of it should be spent above the tsunami zone. So that we have planned ahead enough so that this money will not be wasted. Mr. Cupples stated that because this is a 20 year plan and the bypass is not within the 20 year plan it is not a listed item. Even if it was with in the urban growth boundary and you could get all that justified and you could get all the environmental studies done it would still top all the expenditures just to get that done. The one thing that the plan includes or says is that you will still need to look ahead and if you get ready to do a bypass in the future you are gong to have to research to make sure that it is practical and even if you are able to do it. That is listed within this TSP as something that needs to be done during that 20 year period and if you do that what are the hurdles. How big are they? How high are they? And how much are they going to cost? That is part of the plan doing some of the ground work. Mr. Teeple stated that he is hearing the same thing that he heard 40 years ago and nobody is listening. We need to focus on what is going to happen above 80 feet and not waste this money on something that a tsunami is going to take away. Mr. Cupples stated that even if we get a bypass you are still need to build infrastructure into the current system. Granted in may go under water but the water will recede again to. You still have a town built with traffic issue regardless if you put a bypass in. Not everyone is going to move up on the hill. Mr. Cupples understands what Mr. Teeple is saying and understands this is a needed item but as far as the 20 year plan we are focusing on getting the improvements done in the 20 year plan rather than the 50 year or 100 year plan.

Chair Horning asked Mr. Teeple to speak at the TSP meeting on January 18, 2011.

Chair Horning stated that around 1999 or 2000 the legislature required O.D.O.T to exhaust its alternative within the community before they would allow a bypass to be constructed.

Russ Earl south end of Wahanna Rd. He has owned circle creek for around 30 years and has watched the water go over the highway for just as long. He wanted to let Mr. Teeple know it's not a flood plain it's a flood way. The highway level cannot be raised by law the same situation is out by the Crab Broiler that is no small item to belittle in this whole process. The flood area will affect the access to the City when it's flooded. How do we get out of town if there was an emergency when the road is flooded?

Steve Hinton owner of Taco Time. What is the down side of tabling this for a little longer? Chair Horning stated that funding is coming up and for certain things and we don't want to loose out on any funds that may become available. Mr. Hinton does not want very many medians in town. The plan here speaks to a median just south of Avenue G. He does not want it any further south than that because it will hurt his business. What assurances does he get that that median will not get longer and longer? Mr. Cupples stated that they have tried to stay away from medians. But it all depends on the accident history we are having. There is a proposal on Broadway for utilizing old city hall and if in fact we had multiple accidents happening at the intersection once that business gets started that could be looked at for example a traffic separator.

Commissioner Hoth stated that this is a wish list and we do not have the money at this time but in order to get any funds for any projects we have to have a plan in place.

Mr. Cupples stated that if anyone would like to do some research the whole document is on the website at www.cityofseaside.us under the Seaside Transportation Plan.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:30 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant