

MINUTES SEASIDE PLANNING COMMISSION
April 6, 2010

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: Virginia Dideum, Dick Rees, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, and Glenn Taylor, Planner

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. There was no response.

APPROVAL OF MINUTES: Motion to approve the March 2, 2009 minutes;
Commissioner Carpenter made a motion to approve the March 2, 2009 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.) Continuance

09-051PD: A preliminary planned development request by Donn Bauske at 498 N Wahanna Rd. (6 10 22BA TL: 1000). The subject property is currently zoned Suburban Residential (SR) and Aquatic Conservation (A-2). The applicant is seeking authorization to develop three single family units on the upland portion of the subject property.

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. Mark Mead, 89643 Ocean Dr. Warrenton, OR 97146, here representing Donn Bauske owner of the property. This is an unusual site; you have wetlands behind, to the North, to the South and then Wahanna Rd which is not very wide. After speaking with DSL we found out that their jurisdiction doesn't cover the entire site. Mr. Bauske wants to put in three single family residences instead of the 3 duplexes. Mr. Cupples has suggested that Mr. Bauske put in a duplex and one single family dwelling. Mr. Bauske wants to keep these as rentals and doesn't feel that the duplex would rent as well as a single family dwelling. The design is very similar to the homes that he built up the street. Mr. Bauske is trying to build affordable housing that doesn't cost a fortune to put up. The existing site has a garage and part of a foundation that is out in the 25 ft setback, and part of one driveway is existing. By doing this new plan it would eliminate the existing garage, and the existing foundation. There is also a small cabin on the property that will be taken out. We're trying to leave all the trees around the outside of the site and leave the outside buffers and mostly native vegetation. The northern unit will have a walkway that encroaches into the set back. We don't need to have that but he would like to have a second entrance on that side of the building. The southern unit has a driveway that extends out into the 25 ft setback but there is already a driveway and garage area that is already in the setback. The driveway that they have proposed is not going to encroach as much as the existing one. As far as filling on the

site, Mr. Bauske wants to do tall stem walls and set the foundations up and not fill a lot of the site just have steps or a ramp up to the door, like the ones North of this project. As far as lighting goes it would just be some porch lights and garage lights. He doesn't want to light the whole area up. As far as the floodway it is west of the wetland line so we are within the required setback area.

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

Chair Horning asked if there was anyone who would like to offer testimony in opposition. Nancy Holmes 1520 Cooper St. Seaside, OR 97138. Ms. Holmes is not sure if she is for it or against it.

- Will there be more than one drive way entering and exiting the property?

Mr. Mead stated that there will be three driveways. They could have two driveways but that would make the parking a little more difficult.

- What is the square footage of each homes?

Mr. Mead stated that they are over 2000 sq.ft. each and will have 5 bedrooms.

- How far does the tide come in?

Mr. Mead stated it goes up to the wetland water line in the back.

- How far is the setback from that line?

Mr. Mead stated 25 feet.

- How does this fit in with the transportation proposal on Wahanna Rd.

Chair Horning stated that will probably be discussed when the commission speaks.

Chair Horning stated that the applicant now has the opportunity for rebuttal. Mr. Mead stated that the sidewalk will probably go in but not exactly sure where it will go. That all depends on the transportation plan, Mr. Bauske also thought about an easement along the north side of the property so that people would be able to access the wetlands.

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

Vice Chair Rees mentioned that he has several questions to ask Mr. Mead.

- A planned development needs one acre. This property is in the Suburban residential area and is only half an acre.
- The most southern house is only 7.9 ft away from the adjoining home, it should be 10 ft. It is a corner home so maybe it is allowable.
- Sometime in the future if this passes and Mr. Bauske decides to sell this property these homes could easily be turned into duplexes.

Mr. Mead asked if he could respond to some of the question now.

Chair Horning stated he would allow that.

Mr. Mead stated that the actual size of the lot is 1.4 acres. As far as the 7.9 ft versus the 10 ft setback, that is because they are on the same lot. If you had two different lots then the setback between the structures needs to be 10ft. which means he can't sell those two properties separately. The buildings will each have one power meter and one water meter. Yes, these could be turned into duplexes.

Commissioner Rees stated that it wouldn't be that difficult to add the additional meters. Mr. Mead stated that the county electrical inspector wouldn't allow two separate meters on a building like this. But you could have one of the tenants pay the utilities for both units if this were turned into a duplex.

- There is a possibility that the TSP may require sidewalks in that area.

Mr. Mead stated that they have a 20 ft setback in the front before you get to the garage.

Commissioner Hoth mentioned if this is going to be work force housing on an extremely small piece of property and a 2000 sq. ft. home is pretty ambitious per unit.

Mr. Mead mentioned that you have to keep in mind that these are 5 bedroom units and they are two stories.

Commissioner Hoth stated that even though these are 5 bedrooms the lot is still relatively small. Having the cars backing onto Wahanna isn't a great idea. If the homes were smaller maybe that could allow for the cars to have room to maneuver on the property.

Commissioner Ridout mentioned that the agenda states three (3) duplex units and not three (3) single family residences. Mr. Mead stated that originally that is what it was going to be and now though the continuations have decided to change it to three single family dwellings. Commissioner Ridout stated that it appears that the homes on 11th have a front porch that accesses the upstairs and the downstairs living room. Mr. Mead stated that they have a door that goes in and then a stairway that goes upstairs, There is only one door leading outside. Commissioner Ridout stated that the homes look like they were being built in order to have a mother-in-law apartment. Mr. Mead stated that in the future Mr. Bauske

may ask the city to allow mother-in-law apartments in the area but that is a separate issue. Commissioner Ridout stated that is what these units look like a home with a mother-in-law unit and it's very interesting. Commissioner Carpenter asked how much driveway space is there, taking into account that Wahanna Rd has a 30 foot width but the TSP is hoping for a 40 foot wide road including a 10 ft sidewalk. Mr. Mead stated that they have 20 ft to the property line and an additional 10 ft to the asphalt. It is roughly 28 feet to the asphalt. Commissioner Carpenter asked if the TSP does go through and they are able to negotiate a right of way for the sidewalk to go through then a large SUV wouldn't be able to park in the driveway without infringing on the sidewalk. Mr. Mead stated that if you look across the street most of the sidewalk is almost at the curb line. The sidewalk is on the property already. You have 1 ½ feet from the property line to the curb line in that 30 foot right of way.

Mr. Cupples stated that he and the Public Works Director looked at the property and if in fact an additional 4 feet sidewalk easement was granted along the front part of the property and the structures were moved back another 4 feet, granted they may be encroaching further into the riparian area, they are giving up more of what was taken than they are giving. If we moved the center structure back 4 feet and granting that additional pedestrian access and moving all the buildings back so that they would have adequate parking in front of them. Assuming the parking is staying the same is something that the Public Works director looked at. With a 4 foot additional easement area for sidewalk and pedestrian way you have it covered. Mr. Mead stated that this would only impact the northern building. Mr. Cupples stated that there are some additional criteria that allow you to grant the density credit. In order to qualify for that credit the applicant must identify exactly what they are doing to get there, otherwise you are down to two units. Commissioner Hoth stated that this is the most important item for him. It seems that being as we are dealing with an interesting piece of property and are pushing the envelope on what's available or not, this development requires some creativity to make it work. We do not want to place the largest possible buildings that you can get on the site which is what this plan looks like. Commissioner Hoth thinks that in the present state this plan does not meet the requirements. Maybe a duplex and a single family dwelling would work better.

Chair Horning stated that the project should recognize and resolve distribution and circulation problems that occur with the increased density. The parking and driveway may become an issue especially being as the units are so close together. Chair Horning would like these issues resolved before moving forward. Commissioner Dideum would like to have the driveway issue and cars backing onto Wahanna Rd resolved before this project moves forward especially when we know we are looking at Wahanna Rd as an alternate route for traffic in the busy times. Also with the creek right there you have no windows looking out on the creek. Commissioner Dideum stated that if she lived there she would like to watch the creek; the plans are very plain and boxy. There could be a very lovely setting on this site. Commissioner Dideum asked if she had heard Mr. Mead right that in the future Mr. Bauske would like to turn these units into housing with mother-in-law units? Mr. Mead stated that this is something that Mr. Bauske is thinking about. Commissioner Dideum stated if that is true she would prefer that it be mentioned now rather than later. Mr. Mead stated that he will be happy to come up with a new site plan with different buildings on it so that it would reflect the items in the staff report. He didn't have time before the meeting. Mr. Cupples come up with the square footage of the homes to be 1674 including the garage on ground floor foot print. Chair Horning noted that there may be some challenges if you need to move the central building to the west in order to create space for the future pedestrian and bicycle pathway. You might be forced to move that building into the set back. Chair Horning stated that he probably will be a stickler in regards to the size of the buildings and their locations in the set backs. Mr. Mead asked if he should keep the 24 foot setback all the way across the front and then bring in smaller buildings to fit. Chair Horning stated that the goal is to make the single driveway work and if you need to make the buildings smaller then that is what should be done and that's the creative part. Mr. Mead stated that Mr. Bauske wants to use plans on buildings that he has used before because he knows the cost of them. He does have several options.

Commissioner Rees would like Mr. Bauske or Mr. Mead make a clear and concise statement regarding having another separate unit on the second floor, or whether or not you plan on doing that in the future. Mr. Mead stated that the next set of plans will not have that option like the one that was submitted. Commissioner Ridout asked why Mr. Bauske is planning on having these units be five bedrooms. Mr. Mead stated that because some of his workers have large families and have extended families that all live together and this way they can all stay together its more or less affordable housing. Commissioner Dideum asked if he was planning on turning these homes into dormitories. Mr. Mead stated that he may be planning that on another piece of property but has talked himself out of it. Commissioner Rees also mentioned that with such large numbers of adults living in these homes, where are they going to park. Mr. Mead stated that a lot to the employees that Mr. Bauske has do not have driver's licenses so they end up carpooling. Commissioner Dideum wanted to know what are the rents Mr. Bauske gets for these properties? She is looking at these as single family dwellings and they seem very large for one family.

Commissioner Rees stated that from the way things sound there are going to be a lot of single adults living in these units. Mr. Mead stated that with the new plans he will bring in that shouldn't be an issue. The new plans will be 3 bedroom and 2 bath homes with one central access to the property. Commissioner Carpenter asked if that means people will be able to drive into the property and then maneuver around and then drive out the driveway without having to back out onto Wahanna Rd. Mr. Cupples wanted to understand clearly what the planning commission is looking for.

- Single access without backing out into the right of way
- Accommodate future pedestrian access based on the TSP draft
- Clearly establish single family dwellings
- More compact site development
- Avoid all wetland setbacks
- Take advantage of the natural site amenities

Commissioner Ridout stated that he would like to see it developed.

Commissioner Horning asked Mr. Cupples if the 120 day time period in which to make a decision has started. Mr. Cupples stated that prior to the last meeting the applicant waived the 120 day time period. However the clock was restarted at that meeting. The applicant will again need to waive the 120 time period if the continuance is to be granted. The Mark Mead confirmed they would do that.

Commissioner Hoth made a motion to grant a continuance to address the issues that have been brought up. Commissioner Carpenter seconded and the motion was carried unanimously.

The next meeting will be May 4th 2010, 7 pm, at City Hall.

B.) 10-010VRD: This is a request by Margaret Oliver for a Five (5) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at 431 17th Avenue.

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. Margaret Oliver, 19815 Castleberry Loop, Oregon City. Chair Horning asked how long has Ms. Oliver owned the property? Mr. Oliver stated that she has owned the property for approximately 2 ½ years. The neighboring properties to the east and to the west are both vacation rentals. One of the neighbors has the same floor plan and they have a vacation rental for 12 and she is only requesting 9.

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 Ridout stated that he didn't like the way this came to him everything says it's a 5 bedroom not a 3 bedroom vacation rental. The other ones for this evening say 3 bedrooms, 9 person occupancy. Mr. Cupples stated that this vacation rental dwelling application, is a 5 bedroom home there is no changing that. They could request a higher occupancy than what they are requesting. They could but they are not. The business license will say what there occupancy is; Glenn will make sure that that is what is on the business license. Commissioner Hoth stated that if they are applying for a 5 bedroom VRD then they have to have 5 parking spaces. Mr. Cupples stated they are applying for a vacation rental with the occupancy of 9. Commissioner Hoth stated that the parking is related to the bedrooms not the occupancy. They have 5 bedrooms they need to have 5 parking spaces. Mr. Cupples stated they are asking for an occupancy of 9 which means they need 3 parking spaces. Commissioner Hoth stated that the occupancy is not related to the parking it is the bedrooms. If they are asking for a 5 bedroom VRD then they have to have 5 parking spaces regardless of occupancy. Mr. Cupples stated that they are applying for a 5 bedroom VRD with an occupancy of 9 there is no problem with that. Mr. Cupples stated that is an ordinance standard that by you limiting the occupancy which you do all the time. You can limit the occupancy which is something you can do automatically if they didn't have sufficient parking. We can do it just for cause because they don't have the parking. In this case the applicant can do it by there own request or you could mandate a lower occupancy if you can justify why. The standard says one parking space per bedroom, but if you are apply for lets say a 20 bedroom home

there is no way you are going to allow that so you end up approving a 20 bedroom home that has a vacation rental permit with an lower occupancy. If you focus on the occupancy and the parking necessary for that occupancy it doesn't matter how many bedrooms there are. Commissioner Hoth asked if a 5 bedroom home came in for a VRD and they only had two parking spaces. Would you say they can't have a 2 bedroom VRD? Mr. Cupples stated No, what we would say is that they have limited parking and can only have an occupancy of 6 you still have a five bedroom home but you do not have adequate parking. Commissioner Rees mentioned that this is something that the planning commission approved for Mark Tolan some time back. Commissioner Rees stated that this should read that the applicant is requesting a 3 bedroom VRD at ... and leave the rest. Commissioner Dideum asked when the license is issued does it say how many bedrooms, or the occupancy or what. Mr. Cupples stated that it tells you what the occupancy is. Commissioner Hoth asked if it tells you the parking spaces. Mr. Taylor stated that all the other information is in the letter of decision. It tells you what the occupancy is and how many parking spaces are needed. Mr. Tolan from the audience stated that you would limit them on occupancy because occupancy is the determining factor. Commissioner Dideum stated to Ms. Oliver that you have Debbie Redmond down as the local contact and on the form it states address pending. Ms. Oliver stated that Debbie has a P.O. Box and doesn't know exactly where she lives. Commissioner Dideum just wants to make sure that they live in the area and they have a local phone number and can be contacted 24 hours a day.

Commissioner Carpenter made a motion to accept this VRD license. Chair Horning seconded the motion and the motion was carried with Commissioner Hoth abstaining. The motion was passed with 4 in favor of the vacation rental.

C.) 10-012VRD: This is a request by Lou Menashe for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at 2385 Ocean Vista Drive.

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. Mark Tolan, with Seaside Vacation Homes, 454 Fairway Ct. Seaside Or. This home is a couple of blocks from his residence and will drive by very often and will be well supervised and cell phone is always on and always with him.

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 Ridout asked if this is the property that they dealt with a couple of years ago. Mr. Tolan stated no that was 2881 Ocean Vista Drive. Mr. Tolan stated that they were the property managers about eight years ago and the owner took it off the rental pool and now with the economy they have decided to put it back in the rental pool. There is lots of parking. They will probably only have 6 to 8 guest in the home at a time. Commissioner Dideum asked if the phone number given is one that people can contact 24 hours a day. Mr. Tolan stated that the phone number on the application is the business phone number and on the business phone is the emergency contact number which is his cell phone that he carries with him all the time.

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

D.) 10-011VRD: This is a request by Mike & Marisa Moder for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential Medium Density (R-2) zone. The property is located at 2445 Ocean Vista Drive.

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. . Mark Tolan, with Seaside Vacation Homes, 454 Fairway Ct. Seaside Or. This is a three bedroom and has parking for four cars. They will stick to an occupancy of 6 maybe more if they have children. But the intention is to keep it to six guests.

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

Commissioner Hoth made a motion to accept this application. Commissioner Ridout seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: A developer sometime back along Necanicum Dr. asked for and received approval to establish condominiums for a planned development. Not one of the units has sold. As you know the condo market isn't doing very well. When the structures were built they were built as condominiums and could have been separately sold. They put in the firewall. The applicant is looking for some way to market the property. He could come in with a request to separate the units on a separate lot, or he could convert them into townhomes instead of condos. Zero lot line condos are very similar to townhomes. Mr. Cupples is getting ready to have him submit a request for the zero lot line townhomes. Commissioner Carpenter asked if the units are all vertical. Mr. Cupples stated that he built them under the provisions that would allow for townhomes but instead of splitting out the lot which is what happens when you do a condo. You own the box that you live in and everything else is common including the ground, whereas a townhome you have fee title to a unit of land sitting under the box. Commissioner Hoth asked if there would be any problem with the ordinance allowing that type of development. Mr. Cupples stated that there may be some type of adjusting to the original planned development. The planned development Section also allows the Planning Commission a lot of latitude of what a person can and cannot do. Commissioner Ridout asked when this was built? Mr. Cupples stated last year. The developer wants to move forward with the request, and short of the Planning Commission saying split the property up into individual lots or recognizing it as townhomes. The developer is going to have to come in and modify its current plan no matter what. Chair Horning stated he doesn't see any issue and to have the developer go ahead and make the application.

Mr. Cupples stated that Commissioner Winters apologizes for missing a few meetings and this one he is in Maryland because his son is leaving for Afghanistan and couldn't make it.

COMMENTS FROM THE PUBLIC: Nancy Holmes, 1520 Cooper, Seaside. Wants to thank the commission for being aware of the placement of housing especially along our waterways and along the proposed Necanicum Estuary Park / Wahanna Rd. Ms. Holmes mentioned that the City doesn't have an architect review board so the Planning Commission becomes very important. She also doesn't understand how you can have a 5 bedroom single family home with 5 or 6 adults living there.

Mark Tolan wanted to bring up the parking and bedrooms. Mr. Tolan has many groups of single women who want to come to the beach for reunions so he will have a 5 bedroom with 5 people in it and bring two cars because they come in mini vans. We are providing a place for people to get together as a group when they have 5 bedrooms and they can do that with minimal impact to the community by restricting the two things that you already are restricting, parking and occupancy. If he can put 5 people in a 5 bedroom home that's not going to make the neighbors uncomfortable. But if we have 5 cars and only have parking for two then that will impact the neighborhood.

Erin Barker with Beach House Vacation Rentals. Ms. Barker wants to clarify the parking because she has been through so many of these. Basically when people are applying for a VRD, the first thing that is looked at is occupancy. The starting point is the number of bedrooms. For example 234 12th Avenue, this home used to be a boarding house that has 8 bedrooms, 5 bathrooms and 3 floors. The last sale they converted to apartments. One of the previous owners had an occupancy of 18 and doesn't know how that came about. The next purchaser wanted to have an occupancy of 15. At that time they had to prove that they had 5 parking spaces. Not only did you have to have five, 9 X 18 spaces but also a turnaround area where you could come out of the parking area face first. One time Erin had her Ford Explorer at this particular property Kevin & Glenn were both there. Kevin said that she had to maneuver her vehicle around the property without hitting another vehicle. She tried and would have ran over Kevin's foot and Kevin made her do it again until it could be proven that there was enough room to turn

around and exit the property with all parking spaces full. So this is where the parking spaces come into play. The parking will reduce the occupancy. So let say there are 5 bedrooms and 4 parking spaces, Ms Oliver could have made this simpler by applying for an occupancy of 12. There is nothing that says she has to rent it to 12 people. Commissioner Hoth stated that his understanding is that you can have 3 people per bedroom up to a maximum of 12 and a 5 bedroom home requires 5 parking spots and that's the end of it. Now we are saying if you have one bedroom you only need one parking spot and it has nothing to do with the number of bedrooms and this is confusing. The reason Commissioner Hoth is confused with this is because it seems the other way is simpler. If you have a five bedroom home and you say the occupancy is 12 or 9 you could have guest show up in 5 cars, 1 per bedroom. It seems appropriate to use the formula one parking spot per bedroom. Erin stated that maybe before this maximum of 12 was set the parking probably made more sense because someone would say they have a 5 bedroom home and I want to submit an application for 15 and the city will say you only have 5 parking spaces. So only submit an application for 12 because that's all you're going to get. Commissioner Hoth stated that it doesn't matter if they apply for 6 guests in a 4 bedroom because they could show up in 4 different cars and only have parking for 2 cars. Erin stated that the number of bedrooms has only been used in the past as a starting point for determining occupancy. Then the thing that would reduce the occupancy is the parking.

COMMENTS FROM COMMISSION/STAFF: Mr. Cupples stated that the next meeting will be a public hearing on the amendment to the comp plan regarding expansion of the UGB for schools and hospitals.

ADJOURNMENT: Adjourned at 8:40 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant