

# MINUTES SEASIDE PLANNING COMMISSION

March 1, 2016

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

## PLEDGE OF ALLEGIANCE

**ATTENDANCE:** Commissioners present: Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, Tom Horning, Dick Ridout and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Chair Romine 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 Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Perkel, Commissioner Wright and Vice Chair Carpenter stated that they were at the City Council meeting where 16-013CU was discussed, but felt that wouldn't affect their decision.

**APPROVAL OF MINUTES:** March 1, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel seconded. The motion was carried unanimously.

## AGENDA:

### PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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.) **16-008VRD** is a conditional use request by **David & Ranata Niederloh** for a **three** (3) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine** (9) people over the age of three. The property is located at **130 13<sup>th</sup> Avenue (6 10 16DA TL 3301 & 3400)** 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 Romine asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals. Erin is the property manager for this property currently and was the property manager for the previous owners. There has never been any issues with this property in the past and doesn't foresee any in the future. Erin let Mr. Cupples know that the tree was trimmed and they rekeyed the garage and the renters will not have access to that.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth asked when ~~did~~ the new owners ~~took~~ possession of the home. Mr. Niederloh stated last September. Commissioner Hoth asked what made them want to have the home used as a vacation rental. Mr.

Niederloh stated that it had a history of being a vacation rental and they thought it would be nice to share the property and the more they get it ready for the vacation rental the more they plan on staying there.

Chair Romine asked about the tree trimming. Erin stated that the trees were trimmed today.

Commissioner Ridout stated that one of the bedrooms looks like it is really small and asked what size the room was. Mr. Niederloh stated that the room was 9 x 10 or 10 x 10, perfect for one, cozy [room?](#) for two.

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

**B.) 16-009HOZ** is a Highway Overlay Zone request by **Sum Properties** to establish a new commercial building located at 1616 S Roosevelt. **(T6 R10 S21DD TL: 9400)** The new building will be two identical office-shop spaces that will each be approximately 1034 sq. ft. The property is zoned General Commercial (C-3).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Mark Mead, 89643 Ocean Dr. Warrenton OR. Mr. Lowenberg bought the building a while ago and has been trying to figure out what to do with it. The existing building is rented out to Dr. Roof now. They looked at adding two more spaces at the end of the building but decided to put the new building facing north to not only make it fit well but to keep as much parking as possible. They left a buffer along the south side of the building because the property to the south is right up against the property line. Now they will be able to put some landscaping along the south property line. Along the highway the sidewalk is in the property instead of out in the right of way like it should be. There are four pole lights there now that will come out and then they will put lights on the building. These are going to be shop/office space they are not big spaces and the other properties that Mr. Lowenberg has around town are full so he thought this would be a good idea.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth asked if these building will be facing north. Mr. Mead stated yes. Commissioner Hoth asked if he was reading the plot plan correctly and its 81 feet across the property. Mr. Mead stated that yes, that is correct and they plan on staying [on](#) the pavement with the new buildings. The other reason they are locating it that way is because they don't want to block the view of the river.

Commissioner Ridout asked if the other building will stay. Mr. Mead stated yes. Commissioner Ridout asked if the highway encroaches on this property. Mr. Mead stated yes at the south end of the property the sidewalk and a little bit of the highway is inside the property line. Vice Chair Carpenter asked what is the width of the highway. Mr. Mead stated that he didn't know but the highway is about six feet into the property with the pavement. Vice Chair Carpenter asked if they do expand the highway to three lanes how will that impact the property? Mr. Mead stated that there already is a turn lane and they would probably expand the other side of the road and it won't be that much if they do because the turn lane is already there. Commissioner Horning asked if they planned on removing only 4 of the vapor lamps. Mr. Mead stated yes. Commissioner Horning asked what they plan on doing with the other lights. Mr. Mead stated that Mr. Lowenberg plans on leaving them, but he's talking about adding a few more lights along the existing building and possibly removing the other vapor lamps. Mr. Lowenberg may take out the other lights and put lights under the soffits. Commissioner Horning stated he would encourage them to take out the remaining vapor lights as part of the project.

Chair Romine asked Mr. Cupples about the drainages and he wasn't sure how it drains now. Mr. Mead stated it drains over the bank now. Mr. Cupples stated getting an appropriate oil/water separator catch basin and maybe an infiltration barrier would be better than running it straight into the river. Mr. Mead stated that they will have to do something in order to get a building permit.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the Highway Overlay Zone under the guidelines that staff has presented. Commissioner Wright seconded and the motion was carried unanimously.

**C.) 16-010VRD** is a conditional use request by **Steven & Vicci Craft** for a **Two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The property is located at **1940 S Downing (6 10 21CD TL 4500)** 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 Romine asked if there was anyone who would like to offer testimony in favor of the request. Steve Craft, applicant and owner of the property. They purchased the home last year in hopes that they would occupy it half the year. Mr. Cupples has done the inspection and they have corrected all the items on the punch list.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout stated that he doesn't like the tandem parking. Chair Romine asked who the local contact is. Mr. Craft stated Bobby at Rogers Inn. Commissioner Wright asked if this was a vacation rental in the past. Mr. Craft stated he didn't think so.

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

**D.) 16-011CU:** A conditional use request by **Aaron Fausett** that will allow the development of an 8 unit hotel on the top floor of the existing 3 story building located 821 Broadway (T6, R10, 21AD TL: 11401). The proposed use is planned in conjunction with establishing the outright permitted use of a sports bar & grill on the first two stories. The property currently has two off street parking spaces on site and the applicant plans to lease seven additional spaces off site even though parking is not required for existing buildings in the Central Commercial (C-4) zone.

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Aaron Fausett, PO Box 194, Warrenton, OR. They are excited about bringing more business to that end of Broadway.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Jeremy Rush, 842 Broadway, Seaside. He is in favor of the request, but would like to bring up the issue of parking on Broadway. Right now all the parking is three hours and he would like to see that changed to 1 hour parking.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Kim Bauske, she owns the property across the street at 810 Broadway. Ms. Bauske thinks this a great project to bring to that end of Broadway. One of the problems with that end of Broadway is that a lot of people start at Holladay and work their way up visit the restaurants and shops west of Holladay and this would be an added benefit to bring people to this end of Broadway. Ms. Bauske has parking behind her building and she feels that Jeremy brought up a good idea changing the parking to 1 hour.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Kirk Fausett 2911 Marine Dr. Astoria. Kirk is Aaron's dad. He is also in favor of changing the parking from 3 hours to 1 hour. One of the things that happened about 2 hours ago was that Kirk made a deal with one of the owners of the properties on the back side of the building and that was to purchase a parking lot, right now it is just a gravel piece of land but he will turn it into a parking lot for this building. This property should have approximately 10 or 11 parking spaces.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked if Kirk is now saying they don't need to lease the parking. Kirk stated that is correct. Commissioner Hoth asked who owns all the parking in the back of the building. Kirk stated Dallas Cook owns M&F plumbing building and that parking area. Ron Hoxie owns the next section of parking. Seaside Brewing owns the next section, then the guy he was speaking to today about purchasing the next section. Commissioner Hoth asked if the owners have exclusive use to just their parking spaces. Kirk stated yes. Commissioner Hoth asked how ~~do~~ they maintained that, because it doesn't look like anything is marked. Kirk stated most of the parking lot is sectioned off with bumpers and then they will section off their portion. Vice Chair Carpenter stated that at the last work session he asked Kevin if at the next work session they could discuss parking. ~~He~~ He is an advocate for residential/commercial parking especially in the downtown core area. He would also like to invite all the public to this work session. This discussion would also take into account the limits on parking along the streets. Mr. Cupples stated just for clarification he wanted to let the audience know that the planning commission isn't in charge of setting time limits for parking - that goes to the City Manager and City Council. Vice Chair Carpenter stated also the Transportation Advisory Council. Commissioner Hoth stated for clarification the sports bar and grill ~~are~~ grill is an outright permitted use so we are not looking at that. Mr. Cupples stated yes. Commissioner Ridout stated that he would like to make a motion to approve this with the condition that they purchase parking and not lease it. Mr. Cupples stated that until that is all in and available would it be appropriate to say if not already owned on the condition, if something happens and they end up moving the parking around it would give staff more flexibility if they wanted to lease out one of theirs or thought the other one was better. Commissioner Hoth stated that if they are unable to purchase the parking then they wouldn't comply. Commissioner Ridout stated that he didn't think he would want to vote for this with a leased parking situation. He would like them to own the parking and if it doesn't get a second then he'll vote no. Chair Romine stated that in this zone they are not required to have parking. Commissioner Ridout stated that he understands that, he just can't believe that we want to put hotels in the downtown area without some parking available. We do not have a big transportation system that delivers people to our town without a vehicle. Chair Romine stated clearly as a model there wouldn't be much return business if they can't find a parking spot. Mr. Cupples stated for clarity if someone ~~where~~ were to build a hotel in any other zone than the C4 they could lease their parking and it would not be required to be on site. That's how the ordinance currently reads and that goes for any commercial piece. Chair Romine asked if that was a motion and Commissioner Ridout stated yes. Chair Romine asked if there was a second. There was no response.

Commissioner Wright asked if there was a completely separate entrance and Aaron stated yes. Commissioner Wright asked if it was A.D.A. accessible. Aaron stated that is ~~was~~ just steps. Mr. Cupples stated that the Building Official has had conversations with the applicant. Aaron stated that the sports bar and grill be A.D.A. accessible but the hotel will not. Aaron stated that the Building Official wants an A.D.A accessible room but he is not requiring an elevator. Mr. Cupples stated that in a nutshell if you have an existing building that is ~~none-not~~ A.D.A compliant when you get ready to work on that building you have to spend 25% of cost on removing architectural barriers. You start from the parking and move into the building from there. It is designed to get you to the lot then through the door and then to where the bathroom is or ~~wherever~~ wherever. You need to move into the building. Commissioner Hoth asked how ~~do~~ people check into the hotel. Aaron stated there is a reception desk up on the 3<sup>rd</sup> floor and after hours there will be lock boxes with access codes so that guests can check in after hours. They will have access through the back and the front doors. Commissioner Hoth asked how ~~does~~ he anticipates the loading and unloading. Kirk stated that the people will be able to park in the parking lot and walk to the check-in area but inevitably some people will unload in the front of the building. That is where they will have the ADA handicap parking and the ramp.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Horning made a motion to approve the conditional use under the guidelines that staff has presented with a verbal support of changing the parking on Broadway. Chair Romine would like to add a loading zone somewhere. People need a space to unload. Commissioner Horning withdrew his motion for someone else to make the motion. Commissioner Hoth made a motion to approve the conditional use under the guidelines that staff has presented with the addition of encouraging patrons to load and unload in the back. Kirk stated that the back of the building will have an awning over the entrance and the front will not, so the back would be the best place for the loading and unloading. Kirk stated the front would be where people would come down and go out the front door to do their shopping. Vice Chair Carpenter seconded and the motion was carried with Commissioner Ridout voting against it. Six in favor and one against.

E.) **16-013CU**: A conditional use request by **Chris Quackenbush** that will allow the development of a bicycle track (also called a pump track or skills park) as an improved extension of Cartwright Park. The track would be developed behind School Administration Building located at 1821 S Franklin (T6, R10, 21DC TL: 101, 5400, & 11401). Development of the track is being supported by the North Coast Trail Alliance, and as proposed, it will be broken down into two separate tracks. One small loop will be for beginners and the other longer loop will be more advanced. The property currently is currently 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 Romine asked if there was anyone who would like to offer testimony in favor of the request. Chris Quackenbush & Morgan Sollar. They brought this to the Park Advisory Committee first and it seemed everyone was excited about the idea. Then went to City Council and the City Council wanted it to go through the Planning Commission first.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Perkel stated he thought this would be a great addition to Seaside. Commissioner Hoth asked who owns the property. Mr. Cupples stated that the City of Seaside owns the property, the school district uses the building. The track would be built by and taken care of by the North Coast Trail Alliance. There are lots of towns that have adopted a park and the city staff doesn't take care of them. Mr. Cupples stated that he wanted Chris to go to City Council because this is taking place on city property and he didn't want the Planning Commission put in a precarious situation. Commissioner Hoth asked what is the form of approval from the City as the owner of the property? Mr. Cupples stated that the City Council didn't want to take any formal action to say we are absolutely approving your plan, they said go to the planning commission and get through them. The council is going to support it, but the council is also the appeal body. It's one of those weird land use things that only a planner could appreciate. If the room was filled with people who didn't want this then the council would be on record saying yes we are totally behind your park and design and they would be the appellant body and he didn't want to put them in that position. We got as much approval as Mark needed to say yes we have the request before the planning commission and the council hasn't said no. Commissioner Hoth asked if that had gone the other way and they had come to us first and we said go ahead and do it and they started to work without the city council knowing anything about it. Then the city council asks what's going on, would they be able to say no, you can't do this because it is located on city property. Mr. Cupples stated yes, but that wouldn't have happened. Vice Chair Carpenter stated that the city still owns the property, but in the event that in the coming years this becomes obsolete this will revert back to the city. Mr. Cupples stated that it will not revert back to the city it will always be the cities, but if it fell into disrepair or people said that we are not using it anymore like the horseshoe pits that were in Broadway Park are now the parking lot. This was moving into a low intensity recreation area which has really been unused for the most part and that is going to put utilization of it with bicycles. This is going to develop that part of the park. Commission Ridout asked if there were any concerns about security. That park had a problem a few years ago and

they moved a lot of landscaping because they felt there were activities going on in the park that wouldn't go on if it were more exposed to the street. Mr. Cupples stated that we are having that problem in every riparian area that we have right now. The pump track will be in an open area. Commissioner Ridout stated that right now there is a building that blocks the view from anything going on there. Mr. Cupples stated that if we draw the bicyclist in there it will be more exposed to the public than it is right now. Commissioner Ridout stated Broadway Park used to be a place where they were lots of activities if you go back thirty years ago. He is concerned in a sense it will be an attractive nuisance - it's a place for people to come to if you develop it then anyone can rightfully be there, that's his concern. Chris stated one of the ideas behind the park is that it is an empty lot area with blackberries and other vegetation and if somebody is doing something that they probably shouldn't be doing they would be hiding in those places to do them. They are taking all that out and creating dirt hills and pumps like and attracting youths to the area which will be healthy and fun family use to the area. ~~Which would drive that (bad) activity out of the area. This would drive that (bad) activity out of the area.~~ There was discussion with the school district about putting lights out there that might drive away some of the night use that Commissioner Ridout is concerned about. Chris stated that they thought this would be a great location because it is an area that isn't being used currently. Commissioner Ridout stated that it is a good location because of the park and they have rest rooms there. Commissioner Horning stated that at one time that area was being considered as a dog park. What's the story on why that was dropped and this is going forward. Chris stated that the dog park was considered by Kiwanis who adopted Cartwright Park - the person who was an advocate for that never really pushed it forward. Chris also brought this presentation over to the Kiwanis and they were very excited about it and they will help with some of the landscaping around the track. Commissioner Horning stated the only potential downfall would be the hours of operation. Chris stated that his take on it is that the hours would be the same as Cartwright Park. Chris spoke with Steve Phillips who is on the Parks Advisory Committee and he was really in favor of this and he also works for the School District Board. Commissioner Wright asked have they thought about access to this, would you make it clear that the public goes up to Franklin and not use Grove because Grove is an unpaved road and will there be signage. Chris stated there is a parking area, boat ramp and restroom facilities there already and there would be a sign identifying the park. We haven't discussed putting up directional signs. Commissioner Wright asked if Chris thought people would drive or haul their bikes to the park and then use the facility. Chris stated that he was hoping that people would ride their bikes there from their homes. He's not sure how tourist would get their bikes there but they may ride the bikes or haul them over to the park. Commissioner Ridout asked if they planned on doing competitions there? Chris said they had a lot of people mention that, but it wasn't his intent when he started this. Chris stated that the North Coast Trail Alliance's intent is to bring mountain biking to the area. This is a first step, they are also talking with land owners out and about to build trails. Currently they are working with a project out on Highway 30. They are working with the Department of Forestry up behind the Astoria Column. Commissioner Ridout asked what age group are you targeting. Chris stated for the pump track, 2 to 72, or all ages. Commissioner Horning asked how long has the North Coast Trail Alliance been around. Chris stated that it started last July and has 24 members. Commissioner Horning asked if this was a city or a county thing. Chris stated that it was a county wide program. Chris stated just so you know the track is all dirt and rock and if we want to make changes or for some reason people decided not to ride, it can be leveled. Commissioner Perkel stated he was impressed that the organization will maintain it. Chair Romine stated this is a really good idea. Chris stated he helped organize a small group of surfers to clean up the garbage where the surfers park in the Cove area.

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

**ORDINANCE ADMINISTRATION:** None

**COMMENTS FROM THE PUBLIC:** None

**COMMENTS FROM COMMISSION/STAFF:** Mr. Cupples wanted the commissioners to know that the city council did pass a retail marijuana ordinance that mimicked the medical marijuana ordinance as far as the setbacks from other facilities and the exclusion of the downtown core area. He still thinks it's very limited, and there maybe two more spaces available. Mr. Cupples also mentioned that we will probably be seeing medical facilities converting over to recreational facilities. We have two facilities that are currently licensed for medical

and two have asked for the land use compatibility statements saying that are interested in applying. He hasn't seen one from the other facilities.

Commissioner Hoth asked if at the next planning commission meeting if Mr. Cupples would bring the information regarding the Bauske property on Wahanna so that we can see what was approved and what is currently there. Mr. Cupples stated yes we could do that.

Chair Romine mentioned on a different subject, his wife mentioned that inside the class rooms at Seaside High School she couldn't hear the tsunami sirens and it kind of surprised him. Mr. Cupples asked why? Remember the sirens are an outdoor warning facility, each of the schools are supposed to have a NOAA radio and the NOAA radios are for a distant event and not a local tsunami. That is why ~~if~~-you have a weather radio in your house, or in the school, or your business, which we require people to have now. Mr. Cupples stated that he has seen the weather radios in the councilor's office before. If there is a distant event he assumes they would get on the intercom and make an announcement throughout the school. Just like we have told people in the downtown core area, those are outdoor warning facilities. if ~~if~~ we boosted them up to where you could hear them indoors, over and above of what they are right now, there would probably be broken glass around the siren heads. We can hear ours at the Public Works Shop inside the building very clearly. The function of the siren was for outdoor notification not an indoor notification. If you want indoor notification then you get weather radio. If it is a local event you need not worry about hearing any alarm because 3 to 5 minutes of severe ground shacking ~~shacking~~ is warning enough.

**ADJOURNMENT:** Adjourned at 9:15 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant