

MINUTES SEASIDE PLANNING COMMISSION
April 7, 2015

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: Ray Romine, Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Tom Horning, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director
Absent: Dick Ridout

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. There was no response.

APPROVAL OF MINUTES: March 3, 2015; Commissioner Perkel stated that there was a typo on the second page second paragraph. Vice Chair Carpenter made a motion to approve the minutes with the noted correction. Commissioner Horning 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.) 15-006VRD is a request by **Leslie & Chris Haedinger** 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 **309 4th Avenue** and it is zoned High Density Residential (R-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. Chris Haedinger, owner of the property. Mr. Haedinger stated that they bought the property back in October and would like to use it as a vacation home for themselves and then also rent it out. They have done the inspection and are working on the corrections.

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 Horning asked if there was enough room in the driveway for three cars. Mr. Cupples stated that yes there is.

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: Bill Lutz, 310 N Holladay Drive. Mr. Lutz would like to do a mural on the wall at 9 N Holladay. Mr. Lutz has a letter from the owner of the building giving him authorization to do the mural on their building, he also has certificate of liability from his insurance company. Chair Romine asked if Mr. Lutz has talked with anyone in the planning department before this meeting. Mr. Lutz stated that Mary Blake has talked with Mr. Cupples. Mary told him that it was on the docket for tonight's meeting. Mr. Cupples stated that murals are pretty easy to address because the ordinance says that murals need planning commission approval. It's not usually a major item. Mr. Cupples told Mary that the planning commission would need to know beforehand what it is, where it's going, and what it's going to look like. Staff was going to send out a letter once Mary submitted the paperwork because she wanted to show movies on the wall at night to help fundraise for the mural, but no paperwork has been submitted. As far as the mural goes all the sign ordinance says is that murals have to be reviewed by the planning commission and approved. It could be difficult because you are not supposed to have content based regulations, and you are not supposed to see trademarks in a mural. Commissioner Hoth asked if this was similar to the mural that is on the Ace Hardware building. Mr. Cupples stated that yes this is the same type of authorization. The planning commission also approved the one on the convention center and the one on the old theater. The only thing that the planning commission has done is say yes you are approved or yes it is approved with the provisions that you are going to maintain it for a period of years and if you don't maintain it the commission can ask that it goes away. Chair Romine asked being as this is not on the agenda can we take a look at it tonight without previous review. Mr. Cupples stated that as long as we make a motion and a second to put it on the agenda then you can go forward.

Commissioner Horning made a motion that the commission reopen the docket and insert Mr. Lutz under comments from the public. Commissioner Perkel seconded the motion was carried unanimously.

Mr. Lutz handed out a packet of information for the mural. Mr. Lutz stated that he has done lots of murals over his lifetime and the murals last a good long time. He is prepared to give this mural a 10 year maintenance agreement and for the type of paint he is using this should not be a problem. The mural is of Tillamook Head. This one speaks of the connectedness to nature. The mural will be in concert with the beautiful parks and nature parks that are being revitalized within the city. The mural will be done in acrylic paints. First the building is power washed with a mild muriatic acid so that the paint will stick to the building. The only thing that will damage the mural after this process is moisture from within the building. On top of the mural will be a UV sealant which will help with removing graffiti. Commissioner Hoth asked who is currently in the building. Mr. Lutz stated that it is currently occupied by Shamouses Rock Shop. The Besset's own the building and he has been given permission to do the mural. Commissioner Hoth asked if when the approval was done for the Mural on the Ace Hardware building were there conditions applied to that. Mr. Cupples stated that the only thing that was stated was that the mural be maintained by the applicant or it will need to be removed. Mr. Lutz stated that he was the one that did the mural on the back of the convention center and they were having problems with the water coming through the roof and into the cinder blocks there was nothing that could be done. On the north face of the building this shouldn't need much maintenance, because the weather mainly comes from the south. There is a good view of the mural if you are driving south on Holladay. Chair Romine stated that this is really just a review to see if this is a good location for a mural.

Commissioner Wright asked how does it work regarding the content. Mr. Cupples stated that we just work with it. Mr. Lutz stated that the original painting is in the coffee shop just a few doors down from where the mural will be placed.

At the end of the Commissioners discussion, Commissioner Horning made a motion to approve the request for a mural at this site (9 N Holladay) as presented subject to the planning director submitting a letter explaining the obligations to the artist. Vice Chair Carpenter seconded and the motion was carried unanimously.

Commissioner Hoth asked what if the content had been offensive or some horrible thing, how would that work. Mr. Cupples stated that it would work with great difficulty. In all honesty, he wouldn't hurry it along and we would need to have comments back from our legal counsel to determine our limitations and capabilities are in regards to regulating the mural. For example, does a mural of a mermaid need to be covered or can she be exposed. Vice Chair Carpenter stated that is the power of continuance.

COMMENTS FROM COMMISSION/STAFF: Chair Romine asked Mr. Cupples how things were going with the City Council regarding the medical marijuana dispensaries. Mr. Cupples stated that during the last week he

pulled everything together and prepared a draft ordinance that will be heard on Monday April 13th. The owners and people in charge of the facilities will need a personal back ground check, we added a statement that all employees and anyone working at the facilities will need to have a background check. They cannot operate between the hours of 8p.m. and 8a.m. At the end of the meeting there was a discussion whether or not dispensaries will be restricted around the arcade and also around parks. It didn't get put into the ordinance but it may be added later. If that does get added, it will significantly limit everything in the C2 zone. The Broadway core would be consumed because you have Quatat Park and then the beach. It would also likely take out all of the RC zoned property that was just rezoned down by the golf course and also the C1 zone corner on Avenue U. If that amendment goes through it could jeopardize Gieger's facility, but with that being separated by natural water feature and with the river there you have to basically go ½ mile out of the way in order to get there. That would probably be recognized as a limit to the setback. It would probably eliminate the property where the old 12th Avenue grocery was because it wouldn't be separated access wise from Goodman Park. If the council adopts the 1000 foot setback from parks it is going to really narrow down locations, it seems like there may be space available for three dispensaries within the city. Vice Chair Carpenter asked if the ordinance is chained to the licensing or is the licensing chained to the zoning. Mr. Cupples stated that it is not chained to the zoning. It's only to the licensing. The regular business license part requires a change since it states you cannot do anything that violates federal law. That provision itself would keep the city from issuing a business license. The city worded around that and said except for, medical marijuana dispensaries. This really is a new licensing provision that sets up a fee schedule for the application and a fee schedule for a criminal background check. One of the things added was that local law enforcement would be able to have access to the stores. Chair Romine asked about a provision that wouldn't allow a dispensary from opening within 1000 feet of a daycare. Mr. Cupples stated that if that provision went in, then it would be the same as the arcade and he did give the ordinance to Mr. Van Thiel for review. Mr. Van Thiel made some minor adjustments and the mayor may recommend some additional restrictions.

Commissioner Horning asked about disaster preparedness and working with DLCD. Is there a proposed schedule or is it sitting waiting for someone to order some type of action by the Planning Commission or City Council? Is it just sitting in the background? Mr. Cupples stated because that is such a new document, that is something that the council would decide. When the council did the goal setting session he thinks there was language about emergency preparedness. Being a resiliency item, his guess is that the council will probably move forward with that in some way. The county has a branch for emergency preparedness and each city has an annex in the natural hazard mitigation plan that is different than the county. The county has a blanket over the whole program. We are still trying to get that plan authorized through FEMA.

Commissioner Horning stated that there are uncompleted sections of the comprehensive plan that should be looked at. He was wondering if the planning commission would like to consider this. For example, the logging in the watershed. Mr. Cupples stated that would not be in the comp plan, we should talk with council to see what they really want to see in a watershed management plan geared to looking at the timber. The timber is outside the city and our urban growth boundary and not in the city's comp plan.

Just prior to adjournment, a gentleman came forward and said he thought he was on the agenda for tonight's meeting so Chair Romine stated he could go to the podium and we could discuss the issue under Comments from the Public.

ADJOURNMENT: Adjourned at 7:47 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant