

MINUTES SEASIDE PLANNING COMMISSION
May 2, 2017

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: Teri Carpenter, Chris Hoth, Bill Carpenter, Louis Neubecker, Dick Ridout and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: David Posalski.

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 Hoth stated that he went to 111 Broadway to look at the site he spoke with the manger about the location and then Mr. Posalski came in and Commissioner Hoth left immediately without discussion. He just wanted that to be disclosed.

APPROVAL OF MINUTES: April 4, 2017;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Ridout 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.) 17-021VRD is a conditional use request by **Tammy Molina** 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 **2217 S Columbia (6 10 28BA TL 3700)** 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. Tammy Molina, she lives in Phoenix now and the house is back on the market. She will just be renting it out until it sells.

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 wanted to make sure that Ms. Molina knows that this is non-transferrable. Ms. Molina stated that she understands that the new owner will have to reapply. Commissioner Ridout asked Mr. Cupples if the upstairs will be locked off. Mr. Cupples stated that is correct, for transient rental that will be locked off.

Ms. Molina stated that the living room has a hide-a-bed in the living room and that could be used as a bedroom. Commissioner Hoth asked Ms. Molina if she was asking for an occupancy of 6 instead of the 3. Ms. Molina said yes. Mr. Cupples stated that could happen because she does have the parking for six. Commissioner Ridout stated that he didn't want to open that can of worms. Chair Romine stated that he would go with 4 adults over the age of three. Commissioner Ridout stated that we have vacation rentals all over town that have living rooms and he doesn't want to even start with that all of a sudden we will have 2 bedroom homes trying to go for three bedrooms and a higher occupancy and he just doesn't want the city to get into that.

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

B.) 17-022VRD is a conditional use request by **Brett & Melissa Rigby** 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 **520 15th Avenue (6 10 16DA TL 5700)** 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. Melissa Rigby, 520 15th Avenue, Seaside. It's where they live and are looking to make a little extra money.

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 stated that it says that this home was previously a vacation rental. Melissa stated that it was her mother-in-law's home before and was a vacation rental for years. Commissioner Hoth stated that then she knew what she was getting into. Melissa stated that she would come down when she was in college and stay at the house and clean it, so yes she knows what she's getting into. Commissioner Ridout stated this is the first time that he's heard of someone saying that they want to rent out the home that they live in. He's heard other stories for example buying the property now in order to retire here in the future.

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 Teri Carpenter seconded and the motion was carried unanimously.

C.) 17-027V: A variance request by Irvine Coffee LLC to the access and driveway design provision for the proposed Starbucks at 420 S Roosevelt (T6-R10-S21AD-TL16300). The applicant currently plans to allow limited backing movements within the dead end portion of the Avenue D right-of-way and provide a reduction in the travel lane width at the access connection at the dead end portion of Irvine Place. The variance was required in conjunction with the previously approved development request under the Highway Overlay Zone (16-068HOZ). The subject 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. Brett Fox, is part owner in developing of the property. Seth King, Land Use Attorney, 1120 NW Couch St. Portland. Commissioner Hoth asked specifically, are you having to change this since the last submittal?. Mr. King stated that he concurs with the staff recommendation. They are requesting two variances and the variances are to the site plan. If you look at the site plan it is squeezed between two different rights-of- way. The main site entrance is at Avenue D. The variance is that there are 4 parking spaces that would back up into the right-of way. The second one is Irvine Place. The driveway leads directly onto Irvine Place, typically each lane is 10 feet wide. They are asking for a variance for a right-of-way to be 18.3 and that is to match Irvine Place. The conditions are not a result from the applicant's actions, these are existing conditions. They are just trying to help the applicant make use of the property. It's a very small building and they are already providing the minimum amount of parking and

couldn't cut out any more parking in order to reduce the number of cars backing into the right-of-way there. They do believe it is in harmony with the purpose and intent of the code to allow economic development for commercial purposes in this location. Mr. Fox stated that he thinks that this is an improvement to the previous use of the property.

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. Shauna Chilinski, 2674 Highway 101 N, Seaside. She is the owner of Java Reef at north end of town which she spoke in front of the planning commission when she first opened and she opened the first drive through coffee shop 22 years ago. Allowing another variance to open another coffee shop will just allow another cluster of congestion along the highway. She has seen it happen over and over again along the highway. There is too much congestion now and this big box coffee shop will just kill the mom and pop coffee shops in our area.

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

Chair Romine stated this is the time for the applicant's rebuttal. Diego Arguea, 610 SW Alder St #700, Portland, OR 97205. The thought process was to maximize the ability to cue vehicles on site. The entire wrap around is more than 250 feet which exceeds most urban requirements. Bret Fox stated that the traffic analysis was reviewed by ODOT and that ODOT has approved the site plan and design of the project.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth stated that it looks like Irving ends at this property. Mr. Cupples stated that yes it does end at this property. Commissioner Hoth stated that they have two exits is it required to have those two exits. Mr. Cupples stated that they didn't want to close off the street and that we have two rights-of-way, one is Irving Place and the other is Avenue D.

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

D.) 17-028CU: A conditional use request by **PS Ventures LLC, David Posalski**, that will allow an animated (electronic) shooting gallery at 111 Broadway (T6, R10, 21AC TL: 2800). The property is zoned resort commercial (C-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. David Posalski (by phone) stated that he wants to put in the shooting gallery. People will shoot items with an infrared red gun. The things that they shoot will come alive and do things. They are not sure of the exact location at this time but it will be in the same building. He would like to have a rectangle shop instead of the site he chose.

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 the noise level would be able to be adjusted? Mr. Cupples stated that is in the staff report as one of the conditions and the noise volume can be adjusted. Mr. Posalski stated that the speakers will not be directed at the doors.

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 Teri Carpenter seconded and the motion was carried unanimously.

E.) 17-030VRD & 17-031VRD- These are conditional use requests by **William O'Sullivan** that will allow the establishment of **Vacation Rental Dwellings (VRDs) in the ground floor & upstairs units (1 & 2 respectively) of a duplex at 2161 S Prom (6-10-28BA TL 300)**. The subject property is zoned **High Density Residential (R3) and each floor of the duplex is a 2 bedroom unit** that would have a maximum occupancy of **6 (six)** people, over the age of three.

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. Bill O'Sullivan, 2614 SW 167th Place, Burien WA. He has been coming to Seaside for about 40 years and has rented vacation rentals. Now his oldest daughter lives here with her husband and three children. He is getting close to retirement and would like to use this as a vacation rental for himself and his family and friends.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Erin Miller, 345 Alpine, Seaside. Erin and her husband are both teachers. She has been vacationing here in Seaside since she was one. She thinks Seaside is a great little town and would like to offer the same opportunity she had as a child to other families. Commissioner Ridout stated that there are for sale signs on the property. Mr. O'Sullivan stated that yes he is buying the property contingent upon getting a VRD license.

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 stated that this property seems familiar. Mr. Cupples stated that this is one of the oldest vacation rentals that he has come across in files as far as when it was done and is close to a vacation rental that passed a few months ago. Commissioner Hoth asked Erin if she was aware of what she was getting into being as she is the local contact. Erin stated yes, she is aware of what is involved and she has her husband that will also help her. Commissioner Hoth asked about the parking. Mr. Cupples stated that he is suggesting that they take out the fence and the buildings to make parking easier to access.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Ridout 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.

F.) 17-032SU: A conditional use request by **Gary Shrode & Shauna Chilinski that will permit** transient rental in conjunction with events center space as a similar use. The subject property is located at **2674 Highway 101 N.** (61010DC TL: 1000), and it is zoned **General Commercial (C3)**. The zone permits hotel/motel uses outright but it does not specifically recognize smaller transient uses comparable to vacation rentals.

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. Gary Shrode 2674 Highway 101, Seaside. They have owned it since 1994 and feel this use as a transient rental is the best use for the building.

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. Vice Chair Carpenter stated that there was a comment that the business address is the same as property address and that the RV will not be used for dwelling purposes now or in the future. Commissioner Hoth stated that the address on the application is the same as the owner address. Gary stated that they are currently staying there while they are remodeling it. Commissioner Hoth stated that the staff report says existing commercial building, being as this has a bedroom and a kitchen is it a single family dwelling. Mr. Cupples stated no, it has never been approved or applied to be a single family dwelling. Single family dwellings in a commercial zone are allowed only if it is in conjunction with a Commercial use. Mr. Cupples stated that this is a mini motel. Commissioner Hoth stated that we have done this before but it was a dwelling in the wrong zone and this zone doesn't allow dwellings but now we are being asked to make it a dwelling. Chair Romine stated no, we are being asked to make it a mini motel. Commissioner Hoth stated no, those are allowed so now we are making it a similar use to a dwelling. Mr. Cupples stated that a motel by the definition in the ordinance has 4 or

more guest rooms. If someone wanted to come in with a three, two or one room motel it is not a motel by definition. This request only has one guest room so that is why they are asking for a similar use. In this case you have someone that has a small commercial building that has had multiple uses over the years and now they are requesting to use it as a transient rental, a similar use, the same use as a motel because they only have one unit. Commissioner Hoth stated what is this? It can't be a dwelling. Commissioner Ridout stated that it has had many uses as a commercial building. Commissioner Hoth stated it's not a commercial building if it's a dwelling. Chair Romine stated that it is a commercial building and they are applying for a similar use to a motel because it only has one guest room and not the four guest rooms required by definition.

Commissioner Ridout asked about the bedroom, is this going to be just a bedding area in a motel room? Mr. Cupples stated yes. Mr. Cupples stated that technically it is not a one bedroom vacation dwelling. We had them fill out the VRD paper work because it has all the information that we needed for the similar use request. This has a lot of the conditions that we would usually have with a vacation rental. It's another one of those questions, how are you going to best review it. It's not a vacation rental because they start out as a single family dwelling or duplex or triplex. In this case the applicants are requesting a use allowed in the zone but they are requesting a smaller version of it.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the similar use request under the guidelines that staff has presented. Commissioner Ridout seconded and the motion was carried 5 to 1. Commissioner Hoth with a no vote.

ORDINANCE ADMINISTRATION: Mr. Cupples wanted the Planning Commission members to know that tomorrow between 4 and 6 pm there will be a community forum regarding the formation of a new urban renewal district. The presentation will start at 5pm. It will be here in the Council Chambers.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Chair Romine congratulated Lou on becoming a new member of the planning commission.

ADJOURNMENT: Adjourned at 8:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant