

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 3, 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: Dick Ridout, Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, Tom Horning 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 Horning excused himself from item C on the agenda (16-017V).

**APPROVAL OF MINUTES:** April 5, 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:**

**Waiting for a representative, item was moved to the last item on the agenda.**

**A.) 16-012HOZ** is a Highway Overlay Zone request by **Musudur Khan (Pinehurst LLC)** to change the use from a 7 unit apartment building (which will be demolished) to a 64 unit hotel and 16 long term stay units. The hotel is an outright permitted use in the zone. The property is zoned General Commercial (C-3) and it is referenced as T6 R10 S28AC TL: 1101 on the County Assessor Maps.

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, Warrenton OR. Mr. Kahn is planning on putting a 64 unit Motel on this site and a 16 unit long stay motel. He is debating whether to make those long stay units or do a separate building that has an additional 32 units, that's why that part of the plan has 2 parking spaces per unit. He wants to build the hotel part first and then decide what to do with the last section. The site currently has a seven unit apartment building on it. There are wetlands around the property and Mr. Kahn is not sure what he will do with that portion of the property. He may deed it over to the North Coast Land Conservancy.

The building will be set back in an L shape so that we can get a lot of the rooms to look out over the wetlands. When they were laying out the parking lot they left space for a left turn lane, right turn lane, and acceleration lane and then talked with ODOT and ODOT stated that because of the existing access permits the number of cars and other factors right now that would not be required. They did want a clear vision space though. One of the problems with putting in a left hand turn lane is that the next motel

north, there is not enough space without taking their property to put in a left turn lane. Most of the lighting for the parking lot and hotel will be soffit lighting. If he decides to go with a branded hotel instead of being independent, he may have to do a little bit of parking lot lighting. If he does then he may put in lights with small ballards on them and not the big huge poles. They tried to come up with a plan that fit the site and not encroach on the wetlands. The DSL said they could go closer but they want to have that as a view for the guests. Some of the rooms will look out front. People enjoy looking out over the wetlands.

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. Jody McCallister, her Dad is Darrel Davis who owns the old Pete Anderson building and she lives there now. She doesn't know if she's in favor or against this. She is thrilled that something nice will be going in. She asked Mark if the long term meant permanent rentals or longer stay hotel rooms. Mark stated less than 30 days. She stated that they talked about sharing that one driveway. The Guesthouse has 60 plus units and then the 64 units for this hotel means that both of these hotels will be packed for at least 6 months of the year with all those people trying to get in and out of the property. She thought that at least they should require a turn lane. Without a center lane they will sit there forever because they are trying to get to Cannon Beach. Someone needs to really look at that turn lane. Chair Romine stated that ODOT has concluded that there is no need for a turn lane.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mary Kemhus, 86183 S Wahanna Rd. Seaside. Mary stated that this is not in opposition, she's knows Mr. Kahn and he's a great guy and does great work. She is concerned that this reduces the long term housing that we have available. She would like to see some provision regarding that there is long term housing that will replace what is already there.

Chair Romine asked if there was anyone else who would like to offer testimony in opposition. Zachary Sidel, 346 9<sup>th</sup> St. #C, Astoria OR. Zachary stated that there is a problem with long term housing. The rents are high and there is very little housing available.

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

Chair Romine stated that it was time for rebuttal. Mark Mead stated on the access lane they thought that they were going to have to put one in but ODOT came back and said no. This used to be one property with the hotel and apartments. When that driveway went in there was an agreement signed that said no more driveways can be put in at that time. So that's where they stand with that, but they are leaving the space so that if ODOT changes their mind one can be put in. The housing is an issue. Mr. Kahn knows how hard it is to find housing. He is trying to find other housing to buy for his own employees.

Commissioner Horning stated that the topic of the highway and access is quite compelling and ODOT is losing an opportunity. Mr. Cupples stated that he did check the TSP and there is no third lane proposal in that area. Commissioner Horning asked if there was a process so that we could be amend the TSP. Vice Chair Carpenter stated that they are going through the TSP right now and he invited Commissioner Horning to attend that meeting.

Commissioner Ridout stated that someone mentioned that there was not enough room to put in the turn lane. Mark stated that was one of the problems. The width of the highway isn't large enough to put the turn lane in. With the turn lane they have to also include a bicycle lane and sidewalks.

Commissioner Horning stated that regards to the wetlands on the east side of the property, he would like to see a fence to keep the public out. Mark stated that they are leaving a 25 foot setback there.

Commissioner Horning stated he would like to see a fence there. Mark stated that they will do some plantings.

Commissioner Horning stated that this project also needs to be dark sky compliant. With this being a 3 story building and they need to keep the lighting from going into the wetlands. Mark stated if you look at the other hotel that he built on the river that's how the lighting will look.

Commissioner Hoth stated that there should be at least a right hand turn lane.

Chair Romine stated that the site line is pretty clear.

Mr. Cupples tried to get a hold of Matt Caswell with ODOT for additional clarification, but couldn't.

Mr. Mead stated that the project will probably start next February, which gives them time to work with ODOT.

Commissioner Ridout asked if there was a way we could talk with ODOT and say that we think that we need this. Chair Romine stated that we can't impose something on the project that we can't enforce. That's on ODOT. We can suggest that they leave the space available for that.

Commissioner Horning asked if there was a way that we could get something in writing that says that when ODOT does say they are going to do something that the land will be available. Mark stated that is why they are leaving that area alone, so that there is room at the entrance.

Mr. Cupples stated that with the three travel lanes and the same thing happening on the other side of the highway there is just not enough room. Commissioner Horning stated that it would be a shame to say no to a project because ODOT doesn't get things done for years and it will even be a worse shame to tie up traffic even more. Mark stated that maybe they can do an easement to the city or to ODOT so when they are able to expand they can. At least it's something.

Commissioner Hoth stated that the TSP says that the buildings should be up front by the highway and the parking should be around back. With this project it's the opposite with the parking up front and the building in the back which will make it better when and if they do the additional lanes. Vice Chair Carpenter asked can't you just go ahead and do this. Mark stated its ODOT's right of way they can't just do it and they still need to meet all of ODOT's standards.

Commissioner Wright asked how many of the apartments are rented out right now. Mark stated all of them. Chair Romine stated that there is still the new apartment building being built.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the highway overlay zone review under the guidelines that staff has presented to which they will add that they approve the parking as it stands and that the left hand turn lane be considered and pursued as much as possible and that the right turn lane be pursued more strenuously. All the lighting has been addressed and the barrier should be site appropriate. Mr. Cupples stated that because you are dealing with the floodway, it appears to be where the alder tree line is and he doesn't want to start putting things in the floodway. Commissioner Hoth stated then it should be a site appropriate barrier. Commissioner Ridout asked Commissioner Horning exactly what is he trying to accomplish here, to keep people from walking back into the wetlands? Commissioner Horning stated he wants to keep the people out of wetlands.

Vice Chair Carpenter seconded and the motion was carried unanimously.

**B.) 16-016VRD** is a request by **Richard Feves** for a **four** (4) bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten**(10) people over the age of three. The property is located at **2132 S. Columbia** 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. Mark Tolan, 524 N Roosevelt, Seaside with Seaside Vacation Homes will be representing the applicant.

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 in the past, vacation rentals have been required to pave the parking area. Mr. Cupples stated that there is a finding in the report that states if you change the use then you would have to pave the parking. Being as this was previously licensed as a VRD we are not requiring paving of the parking.

Commissioner Ridout asked if there have been any past complaints with this property. Mr. Cupples stated no.

Commissioner Horning asked regarding open yard areas, how do they come into play on this site. Mr. Cupples stated that the numbers work out very well. They don't need the garage for parking. They have enough parking without it. Mr. Tolan stated that it is a double lot. Chair Romine asked about the safety

of the upstairs bedroom windows. Mr. Cupples stated that the two upstairs bedrooms have an egress windows but there is a trundle bed that needs to be removed or the window will need to meet the height requirement.

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.

**C.) 16-017V:** A request by **Antoine Simmons** for a variance at 341 S Prom. (6 10 21AC TL: 11900, 11100, 10900). The property is zoned Resort Residential (R-R). The applicant is requesting that a defined building height of 90 feet (45 feet over the allowed height) be permitted. The adjacent buildings are considerably higher than the allowed 45 foot maximum. It will have a sloped roof with numerous dormers and open decks on the westerly facade to add to the guest's coastal experience. The tower at the northwest corner is the tallest roof at 90 feet, while the main roof and dormers are 65 feet at the peak.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples stated that the applicants will need a continuance to get all the documents ready.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. David Vonada, PO Box 648, Tolovanna Park. Mr. Vonada brought in some additional photos of what the property will look like once completed. He also wanted to confirm that they would like a continuance but would still like get feedback on the project from the commissioners and public. Antoine Simmons is also here tonight. One of the reason they would like more time is because they would like to study the east/west wing of the building to see if they could minimize the height of the building along Beach Drive. They would like to keep the height the same along the portion that is facing the Prom. They are also considering shifting the building to the south on the east/west wing so instead of a zero lot line against the residential properties they will shift it to the parking lot of the existing Promenade Condos. If they were going to a zero lot line that would be the preferred location. That way they can achieve the 8 foot setback on the North side to the adjacent homes. He apologizes because he knows there are some homeowners here that are unaware of these new changes. They share the concerns. David stated that the actual height is 60 feet to the average gable. Furthermore, 60 feet is measured at the lowest grade. The parking proposed is two levels and the ground floor enters off of Beach Drive and the upper level enters off of Avenue A.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Antoine Simmons 341 S Prom, Seaside. They acquired the property back in 2011 and it has been a dream of theirs to develop the property. He understands the neighbor's concerns. He wants to put something there that is a beautiful piece of architecture and that's where he came up with the name the Pearl so people coming to Seaside can really discover something. They are discussing bringing it down on the backside so that the front end will be 52 feet and then the backend will go more with the zone itself. It will be a four story structure about 45 feet in height. Mr. Vonada stated that they are talking about scaling down the east/west wing on the easterly side. Commissioner Hoth stated essentially losing a story. Mr. Vonada stated yes. Commissioner Ridout asked if they were eliminating one of the parking floors or removing the top floor. Mr. Vonada stated they will probably eliminate the penthouse units. Commissioner Hoth asked if the property was then essentially 52 feet and the uninhabited tower is 15 feet then how did you come up with 90 feet. Mr. Cupples stated that Chris used to work for the county and we have a different way of determining height. We look at the elevation of the structure and take a line and draw 5 feet out from it and you draw it all the way around the building, in between 0 and 5 feet out you find the lowest point. You start your measuring from there. Then you measure up until you get to half the height of the highest gable end. In this case although you are looking at the lowest grade clear out at Beach Dr. the highest grade may be on a different part of the building, but that is the height of the building. You just draw an imaginary line all the way around and say that is the height. The apparent height of the structure is where it's out by the Prom, if you bury one level, well that's buried on that level but it's exposed on the Beach Drive side. So you are starting from the Beach Drive side measuring the height even though when you get out towards the Prom side you may have one whole floor of the structure underground, which is the case here. Commissioner Hoth stated that what he would like to have Antoine & David come back with a drawing that shows the height of the western corner to the top of the tower and also the actual height of the building. Vice Chair Carpenter asked if the uninhabitable area is going to be used for anything like storage. David stated no it's an architectural

feature. Commissioner Perkel asked Antoine if he has addressed the letter that neighbors sent. Antoine stated that he has reviewed everything with him. Antoine stated that the issue is that there are a lot of older homes that have been there for years, but they are right in the middle of tourism and this is a challenge. That's why if they push for a zero lot line over by 8 feet to the parking lot side that would give them an 8 foot setback on the house. Antoine stated that they could do more screening and make it feel more like a home. Antoine stated that right now the property pins are right on their structure. They will have the 8 foot setback from there and they still will be able to have access to their side yard. The lot has been vacant for many years and the lot has become a dog park for downtown Seaside. They are willing to make adjustments and changes. Commissioner Hoth asked if they moved the zero lot line to the parking lot but it doesn't look like you've moved the front western portion over. David said that could still be done but he hasn't done it at this point. The 8 foot setback will be along the Promenade Condos. Commissioner Hoth stated that there is another view and that is the people walking along the Prom and seeing the Coastal Range and if you got space in between the buildings then you have more of a sense of community.

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. Marlo Hornberger 20838 SW Siletz Ct. Tualatin OR. VP Promenade Condo Association. This new revelation tonight is quite shocking. At first his number one concern was the setback from the Prom and the mystery 6<sup>th</sup> Street. He is in unit 403, his master bedroom is located very close to this proposed new building. When he comes to Seaside he likes to open the window and listen to the ocean. Now he would be looking into the bedroom of a motel. He is ok with them being 8 feet away because that is the same set back on the other side with the Sand & Sea. The Promenade parking lot is right there and it seems as though when it rains all the cars will get soaked. That is a huge concern. The other issue is the set back from the sidewalk. They lost most of the views to the North when they built the Trendwest, even that is set back 20 feet. You can look all the way down the coast line south of them and every single building is 40 to 50 feet back from the Prom and this looks like it's pushing the limits. He also saw that the roof has an overhang of 8 to 10 feet on the south side of the building and when it rains it will all be dumped on the Promenade Condo's parking lot. The next point is parking, it's a mess already. You want to put in 50 units with a parking of 55 spots. A typical weekend in this town there are cars all over, the Trendwest doesn't have enough parking in that structure so they will be parking along the street. Right now when they exit the Promenade Parking lot there is always a giant truck parked there and he is amazed that there hasn't been an accident already. They have 18 units at the Promenade with 35 parking spaces and a lot of them are the same size units as they're proposing to put in this complex, so where are they going to put all the cars for this place. He has a feeling they are going to try and park in their parking. 50% of the people at the Promenade rent out their units with an annual income of roughly \$30,000 and he is worried about loss of income during construction and loss of income because the view will now be restricted with this new plan. This is not acceptable. The Promenade is not an old building. It's only about 20 years old and they have rights too. He doesn't want to see his property value hindered because of this proposed new development. It would be a nice addition to the city but they need to downsize this. It looks like it should be up on Mt. Hood. They have their condo association meeting next Thursday and he needs the 16 feet in between the buildings, How would you like to come to the coast and open up your window and look 8 feet right into the bedroom window of the building next door. This needs to be 16 feet.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Chris Hardy, Unit 503 at the Promenade Condos. He is a builder and he looks at the building and it looks a little big and extravagant but it is too close. When he stands out on his balcony he will be looking into a building. Right now he looks out to the turn around. He knows the lot was available but he didn't think they would tear down the building next to them and then build a 5 story hotel. He has light issue right now and he enjoys the sun coming into his unit. If you allow them to build this 5 story building it will be a dungeon in his unit. Right now there is a parking issue. They should have called the city before and had them paint the curb red. When they pull out right now you cannot see left or right because of the big trucks that park on the road. He is glad that we are waiting for another month so that he has time to review this. People need to know what this will look like. He doesn't want to look out at a brick wall.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Suzanne Calef, 25 Avenue A. Seaside OR. The home has been in the family for 4 generations. They do need the 8 foot setback so that they will be able to access the front door. This home used to be the carriage house and

her grandfather turned it into two separate units many years ago and if they don't have the 8 foot setback it will be very hard to access the second unit.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Zachary Sidel, 346 9<sup>th</sup> St. #C, Astoria OR. He went to a county meeting and they were discussing the county wetlands. Chair Romine asked if this pertained to the agenda item. Zachary stated that yes it does. The Clatsop County Wetland Advisory Committee is going over the regulations as to flood plain insurance. Commissioner Ridout stated that this property is not in the flood zone and so the flood zone has nothing to do with this agenda item. Zachary stated that the wetlands are being affected by the sewer and he doesn't know how well the sewer has been analyzed. Commissioner Hoth stated that we are talking about a hotel development on the prom. He asked if Zachary was referring to the hotel at the south end of town. Zachary stated they are all related to the sewer. Vice Chair Carpenter stated that has nothing to do with the variance that is before us now.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Erin Barker PO Box 408 Seaside. She is here on behalf of two owners on Beach Dr. that have short and long term rentals. They are concerned with the size of it. If this goes through Beach Drive will feel like a big wall. Even though they are on the other side of Beach Dr. they wonder if they will even be able to get sunlight on the front patio. The size and the height of it are their biggest concern.

Chair Romine stated it was time for David or Antione's rebuttal. David Vonada stated that he thanks everyone for their input and will go back and take everyone's concerns and come back with a recycled plan.

Chair Romine asked Mr. Cupples if this development plan was an outright permitted use. Mr. Cupples stated that yes it was. Marlo Hornberger asked to put that in laymen's turn. Mr. Cupples stated that the use is permitted outright. If they were to bring this in and met the setbacks and height restrictions and off street parking, the planning commission wouldn't be reviewing this.

Chair Romine stated that this is a great project and he would like to see something go on that vacant lot but it will be difficult.

Vice Chair Carpenter stated it will be nice to see something useful.

Commissioner Perkel stated that he thinks it's a great idea also but we need to have something that doesn't upset the neighbors.

Antoine stated that is why they are here to get an understanding of what the city and neighbors would like to see there. Right now, we have Trendwest and also the Sand and Sea that are pretty tall buildings. They were not planning on changing the front end of the building at all. Where it is now is where it will stay. Mr. Hornberger stated that the plans show a dotted line and it looks like it will got out at least another 8 to 10 more feet. Antione stated that it will be where it is now and will not disrupt the view of the Promenade Condos.

Commissioner Hoth stated that if you want to see where 6<sup>th</sup> Street is you can walk down a few block and look back and see where the sixth street is and where the building will be located from there.

Antione Simmons stated that when you look at the Comprehensive Plan of a City, this sixth street was probably put in at the turn of the century and now we are building up the prom area. Downtown is not only Broadway, it's actually about the first three blocks either way. We are designing and building based on a street that will never exist, ever. He asked Kevin about this and Kevin stated that if we give it up we will never get it back. Antione stated yes, but they are designing the next 100 years of buildings based on a street that will never exist. He doesn't understand. Vice Chair Carpenter stated that the city attorney says that anything that is owned by the city, for example streets that are not improved, right of ways, never give that up. The Trendwest is right up on the prom and they have to come back from 6<sup>th</sup> street. Antione wanted to make one more statement about the zero lot line. Right now the current structure is currently on the line. Someone from the audience stated yes but they are small. Antoine stated that is right on the parking lot it will go up four stories. Chair Romine stated that when they return he wants to see all the elevations so that we can get a clear picture of what is proposed.

Vice Chair Carpenter made motion to continue this until the next planning commission meeting scheduled for June 7<sup>th</sup>. Commissioner Perkel seconded and the motion was carried unanimously by the six voting members.

**ORDINANCE ADMINISTRATION:** Mr. Cupples stated that the DLCD and FEMA anticipate the updated flood plain maps should be here mid-month. Two years ago the DSL prepared adjustments based on LIDAR data for

flood plain areas in Seaside and we kept thinking they were going to move forward and that we were going to get them and we haven't received them. The only reason we are getting them now is because there was an agreement to leave out regions of the north county that had issues and move ahead with the south county where we didn't have issues with the maps. He guesses that they are now going to bisect the whole process and allow the people who weren't in objection to go forward and then worry about the north section later. Until these maps get amended, people will still have to pay flood insurance at a non-preferred rate. That also has bearing on the work we want to do with the Fore Dune Management Plans because the statewide planning goals are all tied to base flood information and you can only grade down to base flood plus 4 feet unless you have an exception. Our exception has sunset and so right now people are only allowed to grade down to what the flood plain map says currently and the future maps are supposed to go down further. He will believe in the delivery when he gets the proposed maps. He is hoping that the DLCD will allow them to use the draft map elevations for foredune purposes. Then we will probably go forward with a LOMAR using FEMA's own data to have the maps updated faster than the normal process.

**COMMENTS FROM THE PUBLIC:** Zachary Sidel stated that he was at the Clatsop County Wetlands Advisory meeting and they motioned to talk to the council. The maps are so inaccurate and need to be revised. The state maps are not changing and are just as unusable. He knows he isn't making much sense but neither do the maps. He also wanted to know if Seaside is hiring an Admin Assistant and he is also running for State Representative and if you love him you will write his name in.

**COMMENTS FROM COMMISSION/STAFF:** None

**ADJOURNMENT:** Adjourned at 9:00 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant