

MINUTES SEASIDE PLANNING COMMISSION
May 6, 2014

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: Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, 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. There was no response.

APPROVAL OF MINUTES: Motion to approve the April 1, 2014 minutes;
Commissioner 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.) 14-015VRD is a request by **Lindemann Enterprises, Ruth Lindemann and Diana Lindemann** 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 (no more than 10 regardless of age). The property is located at **1321 N Prom** 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. There was no response.

Commissioner Ridout asked about the sloped area and city right of way. Mr. Cupples stated that most of the asphalt is actually in the cities right of way.

Commissioner Hoth stated that he has a lot more questions but doesn't want to go forward until there is a representative for the property here. Mr. Cupples stated that we could table the item and bring it back at the end of the meeting.

Agenda Item A.) Tabled Temporarily:

Since there was no one present to represent the applicant, this agenda item was temporarily tabled based on the assumption a representative would appear before the end of the meeting. The item will be brought back up following the last public hearing agenda item.

B.) 14-016VRD is a request by **Cheng Tung & Siu Hui** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three (no more than 10 regardless of age). The property is located at **471 13th Avenue** 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. Barbara Scott, 465 8th Ave, Seaside. Barb is the realtor/representative for the owners who live in Chicago. They plan to retire here and have found the home of their dreams. They want to use it as a vacation rental until that time.

Commissioner Carpenter asked Barb about the vacation rental company that will be in charge of renting the home. Barb stated VACASA will be the property manager. Commissioner Carpenter stated the phone number that is listed is a long distance number and not a local number. The planning commission has asked them many times to have a local phone number and thought that this issue was resolved but apparently not. They MUST have a local number and this is not acceptable.

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. Marcus Simantel, 460 12th Avenue, Seaside. Mr. Simantel stated he lives directly behind this home. If this gets approved there will be four in a row behind them. The house beside them is also a vacation rental. The applicant is not the owner at this time, is it allowed to go through this procedure. Mr. Cupples stated as long as the owner has signed the application then the applicants can go forward. Mr. Simantel asked how the 20% works and if anyone has ever been denied. Commissioner Hoth stated no one has been denied but they do put restriction and condition on the particular properties.

Vice Chair Dideum stated she has 6 phone numbers for VACASA and she has tried to call them and she never gets a response from them. We need to have a local contact person with a local phone number where someone will actually answer the phone. Mr. Cupples stated that he could send a letter to VACASA and the home owners stating that they are in jeopardy of losing their license if they do not respond to the letter immediately. Vice Chair Dideum stated that she has called them on all the numbers and they still do not respond.

Chair Romine indicated the issue was opened for Commission discussion.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and made a motion to approve the conditional use under the guidelines that staff has presented with special attention to item #6.

Commissioner Carpenter seconded and the motion was carried with a 6 to 1 vote in favor. Commissioner Hoth voted no.

C.) 14-017CU is a request by **Warrenton Christian Church – Pam Morimoto** would like to conduct weekly Sunday worship services, and in time, they may add mid week gatherings or special activities. The property is located at **580 Avenue U** and it is zoned Neighborhood Commercial (C-1).

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. Mike Packer 470 SW Juniper, Warrenton. He is the lead Minister at Warrenton Christian Church. They have a Church in Knappa and would really like to have one in south Seaside. There are lots of churches in north Seaside but none in the south end of town. A lot of the people that attend do not drive so this would be a nice location for them. Right now there are about 20 people who attend and hopefully that amount will grow.

Vice Chair Dideum asked if they have been meeting at the building already. Mr. Packer stated that yes they have been having meetings there since the beginning of April. Vice Chair Dideum stated that they should have gone through the proper channels and had this part done before they had any meetings. Mr. Packer stated that they were sorry and are going through the proper channels now.

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 Carpenter stated he could not find a visible address on the property front or back. Mr. Cupples stated that he thought he saw one but will make sure that one is posted. Vice Chair Dideum stated she was pretty sure there was one on the big sign out front but someone knocked that down last week. Commissioner Hoth asked Mr. Cupples about the condition of the building. Mr. Cupples stated that as far as he understands the owner has gone in and done some repairs. Commissioner Hoth asked about the lights shining into the neighboring homes. Mr. Cupples stated that we haven't had any complaints regarding the lighting but if one comes in they will be required to put up a fence or something to shield the lights from going into the neighboring property owners homes.

Commissioner Ridout asked if the parking is adequate for this use. Mr. Cupples stated that based on their seating right now they have enough parking but if they expand we will need to look at the parking again. As they testified earlier most of the congregation does not drive so hopefully parking will not be an issue. Commissioner Hoth stated that there are conditions of approval that must be met before they can occupy the building but they are already using the building which is in violations so who is going to make sure that they get this done and who is going to do it. Mr. Cupples stated it doesn't matter who is going to get all the conditions met but either the owner of the property or the renters will need to make sure that all the conditions are met.

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. Vice Chair Dideum seconded and the motion was carried unanimously.

D.) 14-018VRD is a request by **Anita Kelsey** 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 **1615 N Prom** 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, 800 N Roosevelt, Seaside – Beach House Vacation Rentals. Erin has read the staff report and feels comfortable with Mr. Cupples report.

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 about the parking. Mr. Cupples stated that they have the three spaces that are required for an occupancy of nine (9). They did have a parking issue but lowered their occupancy to comply with the parking regulations.

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

E.) 14-019CU is a request by **Sharon Roper**. She is asking to modify her existing RV Park's approval so it can remain open all year instead of closing during the winter months. The property is located at **85658 Highway 101** and it is zoned Exclusive Farm Use (EFU).

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. Sharon Roper, 85658 Highway 101, Seaside OR. Sharon has owned the park for 13 years and has gone through lots of flooding and has evacuated several times because of the flooding. This year it did not flood but it was a mild winter. Evacuating the RV sites is not a problem. She has done it before and probably will do it again.

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.

Chair Romine asked about public safety and how fast and how bad does this flood? Are people able to evacuate safely and in a timely manner if the waters do start to rise. Mr. Cupples stated that was just one of his concerns and that's why they need to put an evacuation plan in writing and be ready to evacuate when the time comes. Commissioner Hoth asked Mr. Cupples if you could build in the floodway, Mr. Cupples stated yes but there are restrictions and motor homes are not structures. Commissioner Horning stated that most of the time we know ahead of time when it's going to flood and it has flooded in June before. If they were able to evacuate guest in the summer, evacuating in the winter should be the same. Sharon stated that three years ago in October they had at least 15 guests in the park and her and her daughter had to move everyone out very quickly because of the flooding. She also stated that when we had the Tsunami scare a few years back, they had 20 people in the park and had to get most out, only one person would not leave.

Vice Chair Dideum stated that she volunteers at the visitor's center and every year they have to send people to thousand trails which is not cheap and to Fort Stevens or to Cannon Beach. Circle Creek is reasonably priced and gives people a chance to stay close to Seaside.

Commissioner Ridout asked if the city has any responsibility in make sure people are aware of the flooding that happens there every year. Mr. Cupples stated that there is always a chance that it can flood even if it's in the summer months, so having an evacuation plan ready is one way to ensure the safety of the people camping there. Sharon stated that she will write a contract for the people staying in the park, in the winter months, that says they will evacuate if the water rises to an unsafe level or when told they must evacuate and her insurance company would insist on having something like that written up.

Vice Chair Dideum mentioned that in the letter written to Russ Earl in 1990, it stated the property was located in the 100 year flood plain at that time. Now that FEMA has re-configured the flood plain, is it still in the flood plain? Mr. Cupples stated with FEMA this property has gone in and out of the flood plain/flood way a few times. Vice Chair Dideum asked what is the difference between a flood plain and a floodway? Commissioner Hoth stated a flood plain is where the water rises and the floodway is where the water flows. Mr. Cupples stated you could still build in floodway but you need to file a no rise certification which means you have to show that whatever your doing will not raise the base flood level at all.

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. Commissioner Horning seconded the motion. Commissioner Hoth wanted to amend the motion to include a list of emergency evacuation procedures to be handed out to guests during the winter flooding season. The Commissioners agreed to withdraw the original motion and Commissioner Hoth made a motion to approve the conditional use based on the staff report and the amended language he had stated. Vice Chair Dideum seconded and the motion was carried unanimously.

Agenda Item A.) Taken From The Table: Request 14-015VRD was taken from the table and re-opened for public testimony when the applicant's representative was recognized by the Chair

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Randy Harris, Oregon Seaside Vacation, Seaside. They do have a local phone number.

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 why the whole area was paved? Mr. Cupples stated that it has been paved for a very long time as you can tell by the age of the pavement. Mr. Cupples stated that being as they don't have adequate landscaping they are adding flower pots to part of the pavement area so they can meet the landscaping requirements.

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. Commissioner Horning seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Chair Ray wanted to know when Mr. Cupples planned on having the flood plain/flood way discussion because he'll be out of town when that happens.

Commission Horning wanted to let everyone know that Dick Reese past away and he wanted to say a few words about him. He stated Mr. Reese was an excellent planning commissioner that spoke with a great deal of passion when he spoke and had a high level of decorum and conduct. It was a great pleasure to work with him.

ADJOURNMENT: Adjourned at 8:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant