

MINUTES SEASIDE PLANNING COMMISSION
August 2, 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: Tom Horning Chris Hoth, Bill Carpenter, Bob Perkel, Dick Ridout and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director
Absent: Steve Wright,

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. Vice Chair Carpenter stated that he is a neighbor to 1080 Beach Drive, but he has had no ex parte contact nor does he consider this a conflict of interest.

APPROVAL OF MINUTES: July 5, 2016 and July 19, 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.) 16-020VRD & 16-021VRD- These are conditional use requests by **Dean Hansen** that will allow the establishment of **Vacation Rental Dwellings (VRDs) in units 1 & 2 of the duplex at 1080 Beach Drive (6-10-21DB TL 8500)**. The subject property is zoned **High Density Residential (R3)**. **The ground floor (Unit 1) will provide a 2 bedroom (6 occupancy) unit and the upstairs (Unit 2) will provide a 3 bedroom (9 occupancy) unit.**

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. Dean Hanson, 2917 Powderhorn Street, Eugene OR. They are partners in other properties here in Seaside and very happy to be part of this community looking forward to having this as a VRD. They have spent a lot of money getting this property where it is now and are hoping to get this approved.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Andy Mercer, him and his wife Sadie manager three other business's that they are partners with the Hanson's. They live here locally and will be the property managers of this property as well.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Erin Barker, 800 N Roosevelt, Seaside. Erin stated that the Mills who responded, 1081 S Prom, for your information she manages their vacation rental and she is little bit confused about their letter and she didn't want to call and ask them about it. She knows when it was a full time rental they had problems with fulltime tenants and their visitors parking in their parking when they weren't there. People seem to

think that parking is a problems with vacations rentals and it can be but she has an experience once on North Holladay that someone was parked across the driveway of a vacation rental and the renters and Erin had to go knock on doors to see who this car belonged to. It turns out it was a home owner 4 houses down that told his guest that they could park there. Even though the school parking lot was the same distance away from their home. So parking works both ways. The other person Freigang, she has dealt with them before and sure there is a lot of dust on the unpaved streets but even if all the homes were vacant Avenue K is going to still have traffic because of people who are going to the beach. They start on Ave A and work their way all the way down Beach Drive until they find parking. Commissioner Ridout asked Erin if she is the property manager for 1081 S Prom. Erin stated yes. Commissioner Ridout stated he didn't realize that it was a vacation rental. Erin stated that there is also another home close by that is a vacation rental but they don't rent it out, they just keep the license active just in case they do decide to rent it out.

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 the number of bedrooms that are in the house is how many parking spaces are required, right? Mr. Cupples stated no, we will limit their occupancy if they have insufficient parking to handle the number of bedrooms in the unit. If there are four bedrooms in a unit and they only have 2 off street parking spaces, we will automatically limit their occupancy to 6. We are not going to say, turn all you front yard into parking. Commissioner Hoth asked the applicant about the handout that was given to the commissioners at the beginning of the meeting. It says there are two units, with two bedroom each and the application says there is a two bedroom unit and a 3 bedroom unit. Mr. Mercer stated that was an error on his part. There is a 2 bedroom unit on the bottom floor and a 3 bedroom unit in the top floor. Commissioner Ridout thought that in one of the letters it stated that there was a potential for another unit on the second floor. Mr. Cupples stated that there were in fact two units that were upstairs. When the building official went to do the inspection on the property he found that there had been some substandard plumbing and substandard fire separation (previous owner) so they had another dwelling unit put in, that didn't meet code. The applicants (new owners) have is removed the kitchen in the third unit. This was being used as a triplex but was never approved as a triplex, the applicants are making this into a lawful duplex. The applicant stated that right now the downstairs has two entrances. Mr. Mercer stated that there will be one parking space in the garage and two in front of the garage and then two parking space coming in from Avenue K. Commissioner Hoth asked what is the status of them creating an access off of Avenue K? Mr. Cupples stated that is in the staff report. Commissioner Hoth asked what is the status of them creating that access off of Ave K? Mr. Cupples stated that they will have to do that as part of their corrections to obtain occupancy. Commissioner Hoth asked if that is possible. Mr. Cupples stated yes and it has been discussed with public works. Commissioner Ridout asked that being this is a corner lot they are allowed to have two accesses. Mr. Cupples stated yes. Commissioner Ridout asked if the garage is long enough for cars. Mr. Mercer stated that it's a very long garage that will have owner's storage and laundry facilities plus be able to park one vehicle in the garage. Chair Romine asked, being as this is a duplex they can exceed the occupancy of 10. Mr. Cupples stated that is correct. If someone has s duplex and a group of people want to all stay at one place they usually stay in a duplex. Like the Vellutini's duplex in the cove. They can exceed what you can have in a single family dwelling because each side is considered a different unit.

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 with the condition that they have access for parking from Avenue K. Commissioner Horning asked if this is a standard size lot of 50 x 100. Mr. Cupples stated yes. Mr. Hanson stated that it is a 50 x 100 foot lot. Commissioner Horning stated that on the plot map that was submitted shows the home as being 45 feet wide but the gaps between the edge of the building and the property look close to 12 feet and when he was out there he would have had a hard time parking there without his vehicle being partly in the street. Commissioner Horning asked what is the setback from the street? Mr. Cupples stated that where they will be parking it is well over 18 feet. Mr. Mercer stated that when they are using the K street parking it is 25 feet.

Commissioner Perkel seconded and the motion was carried with Commissioner Horning voted nay. Chair Romine stated the when they get a plot plan it should be to scale so they know exactly what is there.

B.) 16-038VRD- A conditional use request by **Jeff Capen** for a **five (5) bedroom Vacation Rental Dwelling (VRD) at 1160 S Columbia (6-10-21DB TL 14501)** with a maximum occupancy of not more than **ten (10)** people, regardless of age. The property is zoned **High Density Residential (R3)**.

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, 800 N Roosevelt, Seaside. The previous owners had a vacation rental license twice, they never lived in it full time or rented it out full time. This home is a really neat home. The owners are really excited to make some of the improvements. They are going to keep with the history and charm that the house has. It has some headroom issues and electrical issue.

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 a cottage on the property and he assumes that it is the space above the garage. Erin stated that she has not been in that space above the garage and so she's not sure what it looks like. She thinks that the family may have used it at one time but it hasn't been used as a rental. Commissioner Hoth stated that used to rent that space 25 years ago. Erin thinks that they will renovate that area (above the garage) later but not really sure, but it is not part of the VRD. Mr. Cupples stated that they could use the garage as a covered parking space. The upstairs is going to be locked off. Commissioner Ridout asked if these owners get a vacation rental and they start using it as a vacation rental are you telling him that they cannot use the space above the garage. Mr. Cupples stated that is correct because it will be locked off. Commissioner Ridout asked what stops them from using it. Mr. Cupples stated that the owner can use it, that's up to them but as a vacation rental it cannot be used and it will be locked so the renters will not have access to it. Commissioner Hoth stated that being as they only have parking for this amount of people, do they have to close off one of the bedrooms? Mr. Cupples stated no. Commissioner Hoth stated that the parking on this property is an issue and he had difficulty backing out and that was when no one else was there. Right now the parking is really tight and he doesn't think that people will want to jockey four cars around in that space. He knows we really don't like the stacking but that would work better and that would only reduce the occupancy from 10 to 9 and we are not taking that much away. Mr. Cupples asked if they created a circular driveway so that they pulled all the way through, would you allow them to go for the four parking spaces. Mr. Cupples stated that if the commissioners feel comfortable with having a condition that says the occupancy shall be limited to 9 with a 3 car requirement until such time an additional circular access is created then the occupancy can go to 10. Commissioner Hoth asked if the applicant would have to come back to the planning commission for that. Mr. Cupples stated that the commission could make them come back, but he wouldn't suggest they make them do that. Mr. Cupples stated that the decision would state that the occupancy will be limited to 9 until such time that a circular driveway is established. Commissioner Ridout asked if this was a paved driveway. Mr. Cupples stated no. Commissioner Ridout asked if they would be required to pave it. Mr. Cupples stated no because they are coming off of a gravel street. He also stated that in the conditions of approval it states that at any time in the future if Avenue L is paved they will have a year to pave all of their parking spaces. Erin Barker stated that one of the owner's plans is to remove all the shrubbery that makes it so difficult for the parking.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use of a three bedroom unit with three parking spaces and an occupancy of 9 no more than 10 until such time that they provide additional access from Avenue L and then they will have an occupancy of 10. Mr. Cupples stated that he would do that but not use the term 3 bedroom it would just have an occupancy of 9 until such time the circular access is completed. Commissioner Ridout seconded and the motion was carried unanimously.

C.) Mural 2275 N Roosevelt. Mr. Cupples stated the planning commission is charged with the review and approval of all murals. Staff is recommending that the planning commission approve the proposed mural subject to meeting the conditions. Mr. Cupples stated that an approval letter documenting the

planning commission's action will be sent to the applicant and owner of the building. For clarification the text that is on the drawing is actually part of a sign permit and the wall graphic was shown on there when submitted. The text portion is not part of the review or part of the mural. The text portion will come through the office as a sign and that is based on the sign ordinance. Chair Romine stated that the page that has no text is what is currently on the building. Mr. Cupples stated yes, the applicant came in to get a sign permit and we noted that a mural is different than a sign and the mural part of the building would have to get planning commission approval.

Chair Romine asked if there was anyone that would like to speak in favor of the mural. George Liles 191 SW 1st Street in Warrenton. His understanding of a sign is no verbiage at all, so his daughter painted this design on the wall. He came to the office to get a sign permit and that is when he found out that he needed to get his mural approved first. The mural is just a beach scene with an umbrella, chair and beach ball. It was just a red building with a yellow stripe and now it looks better.

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 stated that just for clarification this is only about the mural and not the sign. Mr. Cupples stated that is corrected. Commissioner Hoth asked if it is blue sky or is it still a red building. Mr. Liles stated it is blue sky with a beach scene. Commissioner Hoth stated if the whole thing is painted then the whole side of the building is a mural. If there is writing on the mural then it becomes a sign. Mr. Cupples stated no. Vice Chair Carpenter stated that if the whole thing is a mural and if we are approving the mural, then the mural is approved. Commissioner Hoth stated so then they can put a sign on the mural? Mr. Cupples stated that this is just for the mural, there is no sign currently on the building just the mural. The applicant will have to come in to the office and submit a sign permit application and that will be reviewed like all other signs. The sign will be boxed out and doesn't meet the definition of a mural. It will be based upon an area calculation and he hasn't looked at it because the sign portion as not been submitted. Once the mural is done then they are going to put a sign on top of that in a geometric shape. You are only reviewing the mural.

Commissioner Hoth made a motion to approve the mural. Vice Chair Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that they did R.A.R.E. interviews two weeks ago and had seven applicants and four of them were really good. He is going to be here in the middle of August and are slated to start the 2nd week in September. The key projects that are slated for him to do are: Tsunami & Earthquake preparedness and outreach, work on updating the Parks Master Plan, and work on a resiliency action plan for the city.

There will be a public meeting on the 15th between 6pm and 8pm at the convention center regarding the updated FEMA maps that will be coming out. We are getting ready to do a mail out to all the properties that were previously out of the flood plain and now are being put into the floodplain those individuals should receive notice. We are not sending notice to the people who are coming out of the floodplain.

COMMENTS FROM THE PUBLIC: Erin Barker stated that in light of the beach drowning that we had about a week ago, they got to thinking of all the postings that go into vacation rentals about where to park, what you can do and what you can't do. A few years ago Providence Hospital dropped off some flyers about beach safety and now they are going to put these fliers in the homes that they manage just to have people be more aware of the beach.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 7:55 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant