

MINUTES SEASIDE PLANNING COMMISSION
August 21, 2012

CALL TO ORDER: Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Steve Winters, Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning 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 Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

APPROVAL OF MINUTES:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

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:

ORDINANCE ADMINISTRATION:

A. Planning Commission Review of Mural/Wall Graphics at Seaside Civic & Convention Center

Mr. Cupples wrote a memo regarding the mural.

Commissioner Dideum asked if this is where there used to be a mural and if so why was the other mural removed?

Russ Vandenberg, Seaside Civic & Convention Center Manager, stated that yes, this is where there used to be a mural and the other mural was removed because it was painted directly on the brick and that it fell into disrepair rather quickly. The new mural will be placed on a special board that will not deteriorate as quickly as the other mural. The roof has also been repaired and extended so there is more protection from the weather. There is also a new light fixture that is placed above the mural.

Commissioner Hoth asked Mr. Vandenberg how concerned he is about vandalism?

Mr. Vandenberg stated that there is always concern but the mural that is on Broadway hasn't been vandalized yet so he is hoping that this new mural will not be vandalized either. He also asked the contractor to place a special seal on the mural so that if it does get vandalized it can be easily repaired. The only thing that would really hurt it is a knife or screw driver.

Chair Horning asked why they used the same mural that is on the old Times Theater building.

Mr. Vandenberg stated that at the convention center they have a banner that is very similar to this and a lot of the attendees like to have their photo taken in front of it. The photos on the sides are old historic photos that are from the Clatsop County Historical Museum and they will be given credit for the use of those photos.

Commissioner Carpenter made a motion to approve the mural as describe by staff.

Commissioner Hoth seconded and the motion was carried unanimously.

B. Planning Commission Consideration of Profession Offices within the Commercial Neighborhood (C-1) Zone

Mr. Cupples stated that within the C1 zone the listed use is retail business such as grocery, drug, variety store, and restaurants, which are normally not considered under retail, barber and beauty shops which is normally not considered under retail, laundry and dry cleaning; and rental of non-motorized bikes, trikes and boats. Usually an ordinance will set out a separation of uses where you have your retail, service, and other uses listed separately. This seems to be a grab bag of uses. In reality they put a bunch of things that are not generally retail. Then they added the phrase, such as, so Mr. Cupples is left to question that if someone went into the C1 zone and wanted to do shoe repair would they be allowed to do that. In other zones it says retail businesses and services and then it specifies what are retail sales and what are the services and what are professional offices. In the C1 zone it kind of has one listing that doesn't quite cover everything that maybe already covered in the definition. So Mr. Cupples is left with an interpretation under the ordinance. If he read this literally it is considering service uses under the category of retail business or does it say no only to service uses that are listed would be allowed. When you get to the RC zone it says retail business and services and it goes on to tell you retail businesses, services businesses and professional offices, which leads him to believe that those are different.

When you jump to the C2 zone it has retail shops and then the same uses under the C1. If he is going to leniently interpret the ordinance, he would say if someone was going to put in a Real Estate office or an architectural firm or laundry in the C1 zone; he would let them do it. In the C1 zone currently you have laundry, bike rental and retail stores. The question has been raised, can someone put an accounting office in the C1, a use that is generally a professional office or service type use. Can they go into the C1 one zone or do they have to go through a conditional use under a similar use provision. Commissioner Hoth asked what the intent was between neighborhood commercial and a residential commercial?

Commissioner Romine stated that probably the difference would be that the residential commercial zone should be more restrictive.

Mr. Cupples stated that the residential commercial zone is generally the bridge between regular commercial and a residential neighborhood. It is really the hours of operation more than by what they allow. You can't have an AM/PM Mini Mart in the RC Zone. It won't be allowed because it's open 24 hours. There is no restriction like that in the C1 zone, but in this case it almost seems like the C1 zone is being more restrictive. In the zoning ordinance the C1 zone states it is to provide for the location of small businesses and services adjoining residential areas of the city. Businesses are intended to fit into the residential character of the neighborhoods and not create either architectural or traffic conflict. It says service type businesses are allowed. It seems in the C1 zone they were not permitting lots of housing where in the RC zone you could have housing as a permitted use. If you had a vacant lot in the C1 zone you would not be able to build a new single family dwelling on it; whereas, in the RC zone you could build a single family dwelling on a vacant lot.

Commissioner Winters asked if there was a way the planning commission would be able to clean up the ordinance to keep it simple. Mr. Cupples stated the process required to make changes is not simple. But in the future, if we were going to make an amendment in the C1 or RC zones, the words, service and professional uses could be added for clarity. Commissioner Winters asked if you could just add them to the ordinance. Mr. Cupples stated that No, you can't simply add them, you have to go through an ordinance amendment process which would require notice to the Department of Land Conservation and Development, a public hearing before the Planning Commission, a hearing before the City Council, and amendments to the ordinance. You could do all that, but it's not a simple process. Mr. Cupples stated that something has come up and there's a question about putting an accounting office in the C1 zone and it can be cleared up under an ordinance interpretation. He'd simply like to ask the Planning Commissioners for their take on his interpretation of the zoning ordinance before he made a decision. Commissioner Romine stated that if it is allowed in the Residential Commercial Zone (RC) it should be allowed in the Neighborhood Commercial Zone (C1). Commissioner Ridout stated except for one thing, Mr. Cupples indicated that the purpose in the RC zone was a transitional zone, you have residential home in the RC zone it can stay a residence. In the C1 zone they really don't want a residence in that zone. The RC zone was meant for the zone to evolve from a residential zone to a commercial zone. Commissioner Winters stated that an accounting office in the C1 zone should be an outright permitted use. Mr. Cupples can't make that assumption without some help from the planning commission to allow his interpretation of the ordinance. Commissioner Romine stated that the problem is, either you have to much detail in one category and not enough in another. The Neighborhood Commercial (C1) zone should be more inclusive of all that is currently allowed in the Residential Commercial Zone (RC). Commissioner Dideum asked if there was going to be an accounting office allowed in the C1 zone it

would either be on 12th Avenue or on Avenue U. Mr. Cupples stated yes. The Commissioners stated that it was OK for Mr. Cupples to use his interpretation of allowed uses within the C-1 zone.

c. Discuss Feather/Bow Flag Signs under the Sign Ordinance.

We do not have a clear cut allowance for feather flags. We have portable signs and banner allowances listed. A business owner approached Mr. Cupples stating that he has a business in the C3 zone and also in the downtown core area. He said we should look at amending the sign ordinance and to make sure we cover those properties that are outside the C2 and C4 zones but clarify that the feather flags cannot be in the streets or sidewalks in these other zones. The flags must be placed on private property and limit them to one flag per business. You could make an argument that they are a banner and that you can allow them and regulate them, just like we do with other banners but the square footage will be deducted out of their total sign area. It will be hard to do this since those banners do not require a permit. That means there is no way to track whether they are over their allowed signage. If we are going to regulate feather flags then we need to look at some kind of ordinance amendment that would mimic what is being done in the right-of-way in the core area. Commissioner Dideum stated that not all businesses have the holes in front of their business because they have never subscribed to the flag service. Mr. Cupples stated for the businesses that are not in the downtown core area, he is getting ready to take one of two stances. One is we are going to clarify the ordinance and make an amendment to the ordinance. Two is to go draconian on it. Or three, they can go out as banners as long as they don't exceed their allowed sign area. Mr. Cupples thinks that treating these feather flags like we treat sandwich boards would be the better idea, because they are portable. Commissioner Winters asked how many flags will be allowed per business owner or by the street frontage. Let's say Safeway has 100 ft of Highway frontage, how many flags would they be able to put up? One might look silly. Commissioner Dideum stated there should be one per business. Commissioner Horning stated that he doesn't want to see them all over with all kinds of graphics printed on them. Mr. Cupples stated that the city manager stated that they are not banners and should not be treated as banners. They are either in violation of the sign ordinance and a provision needs to be put in the ordinance or they are prohibited. Commissioner Romine missed the joint work session and asked what the outcome was at that work session. Mr. Cupples stated that they only dealt with the downtown core area which is in the C2 and C4 zone and putting the flags in the holes that are already established and the holes are in the public right-of-way. Outside of this area is a whole separate issue. The downtown core area most properties are built right up to the property line and they don't have any open area to place a sign without projecting from the building. In the case of the businesses in the Trendwest building, they are not allowed to put any signs on the building. They can only have window signs. These business asked if we could help them out and the council said yes we think we can. Commissioner Romine stated that now we are having an explosion of these feather flags. Mr. Cupples stated that we have been having an explosion and that is what has brought it up and now we are playing catch up. Chair Horning asked if any other businesses that are not in the downtown core area have asked about the flags. Mr. Cupples stated that yes one business owner has asked. Mr. Cupples has not gone out and told people to remove their flags because they are illegal. That is when the cries will start coming out. Commissioner Winters asked who is complaining. Mr. Cupples stated that City Hall has received several complaints regarding the flags along the highway. Commissioner Dideum asked if temporary signs are illegal. Mr. Cupples stated that temporary signs are specific in nature and these feather flags are illegal in most cases. Mr. Cupples stated that we need to create a category for feather flags and then put them in the ordinance. Commissioner Winters stated that at the work session no one was opposed to them, and we should allow them. Mr. Cupples stated that if we have a business and they have 6 flags out in front of the business it will look pretty bad and we don't want the city to look bad. Commissioner Carpenter stated that we have done a few things under policy versus ordinance, so can we deal with this under policy? Mr. Cupples stated it's possible, if we do this with a policy we can do it in a way under the existing sign ordinance but probably won't give us any control. Commissioner Carpenter asked who is going to enforce this new policy or ordinance. Mr. Cupples stated it would probably be himself and/or Officer Lorna Brandt. We could treat these as non-illuminated signs with a maximum of 32 square feet. We are not supposed to get into the content of the sign. We can say this is a real estate sign or that is a political sign. Once we get into the content of signs then it becomes regulatory and that could get us into trouble. Saying there can only be a graphic of a coffee cup but no word that says espresso. A sign ordinance or policy can only say how big a sign can be, where it can be, and how tall it can be. We cannot tell people what to put on their signs. Commissioner Romine stated that in the ordinance it states that you can only have one temporary non illuminated sign per tax lot. Mr. Cupples stated that in the case of multiple businesses for commercial zones you don't have a separation of tax lots. You have one property owner that may have two or more businesses with in that tax lot.

Commissioner Romine stated that the commission would be happy to look at anything that Mr. Cupples comes up with. Commissioner Winters asked why do we have to regulate everything? These are people's businesses and their livelihoods and most of these are our neighbors. We need to help them not regulate every thing. Commissioner Romine stated that the reason we have to regulate some things is so they don't get out of hand. What we have with these feather flags is a possibility of things getting out of hand. It's not regulating, it's getting this under control. Mr. Cupples stated that Commissioner Winters wants no regulation and Chair Horning wants lots of regulating. So Mr. Cupples will come up with something that will be in the middle.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:00 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant