

**MINUTES SEASIDE PLANNING COMMISSION**  
**September 6, 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: Chris Hoth, Bill Carpenter, Tom Horning, Dick Ridout and Ray Romine, Staff Present:, Kevin Cupples, Planning Director  
Absent: Bob Perkel, Debbie Kenyon, 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. There was no response.

**APPROVAL OF MINUTES:** August 2, 2016;  
Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Horning 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.) 16-042VRD-** Is a conditional use request by **Chris and Andrea Shepard** for a **four (4) bedroom Vacation Rental Dwelling (VRD) at 2164 Beach (6-10-28BA TL 1200)**. With a maximum occupancy of not more than **ten (10) people**. 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. Mr. Cupples stated that at the time the staff report was written, staff had not been out to inspect the property. There is a supplement to the staff report that would replace three of the conditions in the staff report. Staff has found that with older homes, it is hard to comply with stair requirements and hand rails. The stairs usually lack headroom. Handrails will need to be moved to the other side of the stairs. It looks like they have replaced one egress window with a fixed window and it would need to be fixed prior to renting. There are a couple of other windows that will need to have a bench or stool in front of them for exiting purpose. Staff is still concerned with the backup room behind the parking spaces. It is pretty easy to get one car in and park it, but two cars into an 18 x 18 pad and still be able to use an 8 to 10 foot backup area is still pretty hard. It looks good on paper, but in reality, it doesn't work that well. Reducing the parking from 4 spaces to three spaces only reduces the maximum occupancy from 10 to 9 people.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Chris Shepard, 3601 SW River Parkway, Portland. One of the items that he had questions about was the variance to the back yard. The garage that is existing and then an 18 x 18 parking pad and then the rest of the area is landscaped. He was wondering if the garage can be considered a building and eliminate the need for a variance. Another item he would like to add a variance for the egress window upstairs. It states that the windows cannot be more than 44 inches from the floor, his are 46 inches from the floor and they have placed little benches in front of these windows. They will have their contractor sit down

and talk with Bob Mitchell the Building Official to figure out what can be done with the stairs. The items on the punch list are easily achievable. There are only two other vacation rentals around the house.

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 this was a duplex, because it says the local contact will be his wife who will be living on the property. Commissioner Hoth stated that he is willing to go with the punch list, we can consider the back yard as the rear yard. The contact is supposed to be local. The wife will not be living there when the home is rented. We need a local contact someone who is in Clatsop County. Mr. Shepard stated that his uncle lives at Whalers Point and then his other uncle Jeff Leinassar lives in Surf Pines and he will ask them. Chair Romine stated that we do need a local contact and he doesn't see Jeff running over to the house with a plunger. Commissioner Horning wanted to make sure that any pertinent discussion with staff before the meeting about yards be noted during the meeting. Commissioner Hoth stated that Mr. Cupples defined the rear yard. The rear yard is the area from the rear property line. In this case the rear yard has the garage in it and then the yard is actually between the house and the garage. So technically the rear yard is the garage & parking pad. Mr. Cupples stated that in the conditions of approval, the commissioners could recognizing the area between the house and the garage as satisfying the rear yard landscaping standard. Same with the manager. If you are concerned about the managerial part, you can make sure that it is addressed in the condition of approval that talks about the local manager. The applicant will have to provide that within the next few days so that we can get the notice of decision done. Commissioner Hoth stated that he would rather have some things in place before he makes a decision. He thinks the three parking spaces and an occupancy of nine is where he is going. Chair Romine stated that some of the issues that have been brought up are building code issues and not planning issues and those will need to be addressed through the Building Official. Mr. Shepard stated that he is happy to amend the parking to the three parking spots and not four, and the other issue is finding a local property manager. Mr. Shepard has been speaking to Mark Tolan of Seaside Vacation Homes and he will be happy to list him as the property manager. He can work with Bob and Kevin with the building code issues. Mr. Shepard stated that this process is starting to take a toll with having to come out here all the time to meet with contractors and inspectors. Commissioner Ridout asked Mr. Shepard if he would like a decision tonight instead of a continuance. Mr. Shepard stated if possible, he feels confident that the property qualifies for a vacation rental. Mr. Cupples stated that if the planning commission is willing to recognize the yard area and the parking as is, then there shouldn't be a problem with it, because we do have a copy of the easement. Mr. Shepard can also name Mark Tolan as the property manager tonight. Then he has filled in all the holes other than the variance part and based on Mr. Cupples discussion with Commissioner Hoth earlier, maybe something can be satisfied under the findings. Commissioner Hoth also stated that Mr. Shepard stated something about having two or three parking spaces and how they were going to go with that. Chair Romine asked how are they going to use the parking and what is the difficulty? Mr. Shepard stated that the garage is 20 x 20 and there is a divider that is a load bearing wall that separated the two parking spaces and there is a shelf that sticks out a little bit which leaves the opening only 8 feet instead of 9 feet. If they cut the shelving then they have the 9 feet needed. Mr. Cupples stated that if they don't fix the parking then their occupancy will be 6 instead of the 9. Chair Romine stated that when the garage was built it was built where it was permitted to go. Mr. Cupples stated he's sure it was, just like the tri-plex in the meeting a while ago. Commissioner Hoth stated that having a local contact is an important issue. If Mr. Shepard wants a decision tonight and others feel like he does then it is important and if the commission says no then he would have to re-apply and pay again. If the commission says yes to continue this and take care of all the issues, then Mr. Shepard will still have to come back before the commission. Commissioner Ridout stated that the commission is not making them hire a local manager it can be a relative. It just needs to be someone local. Chair Romine stated that Mr. Shepard has filled in all the blanks. Mr. Shepard stated that he has the contract here with him that states Mark Tolan will be the property manager. Commissioner Hoth stated that if the commission makes a motion tonight is it 2 parking spaces and an occupancy of 6 or 3 parking spaces and a maximum occupancy of 9? Mr. Cupples stated that is what the current condition reads.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use for a VRD with a maximum occupancy of six, with

two parking spaces until such a time that modifications are made to the garage that would yield three parking spaces and a maximum occupancy of nine. They will consider the space between the rear of the house and the garage as satisfying the rear yard landscaping requirements and no need for a variance. Also the permanent local contact will be provided and at this point that has been identified as Mark Tolan along with the other conditions listed in the staff report. Mr. Cupples confirmed that would be based on the revised findings that are in supplement. Vice Chair Carpenter seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 7:32 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant