

**MINUTES SEASIDE PLANNING COMMISSION**  
**October 4, 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: Steve Wright, Chris Hoth, Bill Carpenter, Bob Perkel, Dick Ridout, Ray Romine, and Tom Horning. Staff Present: Kevin Cupples, Planning Director  
Absent: Debbie Kenyon, Administrative Assistant,

**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:** September 6, 2016;  
Commissioner Wright 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.) 16-048VRD & 16-049V** is a request by **Alan & Jennifer Goldsmith** for a **two (2)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **six (6)** people over the age of three. The owner is also requesting a variance to the 50% side yard landscaping requirement and recognition of the parking within a pre-existing easement with the neighboring property owner to the east. The property is located at **120 13<sup>th</sup> Avenue (6-10-16DA TL 3300)** 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, Beach House Vacation Rentals, 800 N Roosevelt, Seaside. Erin stated that she has a little bit of concern regarding the potential restrictions. Their intention is to market this home for 2 or 4 people, or two couples, but they also would like to be able to rent the home to a small family. They are talking about total number of occupants. If you had two adults and they had 3 kids, with an occupancy of 4 they wouldn't be able to rent it. This house would be perfect for them if this home had an occupancy of 6. They never intend to have 6 adults in this home. The intent at most would be 4 adults. The neighboring property next door 130 13<sup>th</sup> Avenue has an occupancy of 9 and they have always rented it for 8 people regardless of age. The person who wrote the complaint stated that 6 people is way too many for that small house and the voices will carry. That home (1307 N Prom) is approximately 157 feet away and that is a long way to be concerned with an extra 2 people talking. They also mention the home not being comfortable and that is subjective. What may not be comfortable for one person may be comfortable for someone else. In regards to the easement with the neighbors, the neighbors are Jennifer's (the applicant's) parents.

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 there was a complaint letter. Mr. Cupples stated that there should have been a letter in the packet. Chair Romine stated that wasn't one in the packet. Mr. Cupples stated that there is a summary of the letter in the findings in the staff report.

Mr. Cupples read the letter from Reynold Roeder, PO Box 91474, Portland, OR 97291.

My wife and I own the property at 1317 N Prom. We are writing in regards to the request for a six person VRD permit for the property at 120 13<sup>th</sup> Avenue. It is our understanding that this dwelling consists of 550 square feet. Six people in this one house seems in excess of what this house could comfortably contain. We are concerned renting guests will find it too small as well, and will spill out in the back yard (the only other space available) and potentially be disruptive. Please consider reducing the approved occupancy to four or less.

Mr. Cupples stated that the occupancy stated in the staff recommendations that the commission conditionally approve the vacation rental with a maximum occupancy of four persons over the age of three (no more than 10 regardless of age).

Mr. Cupples stated what Erin is talking about is the fact that can actually limit families. Do you want it to limit it to over the age of three or is it appropriate to leave it at 6 and include the information that was in finding #15 or is it better to say four adults. Do you want to get into the numbers game or you can leave it at 6 with the provisions in findings #15 it would just clarify that staff could step in and say that if this isn't containing the people then you could set additional limits.

Erin stated that she wanted to make sure that the commissioners understand that she doesn't want to exclude the children three and under. If there were four adults and a baby and a seven year old then that would be ok. They do not intend to have 6 full grown adults in this home. Chair Romine asked for simplicity a maximum of 6 including under the age of three. Erin stated that they would self-regulate and they would say this home sleeps 4 and to call for information. She thinks that 2 adults and 3 children would be very doable. Erin stated that no home or VRD has the right to be disruptive to their neighbors. Chair Romine asked Erin if he understood her correctly. That there would be an occupancy of 6 but a maximum of 4 adults and 2 children. Technically they could have more than 6 if the children were 3 and under. But they will only have a maximum 4 adults and 2 children. Erin stated that the best example that she can think of is a family of 5 mom, dad, and 3 kids. If the occupancy is only 4 then that would eliminate that family from staying at this home. Commissioner Hoth stated that he thinks we could make it a condition of approval that states a maximum of 4 adults and total occupancy of 6 including children. Commissioner Ridout stated that he likes the idea of the planning commission establishing what the total occupancy shall be instead of expecting the management company to establish the occupancy. We don't know what is going to happen in the future. Commissioner Horning stated that he agrees with the other commissioners. Commissioner Horning asked Mr. Cupples what is the process to determine occupancy. Mr. Cupples stated that the standard ordinance calculation is based on the number of bedrooms. In a two bedroom home the ordinance usually allows a 6 person occupancy and that is 6 individuals over the age of three. Over the age of three has been in the ordinance since 2000, he thinks. It has been three people per bedroom and that basically and that is counting anyone that is three years and over. The 10 regardless of age was set by the building official. Commission Wright stated that the total number of 6 guest works just fine. The home has two bedrooms then room in the living room for two more. Commissioner Ridout asked what defines a bedroom. Chair Romine stated that it has to be at least 7 feet wide and some ceiling height and usually a closet and a window for egress. Mr. Cupples stated that he and the building official Bob Mitchell have been over this and technically with a bed in the front room you could call that a bedroom they are not calling it a bedroom for the purpose of this request and he's not calling it a bedroom. Chair Romine stated that he doesn't want to deviate from the parameters that are already set, if we make special amendments to deal with this particular issue then we have to remember why we made that decision and defend it from the next person who want so do that. If the rules say the house can accommodate 6

then that is what it should say. Commissioner Ridout stated that then they could have an occupancy of 10. Commissioner Hoth stated that we usually take things on a case by case basis. Commissioner Ridout stated that depends on if we view these conditions as a guideline or a regulation. Vice Chair Carpenter stated that he would go along with the condition of a maximum occupancy of 6 regardless of age.

Commissioner Ridout stated that there was a comment made about the cooperating neighbor is a relative. Erin stated that they are Jennifer's parents. Commissioner Ridout stated when he was out at the property and was looking at the parking he thought who would let a vacation rental get that close to your exterior wall. Commissioner Ridout stated that it appears that the backyard has a pretty good size deck that would block the usage of the garage. Erin stated that the garage will not be used for parking. Commissioner Ridout stated that the parking will be tandem and there appears to be an easement for the parking. Alan Goldsmith stated that the previous owner of 120 13<sup>th</sup> Avenue parked in the easement and they have also been parking in the easement since they purchased the home 4 years ago. The space where the easement is, is where people have been parking all along and the easement is with the neighbors who happen to be his wife's parents. This is where the parking is and has been for many years. Chair Romine stated that information for the easement is in the staff report. Commissioner Ridout asked what about the yard and square footage for the yard requirements. Mr. Cupples stated that they are below the required yard area, the east side of the home that will be used for parking and that is why they are getting the variance. Mr. Cupples stated that if you look at the percentage of yard area with this property it is more than most properties even though it is only 25' by 100'. Chair Romine stated that the variance for this lot is pretty self-explanatory considering the width of the lot. Mr. Cupples stated that one of the concerns when those provisions were put into the ordinance was that they didn't want to take out a bunch of yard area just to add to the number of occupants that you could have in a vacation rental. One of the statements in the staff report is that it has been used for parking for a long time and it will continue to be used as parking and it's not taking anything away. Commissioner Wright stated that in the staff report it says that they must pave the parking within one year, is that normal? Mr. Cupples stated that is the standard.

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 and the variance under the guidelines that staff has presented with the condition of no more than 6 people regardless of age. Commissioner Wright seconded and the motion was carried 6 to 1 vote Commissioner Hoth voted no.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF:** Commissioner Hoth asked being as the decision for the hotel on the Prom is over, is the planning commission able to discuss it? Mr. Cupples stated that you can discuss that particular item but he suggests that the commission refrain from doing too much discussion because you may see The Pearl come back before the commissioners again. He would probably hold off on that, it may come back before the commission in December. Vice Chair Carpenter asked what they did wrong in order to get this overturned by the Council. Mr. Cupples stated that he would like to go over that but what he would rather do is go into further discussion after you have heard the new information. Commissioner Hoth stated that he would like to make one comment and that is that the commission didn't do anything wrong based on what the commissioners thought was right and the council made their decision on what they thought was right. Chair Romine made a comment about the traffic control at one of our new business establishments on the highway and that it is hard to navigate. Mr. Cupples stated that is exactly what the commission approved.

**ADJOURNMENT:** Adjourned at 7:47 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant