

MINUTES SEASIDE PLANNING COMMISSION
April 4, 2017

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: Teri Carpenter, Chris Hoth, Bill Carpenter, David Posalski, Dick Ridout and Ray Romine, 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. Commissioner Ridout stated that he would recuse himself from the public hearing 17-019SU because he owns property in the area.

APPROVAL OF MINUTES: March 7, 2017;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Posalski 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.) 17-018VRD is a conditional use request by **Jay & Brenda Parker** 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. The property is located at **2540 Mason St. (6 10 10CD TL 4500)** 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. Jay Parker, 2540 Mason St. Seaside is the owner of the home. A small area of the shed will need to be removed to make room for the parking.

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.

Commissioner Ridout asked about the letter that was submitted regarding the 20%. Debbie stated that Ms. Epstein just wanted clarification regarding the 20%. She thought that if there were more than 20% surrounding properties that were vacation rentals then they would be allowed to have a vacation rental. Debbie explained that the 20% or more means that it will go to the planning commission. Commissioner Ridout asked how do we keep track of month to month rentals versus Vacation Rentals. Mr. Cupples

stated that we do not keep track of month to month rentals and that transient rentals are less than 30 days. Commissioner Ridout asked if VACASA does month to month rentals. Mr. Cupples stated that they do both, month to month and transient rentals. Commissioner Ridout stated that it looks like there could be another parking space on the north side of the property if the city would allow more than one curb cut but it also looks like if he did that then it wouldn't meet the cities standards and there are no curbs along the street now. Mr. Cupples stated that he knows that they have approved curb cuts with a circular driveway but generally with a 50 x 100 lot they usually approve only one but he doesn't think they would be upset with two because there are no curbs in the area now. Commissioner Ridout stated that we really want to limit people backing out into the street. Mr. Cupples stated that with a circular driveway you would be eliminating that.

Chair Romine indicated the issue was opened for Commission discussion.

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. Commissioner Posalski seconded and the motion was carried unanimously.

B.) 17-019SU: A similar use request by Lorraine Totten. This request will allow the owner to use the existing single family dwelling as a vacation rental. A motel/hotel is permitted outright in the C-2 zone. The subject property is located at **320 Avenue C** (61021AC TL: 5300), and it is zoned **Resort Commercial (C2)**.

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. Lorriane Totten 15117 NW Wendy Land, Portland. Ms. Totten is doing the similar use because she isn't using the property as much as she thought she would.

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 Hoth stated that they have reviewed similar uses in the past and the only concern he has is the parking. Does the parking take over 50% of the yards? Mr. Cupples stated that technically this is not a VRD none of those standards apply to it. Being as this is in a commercial zone those requirements don't come into play. There are no yard requirements, so they won't take up the yard with their proposed parking. The applicant will meet the parking requirement as if it were a VRD. Commissioner Teri Carpenter asked if the applicant has to meet commercial requirements. Mr. Cupples stated no because the building official is recognizing that this is being used as a residence.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use under the guidelines that staff has presented. Vice Chair Carpenter seconded and the motion was carried unanimously. With Commissioner Ridout abstaining from voting.

C.) 17-020VRD is a conditional use request by **Ehren McGhehey** for a **six (6)** 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 **2431 Ocean Vista (6 10 28BD TL 2600)** 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. Ehren McGhehey, 2431 Ocean Vista Dr. Seaside, Ehren purchased the home about 1 ½ years ago and would like to have a vacation rental. He also owns a home down the street and he plans on moving here.

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 stated he thought that this property was a vacation rental and asked if we are coming up with the 5 year cycle of re-inspecting the homes. Mr. Cupples stated that no this is a new request, but the home has been a vacation rental in the past. Commissioner Ridout asked when are we going to be in the five year re-inspection period? Mr. Cupples stated that we are in the 5 year cycle now but when the business license went out this year they did not include a reminder to the property owners that the homes need to be re-inspected. When they do come up for re-inspection they will not come before the planning commission. Chair Romine asked if the 10 occupancy will be re-addressed if they have an occupancy of more than 10. Mr. Cupples stated yes, that should be required, he thinks they have some that are licensed for more but most of those have the 10 person occupancy limitation on them. Commissioner Ridout asked about the ones that are grandfathered in, if they will be able to continue, he is thinking mainly of the ones that are parking on the streets. Mr. Cupples stated that we won't see those, but if we start getting complaints that people are starting to monopolize the on street parking then we can do something about it but it is complaint driven. They are all subject to the conditions. Commissioner Posalski asked if parking could be gravel. Mr. Cupples stated No, parking must be paved or have pavers sometimes when the whole front yard is paved we have made them put in some type of landscaping so that they meet the 50% landscaping requirement. He generally allows them one year to do the paving.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Posalski made a motion to approve the conditional use under the guidelines that staff has presented. Vice Chair Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that the owner of the Grey Whale, Patrick Seager, located at 280 s Roosevelt is here tonight to discuss sandwich boards. Patrick stated that on February 18, he was approached by the enforcement officer that he needed to move his sign. It was approximately 24 feet from his front door and not 10 feet which is the legal limit. The Officer mentioned that there were several other people that were also getting this warning. A few days later he looked up the police logs to see who else was getting put on notice. There were approximately 6 people on the west side of 101. He did some research and some driving around and found out there are a lot of sandwich boards around town that do not comply with the ordinance. One in particular has a business on 12th and Holladay and he had his sign on 12th and the Highway approximately 2 ½ blocks from their property and they broke the rule of not having it on their property. So he, the guy on 12th and Holladay, went around and looked for illegally placed sandwich boards and then turned them all in. So Patrick and his neighbors have pulled in all their signs. Patrick then contracted Kevin to see what would be the best process to get this ordinance changed. It occurred to Patrick that numbers are always better than just an individual approaching a group of decision makers. Patrick then went to those businesses that have been affected with the sign ordinance by going through the police log. Patrick stated that 10 feet is really not that far and he could not find a business that has their sign within 10 feet. He approached the first 6 businesses and they all agreed that 10 feet is to close. Then after that group he went around and approached people who were not affected, that took a little bit more time but they were ready to sign the document too. He stopped at around 15 businesses because everybody was like yes, we need to change that. So he stopped trying to get signatures, so there could be a lot more people who object to the 10 foot rule. Some people didn't want to put their names down because they were afraid that the list would be used to enforce. We are only asking to change the 10 foot rule and allow them to put the sign on their property and not be subject to the 10 foot rule. Vice Chair Carpenter asked if the feather flags were under the 10 foot rule. Mr. Cupples stated no, feather flags that are in the downtown core area are treated differently because they are in the public right-of-way. The others that are not in the right-of-way are regarded as banners and banners as long as you don't exceed your sign area are permitted. He thinks it would be a good idea for the commission to say feather flags may be regulated as banners but you still only get one per property. Vice Chair Carpenter asked if there is a regulation that says how far sandwich board signs can be from the front door because he has seen lots of them in locations that are not within 10 feet of the front door. Mr. Cupples stated that is true, because most of those signs, if they were within 10 feet of the door they would be in the asphalt. Vice Chair Carpenter stated that being said he agrees that the 10 foot rule should be removed from the ordinance. Commissioner Ridout stated that he believes that ordinance went through a standard system where a committee was formed and they came up with the ordinance. He asked Mr. Cupples if that was correct. Mr. Cupples stated he didn't know because

the sign ordinance pre-dated him and he's not sure when it was originally created but the form says 1988. Commissioner Ridout stated that he is skeptical of changing something that was put into place for some reason and people had the ability to change it at that time. He wants to know more about why that ordinance is there and if that was placed in the ordinance for specific properties not taken into consideration on how far off the highway they are. Mr. Cupples stated that the down side is in order to find that type of legislative history especially if it went through a committee that probably doesn't exist. Since he has been here the changes have gone through the planning commission and held a public hearing and then went to the council. Then the council either approved or denied. Mr. Cupples stated that the last amendment that he can recall being made was the area for signage in the RC zone that faced the highway was modified and then the commission created some provision that said if you tuck signs under the awning then they would be exempt. Commissioner Teri Carpenter asked if the intent of tonight's discussion was to get a feel of how the commission felt about this and to see if it would go to council. Mr. Cupples stated no, if the commission is in agreement or there is a majority of the commissioners who want to send it to council then he will take it the city council and as part of the memo to them that the planning commission reviewed the sandwich boards and would like for the city council to review it. Commissioner Teri Carpenter stated that she owns a business too and she pushes the boundaries too and if you take away the 10 foot rule then what will the rules be. Is it 10 foot from the property line? Does it stay on your property? Can you put the sign on someone else's property? What if your business owns a whole city block? She thinks the 10 foot rule is a little ridiculous she has a spot on her property that is perfect for her sign and it's on her property but it's not 10 feet from the front door. Mr. Cupples stated that for her business in particular if you said you wanted to put a sandwich board out on the highway even if it was on someone else's property you can't do that. But if you wanted to put your sign on Ken's market property and as long as you have their permission and they have not exceeded their signage and the sign is placed 10 feet from their building you could do that. Ken's market could put up a big sign on their building stating "go next door and have a burger" but that would come out of Ken's market signage. Commissioner Hoth stated that taking away the 10 foot seems like a nightmare, the request is a good one but he thinks there are way too many problems just to say yes to that. There are way too many sandwich boards as it is. The other thing is how many sandwich boards do we want in the city? What if there were six business in one location do we let all six put up sandwich boards and if we limit the number how do they decide who gets to put out their sign? There seems to be a lot of problems. Commissioner Posalski stated that the prime example of that would be the outlet mall. He thinks the 10 foot rule is too restrictive. Commissioner Teri Carpenter stated that even if they take the 10 foot rule away the regulations say the sign would still need to be on your own property. Commissioner Ridout stated basically on private property. Mr. Cupples stated that right now the ordinance reads a business can have an A-frame sign it doesn't say if you have five businesses on one property you can't have 5 A-frame signs right now but you have to have them 10 feet from your door. So you are not affecting the number of signs that are possible your affecting where those signs are put. Chair Romine said let's take an example, there are 5 businesses in a strip mall with a parking lot in front. The business owner wants to put an A-frame sign out front for each one of those businesses and it has to be on the leased business owner's property and let's assume that the 10 foot rule is gone, so the option is to put it in the parking lot. Mr. Cupples stated that providing you are not taking up parking. Chair Romine stated most strip malls parking goes all the way up to the building. So now there's another issue if he wants to put a sign there he can't. Mr. Cupples stated that is correct. Chair Romine stated then he could just put it in the back of a pickup truck. Mr. Cupples stated that could happen. Vice Chair Carpenter stated that what we don't want is to have a lot of signs on the sidewalk. Mr. Cupples stated that the sign needs to be on private property. Commissioner Ridout asked why is this a problem now, enforcement? Mr. Cupples stated yes, someone got cited for having an A-frame sign along the highway and that it was 2 ½ blocks from their property. Then that person said wait if I can't have my sign there and I have to have my sign 10 feet from my door look at all these other people who don't have their signs 10 feet from their door. So that created a complaint driven enforcement. Commissioner Posalski stated that there has been a long history of these complaint driven enforcement regarding these signs. Chair Romine stated that he is not opposed to making any business be successful on what they can do legally but what he does not want to do is be responsible for creating a mess. His position is that he would like more time to think about this so that if it does go forward it goes forward responsibly and not creating a free for all. Commissioner Hoth stated that he agrees with that. Mr. Cupples stated that if the majority of the commission is in a like mind to that, you can't make decisions in work sessions but if you brought it to the work session you could discuss it and bring it back to a public meeting. Chair Romine stated that he drove around today and there are lots of signs out there, what makes it ok for one person to do something and someone else doesn't get to because they follow the rules. This seems simple but it has large implications for what the community might see in regards to what the public might see. There is a reason we have a sign ordinance and that is because we don't want our city to look like Las Vegas. Patrick stated that he appreciates the time the commission has put into this, there are six of them who are following the rules and the vast majority are not. He is not encouraging enforcement but he does encourage the commission to come up with a solution for these signs. He could have brought a lot of people here tonight but didn't. If this was enforced there would have probably been more people here tonight. Chair Romine stated that he would

like to send this to a work session. Commissioner Hoth said he is not ready to make a decision tonight. Mr. Cupples stated that one thing they could do is put a monument sign in but that would come out of their allowed signage. Where sandwich boards are not part of their signage. Commissioner Posalski stated that he is fine with just eliminating the 10 foot requirement. Commissioner Teri Carpenter stated that she is in favor of eliminating the 10 foot rule. Vice Chair Carpenter stated that he has no objection to drawing a line through the 10 foot rule. Commissioner Posalski made a motion to send this on to the city council to remove the 10 foot rule. Vice Chair Carpenter seconded and the motion was tied in a 3 to 3 vote. Commissioner Posalski, Commissioner Teri Carpenter, and Vice Chair Carpenter were in favor of removing the 10 foot rule, Commissioner Hoth, Commissioner Ridout and Chair Romine were opposed to removing the 10 foot rule. Mr. Cupples stated that staff will prepare a memo for council to discuss the 10 foot rule.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Vice Chair Carpenter stated that he would like to discuss the parking ordinance at the next work session.

ADJOURNMENT: Adjourned at 8:10 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant