

MINUTES SEASIDE PLANNING COMMISSION

June 3, 2014

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: Virginia Dideum, Ray Romine, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director. Absent: Tom Horning

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 he does not have a conflict of interest but will be abstaining on agenda item 6. B. because he owns property near them and is within the notification zone and would be more comfortable not discussing that issue. Chair Romine stated that he would also be abstain from commenting on the same agenda item.

APPROVAL OF MINUTES: Motion to approve the May 6, 2014 minutes;
Commissioner 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.) 14-020VRD is a request by **Randy Reed** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than eight (8) people over the age of three (no more than 10 regardless of age). The property is located at **3029 Sunset Blvd** 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. Ted Wood is here representing Randy Reed the owner. If you have any questions he'll be glad to answer them.

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 Dideum stated eight is rather an odd number for vacation rentals. How does a person make sure that only 8 guests stay at the home? Mr. Wood stated that on the rental application the guests are asked to fill out how many people will be staying in the unit. There is never a guarantee that 100% of the people will comply, on occasion there are people who don't. If a neighbor reports or he hears about it then he will actually go over there and tell them they have to leave. Most people are very good about the occupancy. Commissioner Hoth asked if the garage is empty. Mr. Wood stated yes it is empty. Commissioner Ridout stated he would like to discuss occupancy later, specifically children.

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

B.) 14-025NCU: An enlargement of a non-conforming use request by Kimberly and Trenton Capp. The subject property is located at **380 S Edgewood** (61021AC TL: 5200), and it is zoned **Resort Commercial (C2)**. This request will allow the owner of the existing dwelling to extend the outside wall and make a basement/workshop accessible from the street level while providing additional work space inside.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions. Mr. Cupples pointed out that there is an error in the Final Staff Recommendations. The first bulleted item needs to be removed.

Chair Romine and Commissioner Ridout will not participate in this agenda item.

Vice Chair Dideum asked if there was anyone who would like to offer testimony in favor of the request. Kimberly Capp, 2180 Skyline Blvd, Seaside. This is a very cute little home that is located in a commercial zone and they would like to use it as a pottery studio.

Vice Chair Dideum asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

Vice Chair Dideum asked if there was anyone who would like to offer testimony in opposition. There was no response.

Vice Chair Dideum indicated the issue was opened for Commission discussion. Commissioner Carpenter asked where the intended driveway would go. Kimberly stated the intention is to have the addition look like a large garage door opening. There is a single car garage on the property and one parking space in front of the garage. Commissioner Hoth asked what are they going to be using this location for. Kimberly stated that it will be used to make pottery. Trenton Capp stated that he will make pottery and then take his finished products to other business to sell. In the future hopefully, they will be able to have a pottery shop at this location. Vice Chair Dideum asked Trenton if the basement is at street level. Kimberly stated that currently you have to walk up a couple of steps and then walk down a couple of steps to enter the building. They would like to eliminate that so you could just walk in. Commissioner Perkel asked who lives in the house. Kimberly stated that in order to be able to purchase the home they went in on the purchase with their cousin. Their cousins will be using it as a beach home. Commissioner Hoth asked Mr. Cupples why this area is a C2 zone when there are so many homes in it. Second they are applying for a nonconforming use and the nonconforming use would be a residence and yet they are applying to expand the home for business. Isn't there a home occupation for what they are doing now? How does all this work?

Mr. Cupples stated whenever you set out to put in established zoning you are going to have some uses that don't conform within the zone. But your anticipated need for future commercial would be recognized that is why you have non-conforming uses. It is a use that doesn't fit into the zone but in the future they

may all become motels or some other commercial business. When you set up zone you don't have 100% compliance that is why we have an Article 8. They are expanding what is really an accessory part of the house. The home is still partially residential. The Capps will be using the downstairs as a shop and the top part of the home will be a residence. That is still part of the same house. The reason they are going down this road is because if they don't want to have the situation where if they convert just the downstairs or addition into commercial, now you have a residential/commercial mixed use home. They don't want that situation. Because if they sell the house then they don't want to have this little portion of the house as a commercial and then you can't convert it back to residence. Although a residence in conjunction with a commercial use is permitted in the zone. They don't want to do that because they don't want to go that far. What they are operating under is not a home occupation. In the zoning ordinance there is another category that is a home business. With a home business you just get a business license. With a home business no one will be coming to the home. So they will be operating a home business within a residence which is allowed by definition alone. Commissioner Hoth stated if they did convert half the property to commercial and the other half to a residence then it would not be able to be converted back to residence. Mr. Cupples stated if they did it that way, they would have to come in for a conditional use permit to do the mixed use. But in Article 8 states if you commit a portion of the property over to a use that complies, they could bypass the planning commission. If they opened up the commercial use in this particular case they make the residence comply with the use in the zone and now are conforming. Mr. Cupples stated that if you are doing a home business and the neighbors don't know you are doing it. Then you are following the guidelines of a home business. If Trenton started having pots all over the property then that would change the home business because with all the pots around it would look like a commercial business. Home occupation and Home Businesses are in Article 4. 4.130. Commissioner Hoth asked if there are two parking spaces. Kimberly stated that there is a one car garage on the property and you can park in the driveway. Vice Chair Dideum stated that she would like to have the following condition attached to the final decision because this does not have the one year condition. The approval will be void if ownership of this property is transferred to a different owner prior to construction of the proposed expansion. This would not apply to the transfers to a living trust or some similar action where the ownership is essentially being retained by the Capps. If they sold the property then the non-conforming use would not transfer. Commissioner Hoth stated that he would like to make sure that they get a business license under condition number 5.

At the end of the Commissioners discussion, Vice Chair DideumS closed the public hearing and Commissioner Perkel made a motion to approve the enlargement of a non-conforming use under the guidelines that staff has presented and with the two additional requirements that Vice Chair Dideum stated and Commissioner Hoth have stated. Commissioner Carpenter seconded and the motion was carried unanimously.

C.) 14-026VRD & 14-027V is a request by **Thomas & Ruth Hooper** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten (10)** people over the age of three. The owners are also requesting a variance to the 50% front yard landscaping requirement based on pre-existing development of the site. The property is located at **2555 Sunset Blvd** 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. Tom Hooper, 14109 NW Bronson Creek Dr, Portland. They bought the property with a zero lot line about 8 years ago. Tom asked if they changed the property to an LLC would they have to re-apply. Mr. Cupples stated it will be the same owner so there would be no change in ownership which means they will not have to re-apply.

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 Dideum asked if the garage is empty and will it remain empty? Mr. Hooper stated that it is empty and will remain available for parking. Commissioner Hoth stated that when he drove by the property it had some wood out front, why would you do that? Mr. Hooper replied that is the landscaping that is required and that the third space in front of the home will not be used for parking. Mr. Hooper stated that he has a parking plan in the unit that let guests know where they can park. Aesthetically the driftwood doesn't look good. Commissioner Hoth stated that it doesn't look good and Vice Chair Dideum agreed. Commissioner Ridout stated that it looks pretty good out there, and it comes across that road on a regular basis.

Vice Chair Dideum asked if the property manager has managed other properties. Mr. Hooper stated that she does have other properties that she manages. Her son is also involved. They have also contacted another company, but his cell phone number will also be available for people to contact him in case of emergencies.

Commissioner Ridout asked about the common wall between this property and the neighbors and asked if the neighbors have a problem with it. Also how many other vacation rentals are a long Sunset? Mr. Cupples stated that there are quite a few vacation rentals on Sunset. Commissioner Ridout asked what happens at the 5 year renewal, will all these vacation rentals be brought back before the commission. Mr. Cupples stated they are not brought back before the planning commission, they will be re-inspected and brought up to the current code. The front yard landscaping was not really an issue until recently with the zero lot line townhomes. Chair Romine stated that with the townhomes the 50% front yard landscaping maybe should be changed. Commissioner Hoth stated that the owners of the property didn't do this to meet the parking requirements they bought the property this way. Even the parking specifically states in bold lettering. The current front yard landscaping and yard features with in the area should not be used to further reduced the current levels so that parking in the front yard will be limited to two spaces. It doesn't say how you need to limit it to two spaces so he doesn't have a lot of investment in saying you have to landscape it or you have to do this or that. Maybe Mr. Cupples can work it out in a different way. Maybe just a barrier or sign. Mr. Cupples stated that as long as there is a consensus with the planning commission members that it's ok to take all that out and they can detail the parking arrangements that's fine. Commissioner Hoth stated that he would prefer to see the parking out front empty than to see what is currently there. Vice Chair Dideum stated maybe if they put some benches or something to soften it would be better than the driftwood. Mr. Hooper asked if a NO PARKING sign would work. Commissioner Hoth stated the No Parking sign could work, he'll let the Planning Director work that out with the Hooper's. Mr. Hooper stated that he has owned the property for 8 years and has never had a problem with parking. The only problems he notices is the people on the beach making bon fires in the driftwood. That could be a safety concern and should be patrolled more often. Mr. Cupples stated that Mr. Hooper should call the police at 503-738-6311 and they will send someone out as soon as an officer is available.

At the end of the Commissioners discussion, Commissioner Hoth made a motion to approve the conditional use under the guidelines that staff has presented with the understanding that the parking requirements will be written that it will be limited to two spaces in front of the garage area. Commissioner Carpenter seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Ridout stated that he would like everyone to look at the agenda and it says maximum occupancy of not more than ten people over the age of three. Then you look at the first item on the agenda and it says no more than eight people over the age of three (no more than ten regardless of age). Mr. Cupples stated the over the age of three was in error on the agenda but it was corrected in the staff report. Commissioner Ridout stated he understands that. But what it brings up is that now that we have a ten person cap and children are now people. Why do we need or want to separate children? Why don't we just say it's an occupancy of eight people or ten

people? Mr. Cupples stated, over the age of three, is part of the ordinance. If you look at the ordinance 6.137 it actually talks about the occupancy and discusses how old they are. The ten count is being put in by the Building Official, and the ten cap isn't really a cap because if the owners decided to put in a sprinkler system they could go for the twelve person occupancy. Commissioner Ridout stated if you have an infant still in its mother's arms it should be counted as an independent person. Mr. Cupples stated he thinks that is why it was put in the ordinance when it was put in. Commissioner Ridout asked if that was a common thing in other cities ordinances. Mr. Cupples stated that VRD ordinances are all over the board in different jurisdictions. Commissioner Ridout asked if this was only in the vacation rental dwelling ordinance and in no other ordinances. Mr. Cupples stated that was correct, the VRD sections were amended in 2001 and that is when they wanted to address the issues with occupancies and ages in the VRD's.

Commissioner Perkel asked why is the occupancy 12 if the home has a sprinkler system. Mr. Cupples stated that you can go over the designated occupancy with the sprinkler system because it's supposed to be safer. Most people don't want to spend \$20,000 in order to gain an occupancy of two more people. Vice Chair Dideum asked what was the thinking behind the age of three? Mr. Cupples stated that she would need to ask the previous planning commission members and that they had to put a number somewhere and that's where it fell.

ADJOURNMENT: Adjourned at 8:00 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant