

MINUTES SEASIDE PLANNING COMMISSION

June 1, 2010

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, Dick Rees, Tom Horning, Chris Hoth, and Bill Carpenter, Staff Present: Glenn Taylor, Planner, 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. Dick Rees stated that he is a personal friend of the developer that was involved with the Caffall property and will excuse himself from that item on the agenda.

APPROVAL OF MINUTES: Motion to approve the May 4, 2010 minutes;
Commissioner Carpenter made a motion to approve May 4, 2010 minutes as submitted. Commissioner Dideum seconded the motion was carried unanimously.

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:

A.) 10-019VRD is a request by Ben and Kathleen Hull for a change in occupancy from 8 to 12 people. The property is currently a Four (4) bedroom Vacation Rental Dwelling with an occupancy of 8, within the Residential Medium Density (R-2) zone. The property is located at 1131 S Prom.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker Beachhouse Vacation Rentals 570 S Roosevelt. The Hulls were planning on attending but they just a baby and are unable to attend tonight's meeting. This property meets all the conditions of a 4 bedroom, three bath home. The owner of 1132 wrote in about the easement, which was discussed last time, no one has ever parked in the easement and it has never been an issue. He assumed, because they were looking for an occupancy of 12 that there would be more cars in the driveway. Ms. Barker explained to him that there will be no more than four cars in the parking area so he was fine with that, he just didn't want more cars in the parking area.

Mr. Freigang had an issue with the outside lighting a few years back. Every time the occupants turned on the outside light it would shine into Mr. Freigang's bedroom window. He mentioned that this was a problem because the light would stay on all night long. Ms. Barker spoke with the owner regarding this issue and the owners changed out the lighting fixture with a motion detector light and now it shuts off automatically and so that issue has been resolved.

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

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

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Dideum asked about the office / bedroom, what is it a bedroom or an office? Ms. Barker stated that it is a bedroom. Commissioner Dideum asked if they have enough trash cans. Commissioner Dideum has watched people in the home bring trash to the trash cans on the Prom. Ms. Barker stated that on the 4th of July the owners always have the home so they would have been the ones putting trash in the trash cans on the Prom and that really surprises her. Ms. Barker stated that the property has 3 – 32 gallon trash cans at the home. It is policy that the cleaners call their maintenance man for extra garbage pickup. Ms. Barker also stated that this is the neighborhood that has raccoons. So they are often picking up other peoples trash. Commissioner Winters stated that he has a garbage container at his shop and it is full every other week with people's household garbage. So in all fairness on the fourth of July there are bags of garbage from people having bon fires at the beach. It's a great thing that the City drives down the Prom and picks up all the extra garbage. It's better than people leaving their garbage on the beach. Commissioner Winters stated that this is a non-vacation rental issue. Commissioner Winters asked Ms. Barker how long they have had the vacation rental for 8 guests. Ms. Barker stated that they have had that occupancy for 4 years now. He also asked how many other complaints have they had on this property? Ms. Barker stated none. Chair Horning asked how long they have owned the property and Ms. Barker stated 4 years. Chair Horning asked in Ms. Barker's opinion how many cars are usually parked there. Ms. Barker stated 2 to 4 on the website it states that you can have up to 4 cars. Commissioner Hoth stated that he believes the Ms. Barker does the best that is possible when it comes to vacation rentals. His issue is that their current occupancy limit has been ten and has been holding that line. Mr. Cupples stated No, the current occupancy limit is 12. Commissioner Hoth stated that he is sorry and to disregard his comment. .

Commissioner Winter's made a motion to approve the VRD under the guidelines that staff has presented. Commissioner Carpenter seconded and the motion was carried with a 4 to 2 vote. Commissioner Dideum and Commissioner Hoth voted No.

B.). 10-020PD: An amended planned development request by Caffall Construction. The property is located at 475 8th Avenue (6 10 16DD TL: 90000) and it is zoned High Density Residential (R3). This request will authorize modification of their original Planned Development (06-065PD) approval and allow the existing 4 unit condominium development to be converted into zero lot line town homes.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. There was no response. Mr. Caffall did not attend the meeting.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Mr. Cupples stated that Mr. Caffall built these as townhomes in a planned development with zero lot lines. If you drive by the property you can tell that he does have a full development there. They can act as stand alone units. No one knew that the condo market would plummet like it did. The question now is can they be left as is or at least be converted to townhomes for marketing and selling of the individual units. In this case the condominium concept is doing nothing more than saying instead of selling a box with joint ownership of all the land. He is selling a housing unit that goes all the way to the ground in addition there is still joint ownership in some of the common areas. Mr. Cupples is not sure why the applicant is not here but he spoke with him on Thursday and Mr. Caffall said he planned on attending. Mr. Cupples will try to answer any questions.

Commissioner Dideum asked if there was any difference in marketing the property between a townhome and a condominium. Mr. Cupples stated that he checked with one of the local banks and the financing for a condo is different than that of a townhome. US Bank rep said that on a condominium project the bank goes by how many of the units are sold, therefore the first buyer is going to have some difficulty in finding financing.

Commissioner Horning asked since they are selling the units with the land beneath them does the property ownership extend out into the common areas? Because if you think about it, with condo's there is always dues associated with them, to maintain a common area for every body.

Mr. Cupples stated they could actually do that with a homeowners association or they could break it up with an interest in that. Mr. Cupples is not exactly sure how Mr. Caffall will finalize that part of it.

Commissioner Carpenter made a motion to accept this application as presented by staff. Commissioner Winters seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples said that at the last work session the discussion was on the trip generations and the triggers that will get in the TSP. The triggers that will force an overlay review are so that you wouldn't have to review every single thing. The real critical section is where it says significant number of additional trips and that is really the definitions that get put into the lower section of the form where we are talking about new development or re-development where you have a significant number of additional trips.

Chair Horning stated that this is very confusing. How do we know when enough is enough or when a threshold is not enough? Mr. Cupples stated that this threshold only means that you are going to review them under an overlay zoning review. This report is saying that if some one has a furniture store and now is going to have a coffee shop, do they have to go through that whole review or is that a change in use that doesn't generate a significant number of vehicle trips. Meaning you're not going to look at it, you will only look at it if there is an increase in parking demand. This is looking at the trip generation knowing that the peak hour trips are really critical for our highway system. Commissioner Winters stated that we should tie it to the parking requirements that are going to tell you the maximum for that store. Mr. Cupples stated take for example the Stop and Go at the North end of town, it used to be a saw shop the parking is still the same but the trip generation is way more than it was when it was the saw shop. It really isn't on how many cars are parking there its how many vehicles are coming and going from that parking lot. Commissioner Rees asked about the carwash that is supposed to go in at the north end of town that is going to generate a lot of trips. Is the Planning Commission going to have to discriminate against him and say that he will go way beyond the percentage allowable? Mr. Cupples stated that Mr. Elliott has already been reviewed by the planning commission and that ODOT has already approved his access. The interesting thing is that if he doesn't come in and get this started now and then his time goes by and comes in later and now he wants to do it. If that existing approval can't be utilized he would be generating more trips and would be reviewed under the new overlay zone. Commissioner Rees asked how long ODOT will honor the access permit. Mr. Cupples stated he didn't know. The traffic shouldn't be so high that he'll trigger the traffic impact analyses. The traffic impact analyses are 100 peak hour trips or 600 daily. If he flies under that radar then he doesn't have to do a traffic impact study but he's still going to have to go through the planning commission review process. Commissioner Rees asked how do we know how many trips could this car wash produce. Mr. Cupples stated from the mock test, this report is a trip generation model you look up car wash and it will give you a rough estimate. Chair Horning asked what is the threshold for the City of Seaside. Mr. Cupples stated that the threshold is a moving target, right now under our current transportation models and accepted practices is the volume to capacity ratio of the highway and they are basing the volume to capacity ratio at all the intersections based on the thirtieth highest hour of traffic. That is what they did, for example Broadway is actually over capacity. Mr. Cupples stated that the one thing that he is concerned about is that a single family dwelling shouldn't generate a trip test, if a duplex is added it will add a 50% increase in volume. He would rather stick to a number and stay under that number, by saying that this is a significant number versus this is an insignificant number, rather than go the percentage basis. If you have small building and it has a very small addition it could double the traffic impact analyses of more than a 10% increase when in fact did nothing to the trip generation. Commissioner Carpenter asked if this is only used for the properties bordering Highway 101. Mr. Cupples stated yes. Mr. Cupples mentioned that we currently have a landscape and access review form that helps the Planning Commission and ODOT review how a business is going to impact the ingress and egress of a particular property to the highway. With this new information we will be better able to calculate the number of car trips a business might have whether we use a percentage formula or a straight number. If we are trying to promote bike and pedestrian accesses and putting in those types of facilities you will get more people who will not be driving as much. They will walk and bike there and that will increased overtime, but we have to have the facilities available for people to do that. So with new buildings we need to make sure that they have those pedestrian facilities available. Mr. Cupples would like to work the percentage in but we need to figure out when it's going to be the better trigger than the straight number. Commissioner Winters stated that with the percentage way it seems to be more complicated than the number calculation way. If Safeway came in and said that they wanted to add 1000 square feet more to their building, which would not be a 10% increase in their parking. So that wouldn't be looked at. For a shopping center that added 1000 sq. ft. you would generate 42.94 additional trips and you would have a peak hour of 3.37. This is going in as a draft to the TSP. The planning commission still needs to send this to the City Council for approval. But we need to pick the numbers that we would like to set for trip generation. If we pick 5 and 30 we could change it once we have some more data to backup that decision. The Commissioners agreed that the 5 and 30 are the numbers that they will use.

COMMENTS FROM THE PUBLIC: Erin Barker wanted people to be aware of the carbon monoxide detectors are now a requirement in permanent residential rentals. It is something that the planning commission should think about requiring in all vacation rentals in the future. Chair Horning asked if this is requirement by the state and should this now be a requirement for all vacation rentals. Commissioner Carpenter stated that this is a house bill and the rules take effect on July 1st and deadlines are October 1st and then the permanent rule is in effect on December 1st. Erin stated that this is in process, ORS. Chapter 90. Erin stated its cheap insurance and is obviously very important. Commissioner Winters stated that he would like to have this tabled and to have more time to do some research.

COMMENTS FROM COMMISSION/STAFF: Chair Horning stated that he went to Port Townsend and they have a lighting ordinance and he would like the City of Seaside to have one too. Also the metal fabrication building on the North end of town still has not shielded their lights and it time to start fining them after 2 weeks. Mr. Cupples stated that he agrees and the owner of C.R.M will be placing shields over the lights at the Stop N Go and he is checking into getting the lights done on his building.

ADJOURNMENT: Adjourned at 8:30 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant