

# MINUTES SEASIDE PLANNING COMMISSION

## February 6, 2018

**CALL TO ORDER:** Chair Chris Hoth called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

### PLEDGE OF ALLEGIANCE

**ATTENDANCE:** Commissioners present: Chair Chris Hoth, Vice Chair David Posalski, Bill Carpenter, Teri Carpenter, Ray Romine, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

**OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT:** Chair Hoth 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 Hoth then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. Commissioner Teri Carpenter stated that she didn't have time to review the two vacation rental properties.

**APPROVAL OF MINUTES:** January 2, 2018;

Commissioner Bill Carpenter made a motion to approve the minutes as written. Commissioner Neubecker seconded. The motion was carried unanimously.

### AGENDA:

#### PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Hoth:

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.) 117-069VRD** is a conditional use request by **Jenny Rebecca Weaver** 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 property is located at **446 15<sup>th</sup> Avenue (6 10 16DA TL 6600)** 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 Hoth asked if there was anyone who would like to offer testimony in favor of the request. Jenny Weaver 446 15<sup>th</sup> Avenue, Seaside. Ms. Weaver works in the hospitality industry and loves hosting people so this would work great.

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

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

Chair Hoth indicated the issue was opened for Commission discussion. Commissioner Bill Carpenter asked where will she be when the home is rented? Ms. Weaver stated that she has family in the area and is an avid camper and she would always be in the states. Commissioner Bill Carpenter stated that she would need to be nearby to respond to issues that might come up. Ms. Weaver said define nearby. Commissioner Bill Carpenter stated that she would need to be in Clatsop County. Ms. Weaver stated that she could do that. Commissioner Bill Carpenter stated that the phone is not a local number and we need a local phone number for people to contact her and that means not dialing a one. Ms. Weaver

stated that she is going under the assumption that most people have cell phones and calling on a cell phone is not a long distance call. Commissioner Ridout asked if her cell phone was a local call? Ms. Weaver stated that she has a 971 number and that is a local number. Commissioner Ridout stated that the commission wants to make it easy for people to get a hold of her if there were any issues. Commissioner Teri Carpenter stated that most cell phones are not long distance calls within the US. Chair Hoth stated that she not only needs a local number but her local contact needs to be available if there are any issues with the renters. Commissioner Ridout asked if there were any concern regarding undersized lots. Mr. Cupples stated that he has a concern with creating undersized lots but not lots that are currently undersized. In the past it hasn't been an issue. There was a VRD in that area where they asked for a variance and that one Commissioner Romine had some concerns because it was an undersized lot and it was a parking variance. Chair Hoth asked about the furniture in the carport and stated that would have to be removed. Ms. Weaver stated yes that would be removed for guest parking.

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

**B.) 17-082VRD** is a conditional use request by **Robert Delker** 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 property is located at **305 17<sup>th</sup> Avenue (6 10 16AD TL 1200)** 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 Hoth asked if there was anyone who would like to offer testimony in favor of the request. Rob Delker 305 17<sup>th</sup> Ave, Seaside. Mr. Delker wants this to use for himself but also rent it out as a vacation rental. Mr. Delker has a local contact who lives in Arch Cape that lives there and has a local number.

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

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

Chair Hoth indicated the issue was opened for Commission discussion. There was no response.

Chair Hoth closed the public hearing and Vice Chair Posalski made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Bill Carpenter seconded and the motion was carried unanimously.

### **C.) Continuance:**

**17-054SUB:** A subdivision request by Nordoff Pacific Capitol, LLC. The subject property is located at the northwest corner of Wahanna Road and Avenue S (T6, R10, S22C, TL# 800 & 801) and it is zoned Medium Density Residential (R2) and Aquatic Natural (A1). The applicant altered the proposed plat and is now seeking a tentative plat approval for a two phase residential subdivision that would ultimately create 59 lots.

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

Staff has reviewed the changes that were made to the phasing, the number of lots and the lot configurations. The applicant has included the following:

1. Bike Lane: The owner has noted a bike lane on one side of the streets that would run from the intersection of Cooper & Wahanna all the way through to the south entrance at Cooper and Avenue S. As suggested by the applicant, a temporary bike lane (gray line) would be provided on the westerly and northerly side of the roadway that leads through the partially completed portion of Phase 2. Once the housing and sidewalks are developed in Phase 1, use of that bike lane would be abandoned and the 6' wide bike lane (green line) would be striped along the southerly and easterly boundary of the roads in Phase 1. No parking would be allowed on the bike lane side of the street. Shown on Sheet 1 of 3.

2. Alternative Drainage: The drainage from Phase 1 that flows under Avenue S via a culvert in the vicinity of lot 7 would be rerouted down Avenue S and tied into their storm system near the Cooper Access. Shown on Sheet 3 of 3.
3. Restricting Direct Access to Wahanna Road & Avenue S: Although the applicant has noted restricted access for lots 6-22 by adding note G, those numbers refer to a prior lot configuration; therefore, it would be revised to reference lots 2-17. Shown on Sheet 2 of 3.
4. Sidewalk Construction for Bus Stop: Site plan not H addresses the construction of sidewalk on Avenue S along lot 18. Shown on Sheet 2 of 3.
5. Reconfiguration of Phases: The lots along the west side of Cooper have been added into Phase 2 to limit potential conflicts with pedestrian and bike traffic being routed around Phase 1 during housing construction. Shown on Sheet 1 of 3.
6. Wider Street Right of Way Replacing Alley: The 40' wide street right of way (sidewalks, 6' bike lane, & 24' travel lane) will connect Benjamin Court to Cooper Street & Avenue S. This is only shown on Sheet 1 of 3; however, an amended plat would need to show the revised street on all sheets and remove the right angle corner at the northwest corner of lot 5. Shown on Sheet 1 of 3.

Based on these changes, staff believes the preliminary plat could be supported by the Commission, subject to the preparation and adoption of the additional findings and conditions. The could be prepared for the Commission's adoption at their meeting on February 20<sup>th</sup>, 2018

Chair Hoth asked if there was anyone who would like to offer testimony in favor of the request. Jim Brien, 766 Avenue S, Seaside. Mr. Brien stated if this subdivision wasn't pre-existing he would oppose this. It started in 2006 and then in 2008 the bottom fell out of the market and everything went to crap. It was tentatively approved but the owner didn't move forward. In his opinion being as this was preexisting it shouldn't even be here. This should be a staff decision. The traffic is horrible now and he can't imagine what it's going to be like when the new school is built. The developer has a lot of corrections to make before the project can start. Mr. Brien will be on site this time to make sure that everything is done properly. A lot of people think that the developer should fix all the traffic issues on the Highway and Avenue S. That is something that should be done by experienced planners and engineers. There should be bonds to cover that.

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

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Mary Kemhus, 86183 S Wahanna, Seaside. Ms. Kemhus is not necessarily opposed to this but she does have a couple of questions. This construction will be taking place the same time as the construction of the school and she does know that as the pedestrians come down the south side of Avenue S traffic goes really fast around that blind corner and we need to figure out a way to slow down the traffic. Ms. Kemhus knows there is a housing shortage in the area and in Seaside. These will not be affordable housing units.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Bill Barnes, 2070 Cooper Street, Seaside. Mr. Barnes stated that there is something that is being missed in a lot of these developments and that is green space. There is no green space on that side of town. If people have preschool kids or younger they can't take them up to the school to play because school is going on. If we want the livability for families on the east side of the highway we need more green space. Mr. Barnes used to live on Beach Drive and was inundated with vacation rentals. It would be really nice to have a neighborhood that is actually a neighborhood. Parks and green space is very important, a certain percentage of all developments should have green space. This is a small development but he would still like to see some green space. In Gearhart up at the Reserve they have 2 or three small parks for families. He doesn't know if we can take some of the system development fees from inside this development and make a park. It would be nice to have something for the families moving into that area to do. We have first responders here that can't find housing and we want their kids in our school district.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Nancy Homes, Cooper Street, Seaside. Ms. Homes is very concerned with all the traffic. She is pleased that someone here tonight is interested in more green space. She was just elected Chair of the Parks Advisory Committee. They look after the cities park. As the UGB goes forward they are interested in creating more green space.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Sandra Gee, 1700 Cooper St. Ms. Gee stated that unless she is reading this wrong, part of the temporary bike lane is still in phase one. That is not safe. That did not help the problem for getting people out of the construction area. She congratulated them on some of the changes like the bus stop at lot 18. She is still concerned about people going through there.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Kemy Kay Kemhus, 1920 Huckleberry Drive, Seaside. Ms. Kemhus's concern is still the transportation of all the cars that are going to be on Wahanna Rd and Avenue S. Just with this development there will be more than 472 cars on that road. Most kids going to school will drive or have their parents take them. When she sees the buses go by they are empty maybe they have at most 2 or 3 kids on them. There will be about 5000 cars on this road a day. Also turning left onto the Highway from Avenue S, she calls that a suicide lane. She goes all the way down to Broadway just to avoid entering the highway there. There used to be a small farm right where the Hospital is and you can make a road straight up through there, or you can make a road from Lewis and Clark Road.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Linda Johnson, 2998 Pine Ct, Gearhart. Ms. Johnson is concerned with the traffic along Wahanna and Avenue S. She uses Wahanna in the summer time to avoid the traffic on Highway 101. When pulling out on the Highway from Avenue S it is a suicide lane, she doesn't know what the city will do with all the new cars that will be travelling there. It's very dangerous. The commission really needs to consider an alternate road.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Maria Pincetich, 86273 S Wahanna, Seaside. First of all should like to thank the commission taking a very holistic approach to this particular issue. There has been a lot of discussion about the traffic and obviously they are interdependent and you can't make one decision without it impacting the other. Lot 45 is not on the plat map. Mr. Jim Brien stated that it will not be a part of the development. Mr. Cupples stated that it is part of the development but not in phase one or phase two.

Chair Hoth asked if there was anyone who would like to offer testimony in opposition. Matthew Brien, 766 Avenue S, Seaside. Mr. Matthew Brien stated the he would like to respond to the comments that the last two women talked about. Chair Hoth stated to Mr. Matt Brien then you are offering a rebuttal and are not in opposition? Mr. Matthew Brien stated yes he would like offer a rebuttal. In response to one of the ladies and the bike lane in phase one, yes it is in phase one but it is against phase two lots. They are trying to do everything that the commission has requested. Kathleen Barnes asked if there was a time when this would start. Mr. Jim Brien stated that they need to do the repairs and then can start building. Also this will not be low income housing. There will be people who want to move closer to the schools and this will be a great location for that. When this subdivision went through the first time and if he was on the planning commission he would have had the developer put 2 lots as open space, not now but back in the beginning. Wahanna Road is a bypass whether we like it or not. Commissioner Bill Carpenter would like to see the blue lined moved along lot 19 and 20 with that being moved it makes the bike path go all the way through phase 2. Vice Chair Posalski stated that his concern about where that line is, is as it relates to lot 18 which looks like it is phase 1. It should be developed within phase one for the bus stop and the pedestrian pathway. Commissioner Romine stated that we don't live in a community where 30 houses are going to be built during the first year. Therefore the obstruction for the construction traffic will be minimal. Maybe 4 homes being built at the same time, at most. The current plan works. In his opinion this is a good plan. Commissioner Neubecker asked Mr. Brien do you feel there will be any construction problems with the construction of the sidewalk on lot 18 in the bike lane. Mr. Brien stated no, he is going to be there through the whole process. Vice Chair Posalski stated that along lots 1-6 he doesn't see sidewalks. Mr. Cupples stated that it is only showing the completion of sidewalks on one sheet and there will be sidewalks there and also there will be sidewalks along lots 51 and 52. Commissioner Bill Carpenter asked what is the function of the easement between lots 9 and 10? Mr. Cupples stated that is good questions. Mr. Jim Brien stated that was for the sewer easement to lot 45 that is no longer part of this development. Commissioner Neubecker asked if lot 45 isn't going to be part of the development can that lot be used as green space? Mr. Brien stated at this time they just want leave it as it is.

Chair Hoth indicated the issue was opened for Commission discussion. Commissioner Ridout stated that for him he has not given up the need for a sidewalk along Wahanna Road. Going through the development is a nice shortcut but there is still a need for a sidewalk along Wahanna Road and Avenue S. Some want to wait until the Urban Development funds come in but that could be a long time and it should be done now. Commissioner Romine stated that they have provided an easement for the sidewalk to go in. Commissioner Ridout stated that it is normal for sidewalks to be put in by the developer, it's unusual for them not to go in. Chair Hoth stated that it is usual for sidewalks to go in front of your home. It is unusual for a sidewalk to go in front and then in the back too. Commissioner Ridout

stated that if you have a corner lot you are required to put in a sidewalk on both sides. That's normal. He is not willing to give up on it. Vice Chair Posalski stated that if there was nothing in the near future that would impact this he would agree with Commissioner Ridout, but the school is coming in and so will the Urban Renewal funds.

Commissioner Bill Carpenter stated that tomorrow evening at 6pm there will be a discussion establishing priorities 1, 2, and 3 for any projects. Please come and participate. This area will be talked about. Commissioner Romine stated that his position is that they have addressed the needs from his point of view that staff has recommended. Commissioner Bill Carpenter asked if they approved this tonight would the planning commission be able to see the revised plans and would they have any input. Mr. Cupples stated that what he would suggest, is if the planning commission wants to direct staff to right a final order up and then during the next work session which will actually be a public hearing you can review a final order at that time. If a majority want to approve it, then you can approve pending preparation of an appropriate final order that would provide justification for the subdivision and included all the conditions necessary. He could ask the applicant to prepare a final plat but he's not sure if they have enough time. The essence of what is needed is in the current plat.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Posalski made a motion to approve the subdivision under the guidelines that staff has presented. Commissioner Romine seconded and the motion was carried. Commissioner Ridout voted No. Commissioner Romine asked if the 120 day count has started yet. Mr. Cupples stated that the 120 days starts today.

**ORDINANCE ADMINISTRATION:** Mr. Cupples wanted the commissioners know that we did get the schools submittal packet. It will be at the March 6<sup>th</sup>, 2018 meeting.

**COMMENTS FROM THE PUBLIC:** None

**COMMENTS FROM COMMISSION/STAFF:** Commissioner Nuebecker will not be here on the March 6<sup>th</sup> meeting.

Commissioner Romine stated that a lot of cities have imposed green space requirements on developments. How does Seaside do that? Maybe at a work session we can discuss this. Mr. Cupples stated that system development fees are \$9,454.11 and part of that is a parks fee. Mr. Cupples stated that part of the mill ponds was paid for by the system development fees.

Commissioner Bill Carpenter asked about tiny homes and can they be used as an accessory dwelling. Mr. Cupples stated that tiny homes are built on a flatbed trailer under our code or ordinance they cannot be used as an accessory dwelling. If they took that home and built it to building code standards and was certified then it could be.

Commissioner Teri Carpenter stated that it seems a lot of people have questions regarding traffic and that is something that the planning commission really doesn't deal with. Mr. Cupples stated that you can direct people to the transportation improvement commission which is held on the 3<sup>rd</sup> Thursday of each month at 6pm City Hall.

**ADJOURNMENT:** Adjourned at 8:17 pm.

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Chris Hoth, Chairperson

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Debbie Kenyon, Admin. Assistant