

MINUTES SEASIDE PLANNING COMMISSION
May 1, 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, Lou Neubecker, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent:

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. There was no response.

APPROVAL OF MINUTES: April 17, 2018; Minutes adopted as written.

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. **18-029TU:** A temporary use request by O'Brien Construction Company, Jason Stegner, to allow the placement of (2) 28' X 35' foot trailers on the west side of the building. These will be used for meeting space for the conference attendees until approximately 1-1-19. Following this date the staff will use the trailers for office space until the summer of 2019. The property at is located at 415 1st Avenue (T6-R10-S21AB-TL12400) and the property is zoned Resort Commercial (C-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. Russ Vandenberg, 2184 Skyline Dr. Seaside. This will be a supplementary meeting space for the convention center during construction for the first 6 months then it will be temporary office space.

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.

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

- B. **18-030CU**: A conditional use request by Neal Walsh. The subject property is located at 120 Ave N (T6 R10 21DB TL: 17501). The property is zoned Medium Density Residential (R2) and the request will allow replacement of a non-conforming structure that more closely meets the development standards in the zone.

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. Melissa Walsh, 32095 SW Willamette, Wilsonville. This is a small vacation home that has been in her husband's family since 1976. They planned to do this ten years ago but financially couldn't do it at that time and are now ready to move forward with the project.

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. Chair Hoth stated that this looks like it will bring the property more into compliance with the height, lot coverage and the parking. The only thing that they are asking for is the setbacks. Mr. Cupples stated yes that is correct and they are actually improving their compliance with the setbacks. The main thing we are concerned about is meeting the parking demand. Commissioner Ridout asked if this is identical or similar to what was submitted 10 years ago. Mr. Cupples stated that it is identical.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Bill 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.

- C. **18-031VRD** is a conditional use request by **Jason Jacobucci** 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 **129 10th Avenue (6 10 16DC TL 900)** and it is zoned **High Density Residential (R-3)**.

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. Jason Jacobucci, 15275 SW Kimberly Ct., Oregon City. They purchased this home as a retirement home and are not planning on moving right away and they would like the home to be used as a vacation rental so it is not sitting empty all the time. When they retire it will be their main home.

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. Chair Hoth stated that his only concern was the paved front yard and that has been there all along. Mr. Cupples stated that they are planning on blocking a portion of that off so it will not be all parking. This was a vacation rental before the parking was a requirement and that is when they paved the whole parking area. Commissioner Ridout asked if the property directly west of that is Resort Residential. Mr. Cupples stated that this property is right on the edge of Resort Residential.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Ridout 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.

- D. **18-032VRD** is a conditional use request by **Mikiko Hoff** 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 **1460 S Columbia (6 10 21CD TL 300)** 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. Mikiko Hoff, 6475 SW Chelsea Place, Portland, OR. This home used to belong to her husband's family that moved to Central Oregon and is vacant now and would like to have it as a vacation rental.

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. Chair Hoth stated the only problem with this one is the stacked parking. Commissioner Ridout agrees, he doesn't like the stacked parking for vacation rentals, it looks like in front of this property they have been parking side by side and they still have adequate room for the required landscaping. Mr. Cupples stated that on the Google Earth images you can see where they have been parking side by side in the driveway. If the commission would like for Mr. Cupples to put a condition on the property that they have pavement where two cars can park side by side he can do that. Commissioner Romine stated right now they have a driveway that is 12 feet wide and they would only need to add 6 more feet to that width to get the two side by side parking spaces. Chair Hoth stated that the stacked parking is an issue for him because it's a straight thru street and people go really fast. For him it's an occupancy of 6 if they have the stacked parking or 9 if they add to the driveway so they can park two cars side by side. Commissioner Romine asked if the applicant had a problem with making the driveway 18 feet wide at the street. Mr. Hoff stated that would be fine and that is what they were thinking about doing anyway.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Romine made a motion to approve the conditional use with widened side by side parking spaces closest to the road. Commissioner Neubecker seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that he sent the notice to the DLCD regarding the ADU's he didn't have time to include the parking provisions so that will be in a separate ordinance amendment. The provision that was put in on saying how large the ADU could be if it was incorporated into the home or attached was based on the lot size being no more than 10% of the lot, regardless of how large the lot was it could not be larger than 800 square feet. What that doesn't say is how large the detached one could be and the detached one would still have a limit because you can't have a detached accessory unit more than 1000 sq. ft. If you want to set a standard that no ADU can be more than 10% of the lot size or a maximum of 800 sq. ft. there is a little change in what was reviewed last night. Chair Hoth asked how many lots are large enough to produce something that would go over those numbers and still conform with lot coverage requirements. Mr. Cupples stated that there are probably quite a few. Commissioner Romine stated that in the R1 zone the minimum lot size is 10,000 sq. ft. Vice Chair Posalski asked what is the concern with having the ADU within the structure having it at a higher square footage. The thought he has is a two story home that is 2000 square feet and you have a 1000 square feet on the lower level and 1000 square feet upstairs splitting that into an ADU. Mr. Cupples stated the reason he put that in, he was trying to capture the fact that in an R2 zone if you have 50 x 100 lot you are allowed one dwelling unit, this allows a whole additional dwelling unit, do you want to put sideboards on that and say no you can't have two huge houses. In this case it's saying that you can have one small house and whatever the house is you can keep that. Vice Chair Posalski stated that in an existing building he doesn't see what limiting the size of the ADU does because it's not taking up any more of the lot. Mr. Cupples stated that is right, but now the home will accommodate a smaller family. Mr. Cupples stated that if you have two 1000 square foot homes on a 50 x 100 lot that is two three bedroom homes on a small lot. You are creating a duplex on small lot. If you have a three bedroom home and a one bedroom home then that is a small step and conservative and it is conservative for a cause. Commissioner Ridout stated when this started out as 800 square foot versus 1000 square feet, what is the largest that we would allow. Mr. Cupples stated right now in the ordinance it stated that an accessory structure cannot exceed 1000 sq. ft. without planning commission approval. So if someone has a standard double car garage it is going to run around 400 sq. ft. if they want to add an ADU above it they could have that. If they already have the 400 sq. foot garage and they wanted to build an ADU next to it the maximum allowed would be 600 sq. ft. because the ordinance states they can only have 1000 sq. ft. of accessory buildings. Commissioner Romine stated there is a need for three bedroom homes, but two bedroom rentals fit nicely in 800 sq. ft., 1000 sq. ft. is small for a three bedroom but it is doable.

The question is what is our goal? Vice Chair Posalski stated that he has lived in a few homes where the basement is living space and everything above was the home owner's living space. If a home is 2500 sq. ft. and 1250 sq. ft. is basement and the next floor is 1250 sq. ft. and we put this limit of 1000 sq. ft. are they going to have to block off that additional 250 sq. ft. to comply with this requirement? He is with the opinion that if it is within the existing footprint of the home it shouldn't have a square footage limitation. Mr. Cupples stated that it wouldn't be that difficult to put that in the ordinance. It could say as of this date if the ADU is within the confines of the envelope of that building at the time this ordinance passes and it has unlimited space it could be allowed. Some ordinances have done that. Commissioner Ridout stated that essentially we're saying that any home could be turned into a duplex. Mr. Cupples stated that would be the case, he wrote in the draft ordinance how big that additional dwelling unit could be. Commissioner Ridout asked why? Mr. Cupples stated that if he lived in a subdivision with 50 x 100 lots and there was only going to be 1 home per lot and then the city says that every one of those lots can have a full blown duplex with double the density. People who brought the properties didn't think that the area would double in density. Commissioner Ridout stated isn't that the whole purpose that the state wanted to get passed to get more density for more housing. Mr. Cupples stated yes, he agrees with the state wanting to do it but if you are going to allow every 2000 sq. ft. home to be a duplex then why are we going to require only one parking space instead of the two that is required now. Mr. Cupples stated that with any ADU you only need 1 additional parking space that you can access independently. Chair Hoth stated that the requirements are the same and why put a limit on the size of the ADU. Mr. Cupples stated that people are used to having an R2 zone that allows a dwelling on a 50 X 100 lot, he doesn't think that it's right to say if they have a 50 X 100 lot that they can put a giant duplex on it. If there is no limitation on it that's what they can do. They can take their 3000 sq. ft. home and turn it into two a duplex with each side having 1500 sq. ft. That is not what the ordinance was designed to do. Chair Hoth asked if Mr. Cupples thought if that would increase the density more quickly because a larger family could live a 1500 sq. ft. home. Mr. Cupples stated that a smaller home usually means a smaller family. Commissioner Bill Carpenter stated that we should go along with the concept of stricter restrictions we could always relax them later. Vice Chair Posalski asked if there was a way of making people get a conditional use if they want to build a larger ADU. Mr. Cupples stated yes that is possible, the planning commission could say that any larger ADU would be subject to conditional use. Commissioner Ridout stated that all we are doing at this point is getting ideas that will go to a public hearing. Mr. Cupples stated that is correct on the June 5th meeting we will be discussing the ADU's. Vice Chair Posalski stated we have these large VRD's and he could see where there are able to split it into two different decent size rentals it changes the calculus of whether a vacation rental makes sense or a having a long term rental makes more sense. Commissioner Ridout stated that we should be looking to expand up the hill and out of the tsunami zone and we shouldn't be intensifying our population down in the tsunami zone and what is going to happen to the school property. Mr. Cupples stated that the state would object to any up-zoning of the property that would increase the dwelling unit density on it and so we have just increased the dwelling unit density within the tsunami zone. Commissioner Ridout stated that would be a good argument that we are an exception to this new rule of ADU's, of the city allowing a lot of little homes with a lot of people in the tsunami inundation zone. Vice Chair Posalski stated that we should put a limitation that the ADU's cannot be in an inundation zone and see what the state says about that. Mr. Cupples stated that probably would not pass. Chair Hoth stated that the stage we are at right now we could put a lot of restrictions on there and then fix it later. We should be conservative now so that we don't have to take things away later. Mr. Cupples stated that if the City of Seaside put a provision that said that and they backed it with a finding that would violate Goal 7, there is a possibility that says you could only do it above the tsunami inundation zone because if someone tried to challenge it would could go back to the state goal and say No this is a violation of a state wide planning goal and they are trying to make us do something that is against goal 7 in one thing they are saying you can't do that and then in another they say go ahead and do it. That is a possibility, but you would have to use other state wide planning goals to do it. Mr. Cupples stated he would not recommend it but he understands it. Commissioner Romine stated that the building codes are way stricter than they were and the new structures would be built better than the home that is currently there.

Mr. Cupples stated that the aquarium is interested in putting a cooler box on the Sopko's industrial property. In the industrial zone you are required to set industrial buildings back from property that faces a residential zone and since there is a residential zone right across the street they would have to set that structure back and buffer it. In the M1 zone it says, Buffer Area: If a use in the zone abuts or faces a residential or commercial zone, then such use shall be set back at least 50 feet on the side abutting or facing the adjacent zone in order to provide a buffer area. Screening, landscaping, or other conditions necessary to preserve the character of the adjacent zone shall be provided and maintained. Mr. Cupples stated that normally setbacks are measured from a property line. None of Sopko's buildings are set back 50 from the property line and if you set this building back 50 feet it will be set back significantly from where the front property line is. He could for the purposes of siting this building he could include the width of the street and part of the setback and put some type of screening around that building. So does he need to be 50 feet back from the front property line or 50 feet back from where you have the residential developed zone? Commissioner Ridout asked if we are just talking about a freezer box

then why can't it be put somewhere else on the property. Mr. Cupples stated that is where Sopko wanted the structure to go. Commissioner Bill Carpenter stated that across the street is a residential zone but they are not residential buildings. Commissioner Ridout stated that he can put it back further on the property. Commissioner Romine stated that the only issue would be a noise factor and that could be screened. Mr. Cupples stated that he told Keith that if the compressor is facing the residential neighborhood (North) that could be a problem. But if he faces the compressor to the south and the doors on that end it will look like a cargo box. Vice Chair Posalski asked if this was set back 16.5 feet from the street and it is at least 50 any other structure. Mr. Cupples stated so far he has from Commissioner Bill Carpenter and Commissioner Lou Neubecker that they would give them latitude because it's not actually facing a residence, Commissioner Ridout saying move it back 50 feet because there is lots of room there, Vice Chair Posalski and Commissioner Teri Carpenter is concerned about the noise, Commissioner Romine stated there is lots of room move it back, and before we put a lot of work into this just ask them to move it. Chair Hoth has a conflict of interest and doesn't want to comment.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:00 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant