

MINUTES SEASIDE PLANNING COMMISSION

June 5, 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, Lou Neubecker, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Absent: Ray Romine

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. Chair Hoth stated that he was an employee of Providence Hospital but that was some time ago and doesn't feel that there will be an issue.

APPROVAL OF MINUTES: May 1, 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. **18-038VRD** is a conditional use request by **William & Marie Moore** 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 property is located at **1655 N Franklin (6-10-16AD-TL 500)** 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. William Moore owner of 1655 N Franklin. The inspection has been done and they are correcting any issues that Mr. Cupples found. They are not sure about the paving they have a gravel road that goes to their property and are not sure on how the planning commission wishes to deal with that. Chair Hoth asked if this was a second home for them and Mr. Moore stated yes.

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 Ridout stated that the neighbors' properties have pavement in their driveways and paving the driveway doesn't seem to be an issue. Chair Hoth stated the major issue with him is the 50% landscaping and the back yard is all parking. Mr. Cupples stated the applicant has a solution for that and have added landscaping. This property is a corner lot so there setbacks help with the landscape

requirements. Commissioner Bill Carpenter has an issue with the local contact number is out of Great Falls Montana. Mrs. Moore stated that she will have one soon. Mr. Cupples stated that is one of the conditions of approval.

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 Neubecker seconded and the motion was carried unanimously.

- B. **18-040CU**: A conditional use request by Providence Seaside Hospital. The subject property is located at 725 S Wahanna Rd. (T6-R10-22CA-TL2200) and it is zoned Low Density Residential (R1). This request will allow replacement of the static mounted MRI trailer on the west side of the hospital with a prefabricated MRI building on the east side of the hospital.

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. Tony Fenning, with PKA Architects out of Portland. Mr. Fenning stated that the hospital needs to update the MRI trailer with a new updated facility.

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 Carpenters stated that he will appreciate not going outside to get an MRI. Chair Hoth asked if this will be on a foundation. Mr. Fenning stated that it will be on a foundation.

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 Neubecker seconded and the motion was carried unanimously.

- C. **18-041VRD** is a conditional use request by **Reid Schooler** 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 **1210 Beach Drive (6 10 21DB TL 15701)** 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. Reid Schooler, lives in Tualatin. He purchased this home from his aunt and plans on coming here for many years. Mr. Schooler had the inspection done today and there were some issues that he will be taking care of. He will also address the local phone number, but going forward he would like to make a motion that the commission changes the rule on having a local number. We are in 2018 and most people have cell phones not a lot of people have landlines.

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. Mr. Cupples stated that at the time the report was written the inspection had not been done, but it was done today. If you are going to adopt the conditions in the staff report to reflect that update just cross out the word not. Chair Hoth stated that he would like to address the local phone number issue. At the time the policy was made he's not sure if they were concerned with the fact that if it was a different area code that person may not have been local. Chair Hoth stated that if they can demonstrate they have a local residence then the phone number really isn't an issue. Particularly in this case with the 503 area code. Commissioner Ridout asked what's the difficulty of someone getting a local cell phone number? We don't care whether they install a landline somewhere, we care about people having the convenience of calling a local number. Chair Hoth stated that if that is a condition he wants to enforce then we sure can do that. Commissioner Ridout stated that he doesn't see a reason not to. It's the cost of doing business and he

doesn't see it being too difficult to change the number to a 717 number or any other local number. Mr. Cupples stated that in this day and age people get cell phones and they don't want to change their number ever. He knows lots of people who used to live in different states and never have changed their number. For example the former RARE participants have never changed their numbers and for a time they were local but didn't have a local number. Commissioner Teri Carpenter stated that she has been here for 7 years and has a Washington cellphone number. Commissioner Ridout stated that we are talking about a business in our city and he thinks they should have a local number, they can easily change the number to a local number. Mr. Schooler stated that he doesn't think that there is anyone more integral in the community than the wife of the Principal of the high school. If she's not part of the community than you need to look in the mirror. Commissioner Ridout stated that Mr. Schooler missed the point entirely. Commissioner Neubecker stated that when Debbie has to call a local contact she has to use a city landline and that is what we are talking about. Mr. Schooler asked if it's the fee the commissioners are worried about because he had to pay a \$700 application fee to do this and he has to pay taxes. Commissioner Neubecker stated no, Debbie would have to call a long distance number and there should be a local number for her to call so it doesn't cost the city money to call Mr. Schooler's local contact and that is what Commissioner Ridout was saying. Mr. Schooler stated the even one of the commissioners has a long distance phone number. Chair Hoth stated that he's going to have to stop this now and continue on with the commissioner's discussion. If we need more information they will ask for more input. Vice Chair Posalski asked how long has this been a rule? Commissioner Bill Carpenter stated that it has been his objection ever since he's been on the commission. His whole reason or concept is, if we have businesses in our town that don't have a local number, he feel that should be a cost of the business to have a local number. Vice Chair Posalski stated maybe that was the case a long time ago but most cellphone calls are not long distance or toll calls. Mr. Cupples stated that it is not a hard written rule that they have a local number, but living within Clatsop County is a requirement. Chair Hoth stated he doesn't really care what the phone number is he wants them to be in close proximity to the property so when there is a problem they can be here quickly and resolve the issue. Mr. Cupples stated that is one of the hard written rules. Chair Hoth asked if the parking was 2 in the garage and one in the driveway. Mr. Cupples stated that is was one in the garage and 2 in the driveway. He didn't think there was sufficient room but he measured it today and there is room. Chair Hoth stated that it may measure out but it is extremely difficult to get into that driveway. Mr. Cupples stated that the applicant has said that he will expand the pad to the west and there is room to do that. Chair Hoth said that would be a requirement for him. Mr. Schooler said that he would rather not have it as a requirement, he meets the requirement as it is.

At the end of the Commissioners discussion, Chair Hoth closed the public hearing and Commissioner Teri Carpenter made a motion to continue this agenda item to the next planning commission meeting so that she can go and see the property. Commissioner Neubecker seconded the motion Commissioner Hoth asked all in favor, Commissioner Bill Carpenter, Commissioner Teri Carpenter, Commissioner Ridout, Commissioner Neubecker, Vice Chair Posalski, voted yes, Chair Hoth voted no and the motion was carried to continue this to the next meeting.

Mr. Cupples stated that the next meeting is scheduled for July 3, here in the council chambers.

Commissioner Ridout asked if we were really going to have a meeting the night before the Fourth of July, Mr. Cupples stated yes, he had a city council meeting on Memorial Day and he was here. He also stated that if you want to continue this to the June 19th planning commission work session. Everyone agreed that June 19th worked best so this agenda item will be continued on June 19th here in the council chambers at 7pm and it will be a public hearing not a work session.

- D. **18-042ZCA** ADU's – A proposed ordinance amendment by the City of Seaside to allow accessory dwelling units (ADUs) within all residential zones that permit detached single family dwellings. In addition to adding the use to each residential zone, the amendment will also establish a definition for the use and create development provision applicable to the newly established accessory use. The Planning Commission will hear testimony concerning the proposed amendments and ultimately make a recommendation to the City Council.

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. Max Ritchie, 684 10th Avenue, Gearhart. He manages several properties in Clatsop County and the county is in a housing crisis. He recently rented a 750 sq. ft. and the first day got nearly a dozen phone calls. He believes the preliminary sizing model which is sized at 10% of the lot is to conservative to adequately

house some of the demographics the he hears from. We are at a crossroads right now and have an opportunity to solve part of the housing crisis. He wants to encourage you to follow the lead of other municipalities on how they size their ADU's. Portland and Salem allow the ADU's to be sized at 75% of the main dwelling. Lincoln City and Beaverton allow them to be sized at 50% of the main dwelling. Capping out at around 800 sq. ft. Tillamook is a little less stringent on the size just saying that they should not be any larger than the primary dwelling. He feels that it should be 50% of the main dwelling and capping out at around 750 sq. ft.

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

Chair R 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 the size has merit but he is not sure that a percentage on size is necessary just a cap on the maximum size. The lot size and lot coverage should take care of that. Mr. Cupples stated that he agrees with Max that a larger size would provide a broader range of rentals, but the building official feels that it should be capped at 500 sq. ft. Bob the Building Official stated to Mr. Cupples that these are supposed to be small accessory dwelling units and not primary residences. Mr. Cupples stated the he understands Max's statement that these are large enough to allow a small family, but the concern is they are only required to have one additional parking space. If someone built an 800 sq. ft. home they would be required to have two off street parking spaces. Mr. Cupples stated that you could put a maximum size allowed and the lot coverage will control the rest of that, but if they are larger homes he has questions of why are they getting a break in the parking requirement if it is a full size dwelling unit. Chair Hoth stated that when the commission makes a recommendation to city council they can change it to what they feel comfortable with. Mr. Cupples stated that the city council takes the planning commission's recommendation very seriously. It's not uncommon to make minor changes but they take the commission's recommendation seriously. Commissioner Ridout stated that we are putting something together to send to the state and then the state will do what they want and send it back. Mr. Cupples stated no we need to comply with the law. Any ordinance amendment that we do, we have to send that to the Department of Land Conservation and Development. If they had an issue with the draft then they would send a letter that something needs to be changed. When we send a notice of adoption it's a preliminary notice saying here is what we plan on doing and then when it's done we send them a notice saying this is what we have changed and here is what we have adopted. Vice Chair Posalski asked that if we come up with a number can people come back before the planning commission for a variance. Mr. Cupples stated that if you wanted to leave it at 500 sq. ft. you could say that if someone wanted a larger unit they could come back before the planning commission as a conditional use and ask for a larger unit. That way the commission can say if they want a larger unit then they have to put in the additional parking. Chair Hoth stated that he feels comfortable with the rest of the verbiage but the size is an issue. Commissioner Bill Carpenter asked how many 5000 sq. ft. lots do we have in the city where they will be able to build. Mr. Cupples stated that he can't answer that, there will be some but he has no idea how many. Vice Chair Posalski stated that he was at Ikea and they have a two bedroom 580 sq. ft. home inside the building and it's a 2 bedroom 1 bath. Commissioner Teri Carpenter stated that according to Google the average 1 bedroom apartment is 675 sq. ft. Commissioner Bill Carpenter asked if the city council has looked at this. Mr. Cupples stated that at the last joint work session they looked at it. Vice Chair Posalski stated that the city council did not want to have an existing VRD to be able to build an ADU and he feels the same way. Commissioner Bill Carpenter asked if we could just put a limit on the size of the ADU. Mr. Cupples stated yes, we take out the percentage and say it can be X sq. ft. and anything larger than that needs to be have conditional use approved by the planning commission. Chair Hoth stated that there are three options: new structure, adding onto the home, or inside the existing home. Vice Chair Posalski stated that seeing the home in Ikea that was 580 sq. ft. that 600 would be a good number. If they want to make a bigger ADU then they can come before the planning commission. Mr. Cupples stated that he just amended the section where it talks about it and if you want to put the square footage at 600 you would change the text in 4.018 and it would simply say, any ADU shall not exceed 600 sq. ft. however a larger ADU would be subject to a conditional use permit. Commissioner Ridout stated the he doesn't agree with what the legislature has done at all. Increasing the density in a city that has so many 50 x 100 lots is decreasing the livability of our town. He doesn't like it at all. A 5000 square foot lot is pretty small. Vice Chair Posalski stated the information that Mr. Ritchie provided us from other cities, these other cities are going for larger ADU's than what we are considering. Commissioner Bill Carpenter stated that in their discussions they are going for a percentage of the

original structure opposed to the lot size. They are saying you can't build an ADU larger than the original house. Vice Chair Posalski stated that his question is what additional information are the commissioner's looking for to continue this.

At the end of the Commissioners discussion, Commissioner Ridout made a motion to continue this until the June 19th Planning Commission meeting, Commissioner Bill Carpenter seconded and the motion was carried. Vice Chair Posalski voting no. The commissioner's asked Mr. Cupples to come up with an average block and so they could see how many actually have room to put in an ADU.

ORDINANCE ADMINISTRATION:

Cold Storage unit:

Mr. Cupples stated that there was a discussion regarding the cold storage unit that Mr. Chandler would like to place on Mr. Sopko's property on 24th Ave. Mr. Sopko stated that there are two styles of cold storage units, one is diesel which can be very noisy and the other is a three phase city power, to get power to the spot the power company has to go 600 feet underground. The new site is to put this in a spot where they can directional bore. Vice Chair Posalski asked if this is sitting in the closest spot to get that boring done. Mr. Sopko stated yes and if you look at the heavy line on the plot plan, that heavy line is a concrete wall and it is made out of those 2 foot by 2 foot blocks and they are six feet long and two high. He wants to put the container where it's not in his way. Right now they working out of town and he wants to do the aquarium a favor. That would put it 30 feet from his property line. Vice Chair Posalski asked if the refrigeration is on the end of the container. Mr. Sopko stated yes. Vice Chair Posalski asked if they had a decipal number? Mr. Sopko said no they didn't and it's a three phase electric motor. Vice Chair Posalski stated that he has an air compressor and that makes a lot of noise and you can hear that 100 feet away and his concern is for the neighbors. Mr. Sopko stated that there are no residential neighbors. There is the fitness center and the dog grooming place. It's quite distance to a residence. Vice Chair Posalski asked Mr. Cupples what the ordinance says. Mr. Cupples stated the ordinance says it needs to be set back 50 feet. You look at the photo it shows the 50 feet, but usually a setback is from the property line. Commissioner Teri Carpenter asked if they could turn it where the motor faces the street. Mr. Sopko stated that they need to access this with a back hoe and couldn't do that if it were facing the other way. Mr. Cupples asked Mr. Sopko if the company had something with the decipal units on there. Mr. Sopko stated that he could probably get something from the manufacture. Vice Chair Posalski stated that if we got that in an e-mail that had the decipals that would be fine and then they could respond to Mr. Cupples by e-mail. Commissioner Bill Carpenter stated that he doesn't see any problem with it because a residence is a long way away.

Wheels of Fun Modified Plans:

Chair Hoth asked what were the changes that Wheels of Fun were planning on making that would need planning commission review? Mr. Cupples stated that is the outdoor recreational activities that need planning commission review and this had the outdoor train ride, he still plans on doing that but it is going to be routed differently. Commissioner Bill Carpenter stated being as the train ride is being changed it shouldn't be a problem. Chair Hoth agreed.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:18 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant