

MINUTES SEASIDE PLANNING COMMISSION

August 2, 2022

CALL TO ORDER: Chair Montero called the regular meeting of the Seaside Planning Commission to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chairman Robin Montero, Chris Rose, Seth Morrissey, Brandon Kraft and Don Johnson. Staff present: Jeff Flory, Planning Director, Jordan Sprague, Administrative Assistant, Anne McBride, Code Enforcement Official. Commissioners Absent: Vice Chair Kathy Kleczek and Lou Neubecker

APPROVAL OF MINUTES: July 5, 2022 minutes were adopted as written.

INTRODUCTORY STATEMENTS

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There were none.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:

Chair Montero stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. She then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. There were none.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Montero:

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.
5. Electronic testimony can be submitted via Zoom using the meeting ID of 817-4719-0379.

PUBLIC HEARING

- A. 22-020SUB and 22-030V:** A Subdivision request by Sunset Ridge, LLC. The subject property (T6-R10-S22AB-TL# 8100) is located north of the intersection of Hemlock St. and Aldercrest St. and it is approximately 6.62 acres in size. The subject property is zoned Low Density Residential (R1) and the request will allow the creation of 15 lots for residential development. The proposed development lots range in size from 10,024 sq. ft. to 47,383 sq. ft. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. In conjunction with the subdivision request, the applicant is requesting a variance to the 400 ft. maximum cul-de-sac length and a variance to the requirement for sidewalks on both sides of the street.

Jeff Flory, Planning Director, stated the Commissioners received a copy of the request to withdraw the project from the applicants and there will be no further hearings regarding this project.

- B. 22-035VRD:** A conditional use request by **Kelsey Terry and Justin Johnson** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than ten (10) persons regardless of age. The property is located at **443 8th Ave (T6-R10-16DD-TL02701)** and it is zoned **Medium Density Residential (R3)**.

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Justin Johnson, 443 8th Ave., stated the house was purchased as a family home and they are requesting the short-term rental license to rent the property for a short period of the year when they will not be using the property. The house will be the family's beach house. Kelsey Terry, 443 8th Ave, seconded the statements made by her husband.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. There were none.

Chair Montero opened the discussion to the Commission. Commissioner Kraft asked if the sidewalk would need to be adjusted when the additional paving was added to the parking area. Mr. Flory responded that staff would have to verify with Public Works if a curb cut would be required to extend the driveway approach. Chair Montero stated that this property is zoned R-3 and the Seaside Comprehensive Plan, 3.12, states R3 dwelling units should be for full-time residential use. The current density is 37.5% and approving this house would bring that density over the 40% threshold. Commissioner Morrissey asked if this application was submitted before the policy change. Chair Montero stated that it was submitted before July 7th. Commissioner Morrissey motioned to conditionally approve 22-035VRD. Commissioner Johnson seconded the motion. The motion passed 4-1 with Chair Montero voting no and Vice Chair Kleczek and Commissioner Neubecker absent.

- C. 22-038VRD:** A conditional use request by Jodi and Andrew Glover Thiel for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than ten (10) persons regardless of age. The property is located at **470 16th Ave (T6-R10-16AD-TL00901)** and it is zoned **High Density Residential (R2)**.

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Jodi Glover Thiel, 470 16th Ave, stated that the property was purchased as their full-time residence, but would like the ability to rent the house when they are required to travel due to family obligations and work.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none.

Chair Montero asked if there was anybody who would like to speak in opposition. There were none.

Chair Montero opened the discussion to the Commission. Commissioner Kraft asked if there was a fire pit in the front yard. Mrs. Glover Thiel responded that there is not a fire pit but they are removing landscaping choices made by the previous owners. Commissioner Morrissey asked if staff had made the site visit for this VRD yet. Mr. Flory responded that they had. Commissioner Morrissey asked if the stacked parking would be an issue. Mr. Flory responded that the parking would be fine. Chair Montero stated that this property, if approved, would take it over the 40% density. If this application would be approved, a change from 10 persons regardless of age should be lowered to 8 persons regardless of age. Mrs. Glover Thiel stated the house has three bedrooms, but are only requesting for a six-person occupancy. Chair Montero responded that the third bedroom should be locked off from use. Commissioner Kraft motioned to conditionally approve 22-038VRD with the maximum occupancy be six persons over the age of three and no more than eight persons regardless of age. Commissioner Morrissey seconded the motion. The motion passed unanimously with Vice Chair Kleczek and Commissioner Neubecker absent.

- D. 22-043VRD:** A conditional use request by Jamie Osburn and Clayton Germyn for a four (4) bedroom Vacation Rental Dwelling with a maximum occupancy of ten (10) persons regardless of age. The property is located at 437 17th Ave (T6-R10-16AD-TL00402) and it is zoned Medium Density Residential (R2).

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Jamie Osburn and Clayton Germyn, 437 17th Ave, stated the house is currently their fulltime residence. They are wishing to rent the property for a few years as job advancements is requiring them to be transferred somewhere else.

Chair Montero asked if there was anybody else who would like to speak in favor. Sylvia Stuck, 164 Alpine St., stated that the owners are responsible and hardworking people. The rental would be for a short period and the house would be used as a full-time residence when they are able to transfer back.

Chair Montero asked if there was anybody else who would like to speak in favor. There were none. Chair Montero asked if there was anybody who would like to speak in opposition. There were none.

Chair Montero opened the discussion to the Commission. Commissioner Kraft stated that there is no real prevention from somebody parking on the grass. If there a plan to prevent parking within the yard. Mrs. Osburn responded that landscaping would be added to separate the parking area from the yard area. Mr. Germyn added that they are not sure what type of landscaping would be used, but stones, plants, or something that obvious would be added to block off the yard. Chair Montero stated that with the approval of 22-038VRD, this property would be pushed over the density of 40% and recommended denial of the application. Mr. Flory responded that the previous application is outside of the 100 feet range and does not affect this present application. Chair Montero stated that she was incorrect and took back her denial recommendation. Commissioner Morrissey asked if these applications were the last remaining applications under the previous policies. Mr. Flory replied that these are the last projects under the previous policies. Chair Montero asked if a fence would be installed in the front of the property. Mrs. Osburn responded that a fence could be installed along the property line, but was thinking about having landscaping boulders or stones placed. Chair Montero suggested the applicants consider long term renters for this property. Commissioner Morrissey motioned to conditionally approve 22-043VRD. Commissioner Kraft seconded the motion. The motion passed unanimously with Vice Chair Kleczek and Commissioner Neubecker absent.

ORDINANCE ADMINISTRATION

Mr. Flory stated that he had received clarification from the City Attorney for the continuance process. Continuances are a discretionary matter for the Commission. There is not a rule in the ordinance that specifies how many continuances can be requested and accepted. The continuance request should be made in writing prior to the hearing and should have a specific reason for the continuance and the date of when the continuance should be granted to. If the continuance is a reasonable request, the city attorney did recommend the Planning Commission act within reason and grant the request. Mr. Flory continued to state that it is not unreasonable to require the applicant to be present for the hearing for the continuation request. If the Commission denies a continuance request, the public hearing will go as scheduled for the night. A process of how to handle continuance requests need to be set up to handle future requests. Commissioner Morrissey asked if there could be a continuance for any length of time, even years. Mr. Flory responded that if the Commission approved it, but there is still case law to go through and the city attorney didn't indicate that there was a time limit. Chair Montero asked for clarification of 245 days previously discussed at the work session. Mr. Flory responded that there is a state law that talks about a 245-day time period, but clarification is needed. Commissioner Kraft suggested the first continuance request without the applicant present. For the second continuance request should require the applicant to attend the meeting. Chair Montero responded that if the applicant

is not meeting and the continuance request is denied, the hearing would continue and it would be in the applicant's best interest to attend the meeting. Commissioner Morrissey asked about an absence out of the applicant's control. Chair Montero responded that it would have to be reviewed on a case-by-case basis. Commissioner Johnson added that all continuances should be considered on a case-by-case basis. Mr. Flory stated that applicants could appear on Zoom with a case-by-case approval. Chair Montero asked who sets the fee schedule for the Planning Department. Mr. Flory responded that it gets approved through the City Council. Chair Montero suggested the first continuance is free, but all additional continuance requests have a fee. Commissioner Kraft stated that a continuance policy be put in place to prevent applications from wasting the Commission's and the public's time. Mr. Flory added that when the application is first brought to the Commission, it is often the first time the applicant is hearing the concerns the public may have. It could take the applicant months to obtain the proper reports, to hire engineers, and to address any public issues with the project. It is difficult for the applicant to judge how long the reports will take to obtain. Commissioner Kraft agreed with Mr. Flory, but a relational equity would need to be built between the Commission and the applicant. Chair Montero added that there had been plans that were submitted that were a full package and not having information piecemealed to the Commission and public for review. The continuance request should contain the reasoning for the continuance and the date the applicant is requesting the continuance to. Commissioner Johnson added to have the applicants waive the 120-day requirement. Chair Montero continued that the applicant should appear either in person or via Zoom. Chair Montero requested staff to draft a preliminary continuance policy. Commissioner Johnson asked if this would be reviewed at a future workshop. Mr. Flory responded that staff will draft up the policy and present it to the Commission at a future workshop. Mr. Flory stated that he had gotten the approval from the City Council to start a request for quote (RFQ) for the comprehensive plan update. The next Planning Commission meeting only has 1 agenda item, so if the Commission would like to follow the meeting with a workshop it could happen on the same night.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM COMMISSION/STAFF

Chair Montero talked with the mayor regarding a joint work session with Planning Commission and City Council. Commissioner Morrissey asked if there was a date set for the joint work session. Chair Montero did not have a date set at this time. Chair Montero added that she attended the Transportation Advisory Committee to discuss the parking issue on Avenue W. The Parks Advisory Board open house will be on August 4th from 5 pm to 7 pm. Chair Montero asked if new structures being built are required to be built energy efficient. Mr. Sprague responded that when a new building is submitted for review, there are options for energy conservation that the contractor is required by the state to pick from. The State Building Codes Department recently updated the codes to further require new structures to be more energy efficient. Commissioner Rose agreed with the statements made by Mr. Sprague.

ADJOURNMENT: Adjourned at 6:42 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant.