

## **MINUTES SEASIDE PLANNING COMMISSION**

### **August 3, 2021**

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

#### **PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Vice Chairman Robin Montero, Lou Neubecker, Jon Wickersham, Kathy Kleczek, Chris Rose, and Seth Morrissey. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Teri Carpenter

**APPROVAL OF MINUTES:** July 6, 2021 minutes amended by Vice Chair Montero to correct that Lou Neubecker was absent at the meeting. Commissioner Kleczek to correct a statement about passageway over the "driveway," not the "highway".

#### **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.

Vice Chair Montero asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. Commissioner Carpenter stated that she received the packet late and would potentially not vote on the items.

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

Vice 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. Commissioner Kleczek stated that she had contact with an ODOT representative about the highway intersection for the Cross Creek project.

#### **AGENDA:**

#### **PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Vice 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.

#### **PUBLIC HEARING**

- A. Continuance of 21-035CU:** A conditional use request by Steve Olstedt, Cross Creek Land LLC, for a 72 unit housing development (eight 6-plexes and six 4-plexes) within the General Commercial (C-3) zone. The vacant property is located north and east of TLC Federal Credit Union at 2341 N Roosevelt (T6-R10-15BA-TL5800) and it will be accessed from the existing private road. In conjunction with this request, the applicant has submitted a Highway Overlay Zone request (21-036HOZ) and a preliminary subdivision plat (21-044SUB) that would create a

separate lot for each of the housing units and common ownership of the access and off-street parking areas. The eastern portion of the property that abuts the Neawanna Creek Estuary Conservation Aquatic (A-2) zone will remain undeveloped open space. The western portion of the property abuts N Roosevelt Dr. (Hwy 101) and no new vehicular access is proposed at this time.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples also added two possible conditions of approval that could be added and the CC&Rs for the property were submitted recently. Vice Chair Montero asked if there was anybody who would like to speak in favor. Adam Daily, 2362 North Fork Rd., and Ryan Osborne, 33485 SW Old Pine Drive, stated that new documents have been added to the project, including a new traffic safety memo for the driveway approach. The preliminary CC&Rs were submitted with a general outline of the proposed development was also submitted for review.

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

Vice Chair Montero asked if anybody would like to speak in opposition. There were none.

Vice Chair Montero opened the discussion to the Planning Commission. Commissioner Morrissey stated that as this is a continuance of a project, and he was not on the Planning Commission at the time, he will be recusing himself from commenting or voting. Commissioner Wickersham asked Mr. Daily to elaborate on the traffic memo and the safety measures. Mr. Daily stated that on the third page of the memo, the improvement options are listed. Mr. Daily gave brief descriptions of the safety measures that were listed in the traffic safety memo. Commissioner Kleczek stated that she appreciated the additional safety measures that were submitted. She asked for clarification of where the "north turning right lane" was located within Highway 101 or on the private property. Mr. Daily responded that it was on the north turn lane within the private property. Commissioner Kleczek questioned if a flashing pedestrian crossing signal could be installed over the driveway approach. Mr. Daily responded that the crossing signal is subject to ODOT approval. Commissioner Kleczek asked for clarification if the proposed complex will be a 72 unit or 74 unit. Mr. Daily replied that it will be a 74 unit complex (nine 6-plexes and five 4-plexes). Commissioner Kleczek questioned if the CC&Rs included constructing secured bicycle parking or if the stairwells would qualify for the bicycle parking spaces. Mr. Cupples responded that the requirement is to have a bike stand that could be used within a stairwell, as in a bike rack or bike post. Commissioner Kleczek asked what the difference was between long term and short term bicycle parking. Mr. Cupples responded that long term bicycle parking is covered area, while short term bicycle parking is not required to be covered. Commissioner Kleczek asked if the fire department sidewalk would be ADA compliant. Mr. Cupples replied that at this stage, he is unable to determine if the fire department sidewalk would be required, as the structures have not gone through a structural review. Mr. Cupples wanted the applicant to pre-plan for this access route because it could lead to a permit from the Department of State Lands (DSL) if the walkway is below highest tide line that was identified in their report. Commissioner Kleczek stated that her main point was to make sure the pathway will be a level gravel walkway and to have the pathway be ADA compliant. Mr. Daily stated that the walkways in front of the buildings were to be used to gain access into the buildings and would be ADA compliant, and that the fire department walkway would not be required to be ADA compliant. Commissioner Kleczek asked if the fire department sidewalk would not be used for evacuation in case of an emergency. Mr. Cupples responded that if the fire department were evacuating people out of the buildings, the walkway would be for ladder access to gain access to the upper floors. Commissioner Neubecker stated that as he was not at the July meeting, he would also abstain from asking questions and voting for the project. Commissioner Rose stated that he was happy with the proposed pedestrian safety measures. Vice Chair Montero presented photos of the entrance into the property at night with measurements of surrounding buildings and the locations of street lights. Vice Chair Montero stated that the closest street lights were located 107 feet to the north and 267 feet to the south. Moving a street lamp 50 feet would not increase the lighting within this

driveway. Vice Chair added that she would like to have the safety measures provided implemented at the driveway intersection, including adding a new street light in that area instead of moving an existing light pole. Mr. Daily responded that the standard distance between the street lighting is between 250 to 400 feet. Commissioner Neubecker asked why a pedestrian crossing with a button activated signal couldn't be installed in this location. Mr. Daily replied that the location is within ODOT right of way, so the approval would be up to ODOT for the installation. Commissioner Kleczek stated that the Commission's questions have been about adding additional lighting to that area for a safe pedestrian walkway. Mr. Cupples stated that if the Commission was going to incorporate these new requirements as a new condition, to add that they are subject to the authorization by ODOT. Commissioner Wickersham asked if these suggestions have been made to ODOT at this intersection. Mr. Cupples replied that he was unaware of any conversations about pedestrian crossing lights at this intersection. Vice Chair Montero stated that the stop location for this property is roughly 20 feet beyond the ADA ramps. Commissioner Kleczek asked if the additional conditions as recommended by staff needed to be discussed. Vice Chair Montero responded that the conditions are still up for discussion. Mr. Daily wanted to discuss the recently added condition 10. The location of the street is not owned by Cross Creek LLC, so they would not be authorized to add a street name to the private road. Vice Chair Montero asked if they can improve the road. Mr. Daily responded that they can improve the road, which is granted under the approved easement to the property, but they will not be able to change or add a name to the street. Commissioner Wickersham asked what the current name of the street. Mr. Daily replied that there currently is not a street name because it is a private access. Mr. Cupples added the street is referenced as Cross Creek because of the name of the developer. He added that the Fire Chief requested that additional residential structures to not be addressed off of North Roosevelt, but instead off a private roadway name. Mr. Daily added that he agrees with this statement, but this developer is not able to forcefully change the street name without the other owners or interested parties approval. Commissioner Wickersham asked what street the current buildings are addresses off of. Mr. Cupples replied that they are all addressed off of North Roosevelt, but the only two owners that would have a potential conflict with changing the road name would be the title company and the dentist office. Mr. Osbourn stated that they are willing to discuss this name change with the other owners, but if the condition was added that it must be changed it would leave the developer in a catch 22 situation. Mr. Cupples suggested to the Commission that the condition be worded similarly to the ODOT approval, where it would be subject to the authorization of the abutting property owners. The Commission discussed the wording of the new conditions to be added to the approval. Condition 9 would state that the examples of pedestrian safety measures, which were provided by the applicant's traffic engineering firm, must be incorporated into the access at North Roosevelt Drive. In addition to this, lighting at the north and south ends of the crosswalk need to be provided, reflective thermal plastic that would be used for noting information within the street right of ways and for the slow and arrows, additional lighting along the Cross Creek sidewalk and pedestrian area, a warning sign on the northbound turn lane of Highway 101, and a flashing crosswalk sign. Condition 9 would both require authorization by ODOT and condition 10 would require authorization from the Clatsop County Surveyor and the abutting property owners. Commissioner Wickersham motioned to approve 21-035CU with the altered condition 9 and with condition with the change that the other property owners approve the street name. Commission Kleczek seconded the motion. The motion passed 4-0 with Commissioners Morrissey and Neubecker abstaining and Commissioner Carpenter absent.

- B. 21-054VRD:** A conditional use request by Brandon Kahler for a four (4) bedroom Vacation Rental Dwelling with a maximum occupancy of ten (10) persons regardless of age. The property is located at 311 10th Ave (T6-R10-16DC-TL0400) and it is zoned High Density Residential (R3). Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Vice Chair Montero asked if there was anybody who would like to speak in favor. Brandon Kahler, 11461 Melody Lane Portland, stated that he purchased the house as a vacation home for his family and relatives, but seeking a vacation rental permit to offset the cost of owning the home.

Vice Chair Montero asked if anyone else would like to speak in favor. Mark Tolan, 524 N Roosevelt, stated that they are excited to be working with the Kahler family. He is aware of the neighbor concerns about the previous management practices and his company will be more hands-on and communicative.

Vice Chair Montero asked if anyone else would like to speak in favor. There were none.

Vice Chair Montero asked if anyone would like to speak in opposition. Rebecca Reid, 328 7<sup>th</sup> Ave, stated her disapproval for short-term rentals because of the complaint lodging process and the lack of responsibility from the local contacts to address complaints. She added that a vacation rental having a 10 person occupancy is in excess.

Vice Chair Montero asked if anyone else would like to speak in opposition. There were none. Vice Chair Montero opened the discussion to the Planning Commission. Commissioner Neubecker asked Mr. Flory if there were any complaints registered against this property. Mr. Flory responded that he had not. Commissioner Neubecker asked for clarification if the house would be under a new property management company. Mr. Kahler responded that it would be under a new property management company. Commissioner Wickersham wanted to discuss with the Commission the possibility of reducing the occupancy to 9. He added that he did not have an issue with keeping the occupancy at 10 with the 4 off-street parking spaces. Mr. Cupples clarified that staff was not suggesting to forcibly remove a parking space, but to drop the occupancy to 9 with the requirement of only 3 parking spaces. Commissioner Kleczek stated that she is concerned with the stacked parking configuration and the size of the street to allow vehicles to safely maneuver, and would be in favor of reducing the occupancy to require 3 parking spaces. Commissioner Morrissey added that the stacked parking and the narrow street are concerning factors. He asked Mr. Cupples for clarification of reducing the number of parking spaces for an application. Mr. Cupples responded that the occupancy would be reduced to 9, which would lower the required number of parking spaces to 3. Vice Chair Montero stated that 10<sup>th</sup> Ave. is only 20 feet wide and with a car parked on the street reduces the distance to roughly 13 feet. That is an extremely tight area to maneuver vehicles, and would prefer this occupancy be reduced to 9 people with only 3 parking spaces. Mr. Tolan provided a list of properties that have a common parking configuration with a narrow street and asked Mr. Flory how many complaints have been issued about these rentals. Mr. Flory stated that he would have to check. Mr. Tolan added that parking complaints were not being submitted for his properties, and that this residence has room for a total of 6 parking spaces. He stated that the Commission is presuming a problem exists when there is no documented problem and asked how his company was supposed to address a problem when a problem doesn't exist. Vice Chair Montero stated that the previous permit for this property was approved for 9 persons and 3 parking spaces, and a neighbor was approved for 9 persons and 3 parking spaces. Commissioner Wickersham responded that the chances of all 4 vehicles backing out simultaneously are small, and does not see a difference on reducing the parking to 3 parking spaces. Commissioner Kleczek asked for clarification that the Commission was discussing reducing the occupancy and the required parking spaces, not the allowed parking spaces. Mr. Cupples confirmed this statement. Mr. Flory clarified that it will be 9 persons over the age of 3. Commissioner Morrissey rebutted Commissioner Wickersham's statement by saying that the point of the Commission looking at each property and individually approving them is the nuance of a situation where the street is very narrow and the stacked parking is tight. Commissioner Wickersham asked for clarification of where the line was for reducing occupancy on a house. Commissioner Neubecker agreed with the statement from Commissioner Wickersham and asked what the difference between three or four parking spaces and where the Commission draws the line to reduce occupancy. Commissioner Rose stated that there was space for 6 cars, so reducing the required amount of parking would not change the fact that 6 cars can still park on the property. Vice Chair Montero asked Mr. Kahler if both sides of the garage would be open and available for renters as parking spaces. Mr. Kahler responded that both sides are usable, but did not have intentions of allowing renters to use the garage. Commissioner Kleczek motioned to approve 21-054VRD with the occupancy being reduced to 9

persons. Commissioner Morrissey seconded the motion. The motion passed with a vote of 4-2 with Commissioners Neubecker and Wickersham voting no and Commissioner Carpenter absent.

## **ORDINANCE ADMINISTRATION**

Mr. Cupples stated that he received a request from a past applicant, Arthur Craig Worsham III, to extend his approval for the three smaller houses on S Downing for six months. Commissioner Neubecker motioned to approve the 6 month extension. Commissioner Kleczek seconded the motion. The motion passed unanimously.

## **COMMENTS FROM THE PUBLIC**

Vice Chair Montero asked if there were any comments from the public. John Durkheimer, 610 N Prom, commented on the spatial distribution requirements for a vacation rental dwelling and how houses with the Resort Residential (RR) zone do not require a public hearing. He added that the addition of more VRDs within the RR zone will impact the single family environment, impact the parking, impact traffic, and a negative impact on safety and emergency services. Mr. Durkheimer stated that section 6.137 of the City of Seaside Zoning Ordinance should include the RR zone along with the R2 and R3 zones.

Vice Chair asked if there were any additional comments from the public. Rebecca Reid, 328 7<sup>th</sup> Ave, stated that VRDs cause a chronic problem with renters not parking in designated parking spaces. She added that the current complaint procedure should not fall upon the neighbors calling the property management company. Ms. Reid continued to state that the compliance for overgrowth of grass and weeds should be managed by the Public Works department, and should not be required to have property owners contacting the owners of lots to landscape the property. She requested that Public Works should paint the curbs at the intersections of North Franklin and 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Ave.

Vice Chair Montero asked if there were any additional comments from the public. Rick Anderson, 1281 S Prom, provided recognition for the work Mr. Cupples had performed for the dune landscaping project. He added that his concern about vacation rentals was that rules could be placed upon rentals, but the renters will not follow the rules. Mr. Anderson gave an example of renters parking on the street and not following the instructions provided by the property management company. He also provided examples of vacation rentals not providing adequate signage or direction to access the rental house. Mr. Anderson stated that vacation rentals that are not licensed are continuing to operate.

Vice Chair Montero asked if there were any additional comments from the public. Karen Durkheimer, 610 N Prom, stated that VRDs are turning houses into hotels and requested the Commission to consider lowering the number of approved rentals.

Vice Chair Montero asked if there were any additional comments from the public. Erin Barker, 800 N Roosevelt, stated that 11 years ago the Planning Commission put the burden of parking on the property owners. The Commissioners also required all parking to be within the property, despite objections from rental companies. Mrs. Barker asked the Commission how property managers are supposed to monitor which vehicles belong to vacation renters. She stated that the Planning Commission gave property managers an impossible role to manage. Mrs. Barker praised Mr. Flory for bringing to her attention a scam on Craigslist using the listings from her company.

Vice Chair Montero asked if there were any additional comments from the Public. There were none.

## **COMMENTS FROM COMMISSION/STAFF**

The Commission all welcomed Commissioner Morrisey to the Planning Commission. Commissioner Wickersham stated that he will be absent at the September meeting. Commissioner Morrisey stated that it was great to be back serving the City of Seaside. Mr. Cupples asked that even though Commissioner Carpenter was missing, would the Commission want to consider taking a new vote on the Chair and Vice Chair positions. The decision was made to take the voting of Chair and Vice Chair when all Commissioners were present at a meeting. Vice Chair Montero asked if there would be a work session. Mr. Cupples stated that it was undetermined at this time.

**ADJOURNMENT:** Adjourned at 7:38 PM.

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Robin Montero, Vice Chairman

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Jordan Sprague, Admin. Assistant