

MINUTES SEASIDE PLANNING COMMISSION

December 7, 2021

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, Jon Wickersham, Lou Neubecker, Chris Rose, and Seth Morrissey. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer, Anne McBride, Community Development Assistant. Absent: Vice Chair Kathy Kleczek

APPROVAL OF MINUTES: November 7, 2021 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.

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. Commissioner Neubecker, and Commissioner Morrissey declared a conflict of interest for project 21-061PDSUB. Chair Montero requested that the hearing for project 21-077VRD be the first project on the agenda due to the attendance for 21-061PDSUB. Commissioner Neubecker motioned to hear project 21-077VRD first. Commissioner Wickersham seconded the motion. The motion passed unanimously with Vice Chair Kleczek absent.

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.

PUBLIC HEARING

- A. 21-077VRD:** A conditional use request by **Ronald Di Sandro** for a **three (3)** bedroom Vacation Rental Dwelling with a maximum occupancy of **nine (9)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1149 Beach Dr** (T6-R10-21DB-TL14800) and it is zoned **Medium Density Residential (R2)**.

Kevin Cupples, 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. Ann Westerlund, representing Ronald Di Sandro at 1149 Beach Dr., stated that the city's representative had performed a pre-site inspection for the house to become a vacation rental and that the owner was willing to perform any updates to make sure the house was up to current code.

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. Rebecca Read, 328 7th Ave, stated that she opposes the request and any additional permits for vacation rentals and to declare a moratorium on vacation rentals.

Chair Montero offered the applicant's representative a chance to rebut the comments. Mrs. Westerlund stated that the house has been a vacation rental under the previous owner and is not a brand new rental.

Chair Montero opened the discussion to the Planning Commission. Commissioner Morrissey motioned to approve 21-077VRD. Commissioner Neubecker seconded the motion. The motion passed unanimously with Vice Chair Kleczek absent.

- B. Continuance of 21-061 PDSUB:** A Planned Development Subdivision request by **Sunset Ridge, LLC**, represented by Mark Mead. 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 17 lots for residential development and one large open space tract. The proposed development lots range in size from 6,943 sq. ft. to 14,825 sq. ft. and the open space tract will be approximately 1.93 acres. The access would be provided by extending the north end of Hemlock St. through the creation of Hemlock Ct. and Fern Ct. Kevin Cupples, City Planning Director, stated at this point, the Planning Commission needs to hear from the neighboring residents. Once the Commission has received comments from the neighboring property owners, those items will need to be addressed in additional findings.

Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Dr, Warrenton, stated that additional information has been submitted to the Commission for review. A misconception for the project is that the entire site will be clear cut. Mr. Mead added that 1.47 acres will be cleared, while 2.71 acres would remain as open space. Oregon Department of Fish and Wildlife (ODFW) had visited the site and walked the easterly creek bed. They did not find evidence of salmon, but stated there was a potential for salmon spawning. Mr. Mead continued that the houses along the creek bed would have an increased setback to protect the area. The storm drainage would sent to the westerly side of the development. The fire department requires a street light at each fire hydrant and in a fire truck turnaround area, so a total of three street lights in the project. Mr. Mead stated that the sanitary sewer would flow to the north, would connect to a pipe that flows to Wahanna Dr., and then flow to the pump station near the hospital. Public Works is currently investigating an issue with the pump station being overloaded and the fix would drastically reduce the flow load and would allow the 17 lots to be added without issue. Mr. Mead stated that the system development charges for a new house is roughly \$9,450 for each house, which would bring the Public Works an estimate \$160,000 that the City can use towards fixing the pump station issue. With the 6.62 acres, a total of 33 houses could be developed on this property, but the applicant is currently proposing only 17 houses to avoid impacting the steep slopes and the streams.

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. Lief Morin, 35 Hilltop Dr., stated that he had prepared a document to be given to the Planning Commission. He asked, "With the recusals of some of the Planning Commissioners, can the Planning Commission take a vote on this project at this time?" Mr. Morin stated that the application is misleading and it doesn't meet the standards of over a hundred ordinances in the City. The drawings that were submitted obscure the terrain, the geotechnical and geohazard reports understate the risks to

properties, and some of the data was false. Mr. Morin added that test pit #1 wasn't dug where the report claims it was dug. The recently submitted geotechnical report was from a project in 2004. The application attempts to change the zoning from R-1 to R-2, and seven variances were noted but the applicant only requested two. Mr. Morin continued that four of the six acres were to be clear cut and graded. The suggested building standards were insufficient and absent. Mr. Morin stated that there are still empty lots in the Vista Ridge subdivision and Seaside doesn't need another empty subdivision.

Chair Montero asked if there was anybody else who would like to speak in opposition. Kristen Hura, 140 Hilltop, stated that the submitted house designs were not designed around the location and terrain. The proposal of an average 1,600 square foot home in an area where the average size of the current houses are 2,500 square feet will devalue the surrounding neighborhoods. The CC&R's are in an attempt to convince the Commission that the houses won't devalue the adjacent neighborhood. Mrs. Hura continued that the future homeowners could cut trees up to the salmon stream and face no consequences. The applicant is trying to slip the project through the system and the application is subpar. The applicant should have submitted reports with expertise and attention to detail to the terrain, surrounding community, and with consideration of minimal disturbances to the ecosystem.

Chair Montero asked if there was anybody else who would like to speak in opposition. Sue Coddington, 2152 Cedar St., stated that she was speaking as a homeowner, and not as a member of the Sunset Empire Park and Recreation District Board nor as a volunteer Seaside CERT leader. Coddington stated that her property is sinking due to water issues within the existing subdivision. Having only one way in and out of Sunset Hills is via Broadway Street. Coddington stated that during an emergency, multiple people would be going to assembly area three, and adding these houses would impact that assembly area.

Chair Montero asked if there was anybody else who would like to speak in opposition. Mike Haner, 2021 Aldercrest, stated that there is a lot of water within the existing subdivision. Mr. Haner played an audio of running water from his cell phone and spoke about the existing water issues in the Sunset Hills subdivision.

Chair Montero asked if there was anybody else who would like to speak in opposition. Rebecca Read, 328 7th Ave, stated that although she doesn't live within the area, the City needs to make sure the project is done correctly.

Chair Montero asked if there was anybody else who would like to speak in opposition. Josh Money, 2027 Fernwood, stated that his background is civil engineering, which includes geotechnical, and the report that was submitted was lacking. The report did not provide results from bearing capacity and no results of soil samples. Mr. Money stated that he was unable to find information regarding Mr. Mead and his company.

Chair Montero asked if there was anybody else who would like to speak in opposition. Karen Ellmaker, 2173 Cedar St., requested that the Planning Commission decline the development.

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

Chair Montero offered the applicant's representative a chance to rebut the opposition. Mr. Mead stated that he was a consultant for this project and does not own interest in the development. Soil samples were not run for this property because of the number of soil samples provided for the surrounding properties during development. The 1,500 pounds per square foot is a conservative value, the tests could bring that value up to either 2,000 to 2,500 pounds per square foot, but did not feel comfortable with that amount of pressure. Construction noise and noise from people living in the houses is general noise from a neighborhood. Mr. Mead continued that Broadway was built to handle a heavy flow of traffic. This development was originally part of the Sunset Hills subdivision, and was planned to be developed and exited through Broadway. The survey is not considered old in terms of the field of work. The topography of the site is consistent with what was submitted because nobody has performed grading on the property. Mr. Mead added that the houses will have to meet the State building codes. Affordable housing is difficult

to build as the permit fees, system development fees, and construction costs increase to overall price of the build.

Chair Montero opened the discussion to the Planning Commission. Chair Montero asked Mr. Cupples regarding the quorum and the vote for this project. Mr. Cupples responded that when he consulted with the City attorney, the individuals present could create a quorum, and if the majority of Commission was still able to take a vote on the item the quorum could be lowered to meet this requirement. Commissioner Wickersham asked if Mr. Mead had received any materials from ODFW visiting the site. Mr. Mead responded that he had received an email this morning from their representative walking the stream the day before, when it was to be the height of the time to find evidence of salmon. Commissioner Wickersham asked Mr. Cupples if he had received the email. Mr. Cupples replied that a follow up email was sent to ODFW to verify the stream that was reported on, and ODFW indicated the northern most stream showed no signs of current spawning fish but it does have a habitat. The other two drainages aren't being identified as fish bearing streams. Commissioner Wickersham asked if the geotechnical report submitted meets the City requirements. Mr. Cupples responded that a second geotechnical report was added to the file as a reference. Commissioner Wickersham asked if there was an instance where the City had requested a second opinion. Mr. Cupples responded that if the Planning Commission would like to add a second opinion to be requested as a condition, it could be added. Chair Montero stated that the original geotechnical report that was performed in 2004 included Vista Ridge II and asked why it was not developed at that time. Mr. Mead responded that the number of vacant lots in Vista Ridge 1 until recently delayed the development of this subdivision. Chair Montero asked if Vista Ridge 1 has a HOA. Mr. Mead replied that it was developed as a planned development for smaller lots but does not have a HOA. Chair Montero questioned why this new subdivision would have a HOA if the previous subdivision didn't. Mr. Mead responded that the owners believe having the HOA would be better for the neighborhood. Chair Montero expressed her frustration with getting the information for a subdivision that was planned 18 years ago submitted in a piecemeal fashion. Mr. Mead stated that the previous owners had thrown out all the information and had to start with new documents. Chair Montero went over the HOA agreement to clarify some of the listed rules and make small adjustments to the wording. Chair Montero asked if the open space would be cleared prior to the houses being built. Mr. Mead responded that a small strip would be cleared for the sewer and the walking path, but the remainder of the open space would not be cleared. Chair Montero questioned if the houses will be built all at once or as they are ordered. Mr. Mead stated that one member of Sunset LLC, Steve Ackley, is a local builder and may be the person building the houses, but he only builds a small number of houses per year. Some of the lots will be sold as vacant lots. Chair Montero asked if the example house plans submitted by the applicant would be ADA and wheelchair accessible. Mr. Mead responded that most house plans are not ADA accessible as a standard design and need to be customized for allowing ADA accessibility. Chair Montero asked who pays for the vacant lots for the HOA fees. Mr. Mead stated that the developer pays the fees for the vacant lots until they get sold. Chair Montero stated that there are only four catch basins in the subdivision, but asked why there wasn't a catch basin at the bottom of the hammerhead on Fern Court. Mr. Mead responded that the water will be drained downhill to the creek bed. Chair Montero stated that there were only two proposed fire hydrants and asked if these two fire hydrants were enough for the fire department. Mr. Mead stated that he had talked with the fire department to create this hydrant plan for the subdivision. Chair Montero asked about the street lighting plan. Mr. Mead responded that the street lights were placed where a fire hydrant was located. Chair Montero suggested that an additional street light be located in front of lot 2. Mr. Mead replied that it would be an easy change to add the street light. Chair Montero pointed out a typing error within the water run off report and asked Mr. Mead to fix the error. Mr. Mead stated he would. Chair Montero asked if all of the new houses built in the subdivision will be built with a sprinkler system. Mr. Mead stated that it was a requirement within the CC&Rs, and the fire department had requested them to be built in the houses. Commissioner Wickersham asked how the Planning Commission could make a formal request for a second opinion on the geotechnical report. Mr. Cupples responded that it could be incorporated in the conditions for the project. Commissioner Wickersham motioned to continue 21-061 PDSUB to the January 4, 2022 meeting in the City Council Chambers.

Commissioner Rose seconded the motion. The motion passed 3-0 with Commissioners Neubecker and Morrissey not voting and Commissioner Kleczek absent.

ORDINANCE ADMINISTRATION

Mr. Cupples stated there was a potential outdoor merchandising application for the next Planning Commission meeting, but is trying to get the applicant to provide all the information that is necessary for the review. Chair Montero stated that the City Council had two interviews for the Planning Commission vacancy.

COMMENTS FROM THE PUBLIC

Chair Montero asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chair Montero asked if there were any comments from the Commission or staff. There were none.

ADJOURNMENT: Adjourned at 7:14 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant