

MINUTES SEASIDE PLANNING COMMISSION (ELECTRONIC MEETING)

February 2, 2021

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES: December 1, 2020 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.

Chairman 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.

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

Chairman Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chairman 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. **20-057CU:** A conditional use request by Captain Kid Amusement Park, LLC, for modifications to their existing amusement facility at 2735 S Roosevelt (T6-R10-28DA-TL300&400). The subject property is zoned General Commercial (C-3) and the zone conditionally permits indoor & outdoor amusement activities. The applicant plans replace some of the existing buildings and provide additional storage in compliance with any applicable FEMA floodplain regulations.
Kevin Cupples, Planning Director, stated that this project was requesting a continuance to next meeting, March 2nd, and that the report was not prepared for this project at this time. Chair Hoth asked if there was a representative for this project. There was none. Vice Chair Montero asked if there was a determined amount of time for a continuance. Mr. Cupples replied that there is not a set time frame for a continuance, but the applicant must provide documentation stating they are

waiving their time period for a final decision. Failure to provide this information obligates the City to make a decision within the time period from when the application is submitted. Commissioner Kleczek motioned to approve the continuance of 20-057CU. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- B. 20-058VRD:** A conditional use request by Tram A. Tran 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) regardless of age. The property is located at 498 12th Ave. (T6-R10-16DA-TL10004) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Tram Tran, 22850 SW Main St, Sherwood, OR 97140, stated that her and her family have been vacationing in Seaside for years, and would like to have a property in town for when they visit. Having the house be a short term rental would offset the cost of home, while still being able to visit Seaside. Chair Hoth asked to clarify the submittal information which states that this is their second home, not their second home in Seaside. Mrs. Tran stated that this is correct.

Chairman Hoth asked if anybody else would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Commissioner Neubecker asked for clarification on the applicant's zip code, and asked Mr. Cupples if this provided a problem. Mr. Cupples replied that it did not. Vice Chairman Montero asked when the applicant planned on paving the rest of the driveway. Mrs. Tran stated that she contacted the builder of the home to complete the pouring of the driveway, but will have to wait until the rain has slowed down, and estimated it would be completed in the next couple of months. Vice Chairman Montero asked about the local contact, Victoria's Cleaning Service, and if it was an owner operated business or an LLC. Mrs. Tran responded that it is an owner operated business and is located in Seaside. Commissioner Carpenter questioned if the additional parking space would take up more than 50% of the required landscaping. Mr. Cupples replied that the two off-street parking spaces would still maintain the 50% landscaping requirement. Commissioner Neubecker motioned to approve 20-058VRD. Vice Chairman Montero seconded the motion. The motion passed unanimously.

- C. 20-062VRD:** A conditional use request by Randall and Shari Johnson for a three (3) bedroom Vacation Rental Dwelling with a maximum occupancy of six (6) persons over the age of three, no more than ten (10) regardless of age. The property is located at 494 12th Ave. (T6-R10-16DA-TL10003) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Randy Johnson, 3486 Brittany Way, Eldorado Hills, California 95762, spoke about his history in Oregon and coming to Seaside before moving to California. The house is to be used as a vacation spot for their family, as well as rent out to others.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Vice Chairman Montero asked if Mr. and Mrs. Johnson own other properties in Seaside. Mr. Johnson responded that they do not. Vice Chairman Montero wanted to clarify that the gravel area would be landscaped prior to the house being rented. Mr. Johnson stated that the gravel does need to be modified to prevent the area being used as parking. Commissioner Carpenter asked to clarify that this lot would have 2 parking spaces. Chairman Hoth responded that this lot would only accommodate 2 parking spaces, as the lot is not wide enough to fit the extra parking space without encroaching

into the required 50% landscaping. Mr. Cupples agreed with what was said by Chairman Hoth and stated that there is an added provision under condition number 5. Commissioner Kleczek asked if there was a predicted timeframe for the completion of the graveled area. Mr. Johnson responded that they are working with their local contact on getting the gravel area completed within an estimated 90 days. Chairman Hoth requested that a condition be added to the conditional use permit for the gravel area to be either landscaped or sectioned off within 1 year. Vice Chairman Montero motioned to approve 20-062VRD with the added condition of the landscaping being completed within 1 year. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- D. 20-063VRD:** A conditional use request by Daniel Jordan 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) regardless of age. The property is located at 350 12th Ave. (T6-R10-S16DA-TL9900) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Dan Jordan, 51600 NW Scofield Rd, Buxton, OR 97109, stated that this house has been within their family for 50 years. Mr. Jordan stated that he purchased the house from his grandfather to keep the house within the family. The house will be used by family members, but wants to have the house be short term rental to offset the cost of a second home.

Chairman Hoth asked if anybody else who would like to speak in favor. There were none.

Chairman Hoth asked if anybody would like to speak in opposition. There were none.

Chairman Hoth opened the discussion to the Planning Commission. Chairman Hoth asked about the parking area being surfaced, along with the fence opening being widened. Mr. Jordan responded that the fence does not prevent the parking of multiple vehicles and no alterations were proposed. Chairman Hoth questioned about the local contact being local residents. Mr. Jordan responded that they are residents who live across the street from the house. Chairman Hoth stated that there is a local contact acknowledgement form that needs to read and signed, if the local contact agrees to the terms. Mr. Jordan stated that they have read the terms and was willing to help out in getting it signed. Vice Chairman Montero asked if Mr. Jordan owns any other houses in Seaside. Mr. Jordan responded that he does not. Commissioner Neubecker motioned to approve 20-063VRD. Vice Chairman Montero seconded the motion. The motion passed unanimously.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the school district was wanting to relocate the existing reader board from the old site on N Roosevelt Drive to the new site at 2600 Spruce Dr. Mr. Cupples added that the Planning Commission reviewed and approved the original reader board. The placement at the new location would need to be approved by the Planning Commission. Chairman Hoth asked if restrictions were in place for the reader board and flashing of messages, and if the new location would still have the same requirements. Mr. Cupples stated that the sign ordinance regulates reader boards. Commissioner Kleczek questioned if the sign will be illuminated during the night hours. She is concerned about the effects on the wildlife and surrounding houses. Mr. Cupples responded that the sign will be placed on the new school grounds, and the sign will be dimmed or turned off during the night. Chairman Hoth added that the new school has lights that are turned on during the night, so the effects from the sign would not be the only light source on the property. Vice Chairman Montero responded that the red LED lights have a different effect than the normal overhead lights for the school. Chairman Hoth questioned if an addendum could be added to the approval to have the sign illuminated during school hours and events. Commissioner Neubecker added that the sign has a program that allows the lights to dim within certain hours. Commissioner Wickersham asked if the school has a requirement for all lights to be turned off. Mr. Cupples replied that there is an outdoor lighting ordinance, but lit reader

boarders have an exemption for a certain lumen light. Commissioner Neubecker reiterated that there is programming within the signs that allows for the lights to be dimmed during certain hours. Chairman Hoth asked the Commission if they would like to make specific requirements for Mr. Cupples, or have Mr. Cupples prepare verbiage that would address the concerns raised during this discussion. Mr. Cupples stated that he can put generic conditions on the sign with stipulations that if issues are brought up in the future, further restrictions can be put into place. Chairman Hoth asked what kind of restrictions. Mr. Cupples replied that restrictions on hours of use or intensity. Commissioner Carpenter added that a nuisance clause on the permit, where if complaints are raised, the school would take care of them at that time.

Mr. Cupples stated that Commission still has a vacancy and the City Council will be interviewing a candidate at the City Council meeting on the February 22nd, and asked if the Commission would want to reappoint officers at this time, or once the vacancy has been filled. Chairman Hoth responded that his view was to wait until the vacancy has been filled. Commissioner Neubecker questioned what the outcome would be if the Council didn't appoint a new member. Chairman Hoth responded that the Commission would appoint new officers at that time. Mr. Cupples added that the appointment of officers will be added to the March 2021 agenda. Commissioner Carpenter asked if there are any candidates at this time. Mr. Cupples responded that there is one candidate.

Mr. Cupples stated that Jeff Flory, Transient Rental Compliance Officer, has information and talking topics to bring up at the work session this month. Chairman Hoth asked what that date would be. Mr. Sprague responded with February 16th.

COMMENTS FROM THE PUBLIC

Chairman Hoth asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth welcomed the new Commissioner Kathy Kleczek. The rest of the Commission joined in welcoming Commissioner Kleczek.

ADJOURNMENT: Adjourned at 6:48 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant