

MINUTES SEASIDE PLANNING COMMISSION

January 4, 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, Vice Chair Kathy Kleczek, Jon Wickersham, Chris Rose, Seth Morrissey, and Brandon Kraft. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Anne McBride, Community Development Assistant. Absent: Commissioner Lou Neubecker

APPROVAL OF MINUTES: December 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. Vice Chair Kleczek declared a conflict of interest for project 21-061PDSUB. Commissioner Morrissey declared a conflict of interest for projects 21-061PDSUB and 21-093VRD.

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. 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 that the

applicant has requested a continuance in order to respond to comments that were made at previous Planning Commission hearing. The applicants have requested a continuance to the February 1st, 2022 meeting at 6 pm in the Council Chambers. Chair Montero asked if the applicants have waived their 120 day period. Mr. Cupples confirmed that they have waived their 120 day period. Commissioner Wickersham motioned to continue 21-061PDSUB. Commissioner Rose seconded the motion. The motion passed unanimously with Vice Chair Kleczek, Commissioners Morrissey, and Kraft abstaining, and Commissioner Neubecker absent.

- B. **21-086VRD**: A conditional use request by **Annette O'Connor** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** over the age of three, no more than 10 persons regardless of age. The property is located at **420 13th Ave (T6-R10-16DA-TL7600)** and it is zoned **Medium Density Residential (R2)**. In conjunction with this request, the applicant is requesting a variance (**21-087V**) to the rear yard landscaping requirement. The existing driveway easement currently takes up more than 50% of the required rear yard. The easement driveway is used by neighboring property owners to access their parking areas and the applicant wants to create two off-street parking spaces for her dwelling unit in the rear yard that will be accessed from that driveway.

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. Annette O'Connor, 2926 NE Going St, Portland, OR, stated that she had purchased the house as a vacation home for her family, but would need to rent the property to supplement the purchase. The variance would be needed to allow parking in the rear of the property and the easement was in place before she had purchased the property. Ms. O'Connor stated that security cameras would be installed to ensure parking is taking place in the correct locations.

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 Planning Commission. Commissioner Rose asked for a clarification of the lot width. Ms. O'Conner replied that the lot was 34 feet wide. Commissioner Rose asked if the remodel was taking place only in the kitchen. Ms. O'Conner responded that the remodel was taking place in the kitchen and bathroom as some doors were too narrow. Commissioner Kraft asked if the parking areas had recently been graveled and if parking pylons will be installed. Ms. O'Conner stated that gravel had been installed and pylons would be installed after the backyard had been fenced. Commissioner Kraft stated his biggest concern would be that the parking area was not clearly marked. Ms. O'Conner stated that a parking agreement would be included in the rental contract and the security cameras would monitor parking on the property. Commissioner Kraft asked if there would be no parking signage in the front of the property. Ms. O'Conner stated that is correct. Vice Chair Kleczek asked for clarification if the easement continued to Franklin. Ms. O'Conner replied that the easement stops at the property to the west of her property. Vice Chair Kleczek stated that the easement doesn't look like it provides enough space for people to access the parking spaces. Ms. O'Conner responded that the parking spaces would be shifted to the farthest east portion of the property to allow for more maneuverability for parking. Commissioner Rose and Vice Chair Kleczek discussed the parking locations on the provided site plan. Commissioner Morrissey stated that staff recommended a conditional approval for the application and asked staff their opinions on the parking issue being discussed. Mr. Cupples responded that one of the conditions included was that the owner or responsible party for renting would need to provide detailed access instruction to renters. Ms. O'Conner stated that the shifting of the parking spaces was from a recommendation from Jeff Flory, Transient Rental Compliance Officer. Vice Chair Kleczek questioned if a car that was larger than a compact car was able to get out of the parking spaces and asked who would determine if the parking was an issue, or would the City have to wait for complaints from neighbors. Mr. Cupples stated that the parking could be monitored by complaints, but Jeff would be able to re-evaluate the parking spaces. The applicant has enough room to enlarge the parking spaces to allow for more maneuverability. Vice Chair Kleczek questioned if enlarging the spaces would remove all backyard area. Mr. Cupples

responded that it would not. Chair Montero asked if the applicant was planning on paving the easement. Ms. O'Conner showed the Planning Commission pictures on her cell phone the current parking area. Chair Montero asked what separation would be in place to prevent renters from parking on neighboring properties. Ms. O'Conner responded that something will be put in place to define the parking area and signage would be installed. Chair Montero asked if the easement was a city easement. Ms. O'Conner replied that it was a private easement. Commissioner Rose motioned to conditionally approve 21-086VRD. Commissioner Morrissey seconded the motion. The motion passed 4-2 with Chair Montero and Vice Chair Kleczek voting no and Commissioner Neubecker absent.

- C. **21-093VRD:** A conditional use request by **Chelsea Morrissey** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **450 14th Ave (T6-R10-16DA-TL01000)** 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. Chelsea Morrissey, 5241 NE 33rd, Portland, OR, stated that the property is currently being used as a long term rental for a family member, but they will be moving out. The house would be used as a second home, but they will want to be able to rent it out when not in use.

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 Planning Commission. Vice Chair Kleczek stated that written comments were received in opposition of this project. Vice Chair Kleczek asked how familiar Ms. Morrissey was with the neighbors. Ms. Morrissey responded that she had read the letters and knows the majority of neighbors from her childhood. Vice Chair Kleczek asked who was renting the house currently. Ms. Morrissey responded that it was being rented to her relative. Chair Montero asked if there were plans to asphalt the driveway. Ms. Morrissey responded that the parking could be asphalted if requested by the City. Chair Montero asked if there were intentions for a front yard fence. Ms. Morrissey replied that a fence wasn't thought about, but she could install one if required. Chair Montero stated that "no parking" signs could be installed on the fence to deter renters from parking on the lawn. Chair Montero asked if Ms. Morrissey was managing the rental herself. Ms. Morrissey responded that she had hired a rental management company. Mr. Cupples stated that one of the written comments regarding parking in the lawn area was a concern, so a requirement of a fence or landscaping could be added as a condition. Commissioner Wickersham motioned to approve 21-093VRD with the additional condition of no parking signs, shrubbery type or fencing to delineate parking on the lawn. Vice Chair Kleczek seconded the motion. The motion passed 5-0 with Commissioner Morrissey abstaining and Commissioner Neubecker absent.

ORDINANCE ADMINISTRATION

Chair Montero asked if there were any ordinance administration. There were none.

OTHER BUSINESS

Election of Officers: Chair Montero opened the nominations for Planning Commission Chairperson. Commissioner Wickersham motioned to nominate Commissioner Montero as the Chairperson and Commissioner Kleczek as the Vice Chairperson. Commissioner Morrissey seconded the motion. Commissioner Morrissey motioned to close the nominations. Commissioner Rose seconded the motion. The election of officers were approved 4-0 with Chair Montero and Vice Chair Kleczek not voting and Commissioner Neubecker absent.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Vice Chair Kleczek motioned for the Planning Commission to make a formal recommendation to the City Council to declare a moratorium on new conditional use permits for VRDs. There was no second for the motion. Commissioner Morrisey requested more framework around the timeframe for the moratorium. Vice Chair Kleczek motioned for the Planning Commission make a formal request to the City Council to initiate a review and update process for the comprehensive plan as a whole. Commissioner Wickersham seconded the motion. Commissioner Kraft asked for a description of what the comprehensive plan is. Vice Chair Kleczek responded that the comprehensive plan is what is used to render decisions and is used as a guiding document for the Commissioners. Commissioner Kraft asked if there was a set time period that the comprehensive plan needs to be updated. Chair Montero stated that within the comprehensive plan it stated it should be reviewed every five years. The motion passed unanimously with Commissioner Neubecker absent. Commissioner Wickersham stated that he is not against a moratorium, but was wanting more information for the recommendation and more structure around the moratorium before making a vote. Vice Chair Kleczek stated that the reason she had made the motion was to allow the moratorium to be included in the city budget for the next budget hearing. Chair Montero stated that the Mayor was going to bring up the moratorium at the January 10, 2022 City Council meeting. Chair Montero requested a work session to be held on January 18, 2022 at 6 pm in the City Council chambers. Commissioner Wickersham asked when the new budget cycle started for the city. Mr. Cupples responded the new budget would start in July. Vice Chair Kleczek gave her appreciation for having the meeting available electronically. Chair Montero requested that for the February agenda, to have the continued 21-061PDSUB be the last item on agenda for public hearings. Commissioner Morrisey stated that his personal opinion regarding the moratorium is that the City Council should be the body pushing the moratorium, as they are more of the political body. Commissioner Morrisey requested the number of vacation rentals that are possible within the City of Seaside, even if it's an approximation within 50. Mr. Cupples responded that staff will try to get an estimate. Mr. Cupples welcomed Commissioner Kraft to the Planning Commission. Mr. Cupples also stated that he would be retiring on February 15th, 2022. Commissioner Wickersham asked if the Planning Director position had been posted. Mr. Cupples responded that it had not been posted at this time.

ADJOURNMENT: Adjourned at 6:48 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant.