

MINUTES SEASIDE PLANNING COMMISSION

July 6, 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, Teri Carpenter, Jon Wickersham, Kathy Kleczek, and Chris Rose. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Lou Neubecker

APPROVAL OF MINUTES: June 1, 2021 minutes amended by Commissioner Carpenter to adjust language used for her statements regarding the delivery date of the packets. Commissioner Wickersham seconded the motion to correct the minutes.

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 Carpenter stated that she received her packet late and would ask more questions regarding the projects during the hearing.

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. **21-032VRD:** A conditional use request by Sanchez Seaside Property LLC for a four (4) bedroom Vacation Rental Dwelling with a maximum occupancy of ten (10) persons regardless of age. The property is located at 2675 Sunset Blvd (T6-R10-28BC-TL1001) and it is zoned Medium Density Residential (R2). In conjunction with this request, the applicant is requesting a variance (21-033V) to the front yard landscaping requirement. The current parking area for the zero-lot line townhome takes up more than 50% of the required front yard. The applicant wants to maintain

the five existing off-street parking spaces for the dwelling unit (two parking spaces inside the garage and three parking spaces side by side in the driveway). The applicant does not plan to alter the current parking area.

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 of the proposal. Yesenia Sanchez-Chen, 55349 Columbia River Highway, Scappoose, OR, is joined with Paula Sanchez, same address, read the letter she had written to the Planning Commission.

Vice Chair Montero asked if anybody else would like to speak in favor. Mark Tolan, 524 N Roosevelt Dr., stated that the house was previously rented through his company and they currently have a good relationship with the neighbors.

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 Wickersham asked the Commission if the parking within the garage would count towards the parking requirement. Vice Chair Montero stated that they would count towards the parking requirements. Mr. Cupples added that they would be counted if they met the parking space size requirements. Commissioner Kleczek questioned on if the number of off-street parking spaces that the Commission was going to approve was 5 total off-street parking spaces, not three. Vice Chair Montero asked Mrs. Sanchez-Chen to verify the number of off street parking spaces. Mrs. Sanchez-Chen stated they are proposing 5 off-street parking spaces. Mr. Cupples added that the owners would be required to have 4 off-street parking spaces per the Zoning Ordinance, but if additional parking spaces are provided they can use them. Commissioner Carpenter asked Mr. Cupples what additional conditions have been added to the surrounding VRDs. Mr. Cupples responded that the surrounding VRDs have the standard list of conditions. Commissioner Carpenter asked if the City had received letters from neighboring properties. Mr. Cupples stated that there had been no letters regarding this VRD. Mr. Tolan added to the response that their company advertises under parking capacity, so if there were any extra vehicles they are still within their approved parking requirement. Commissioner Carpenter asked if two cars could fit inside the garage. Mr. Tolan stated that he has seen two cars parked inside the garage before. Commissioner Kleczek asked if the parking lot across the street would be considered on-street parking or off-street parking. Mr. Cupples responded that on-street parking would be any parking space that takes place within the public right of way. He added that any time the City talks about off-street parking, they are talking about parking that is located on the owner's property. Commissioner Kleczek questioned if people could complain about renters parking in the parking lot for the vacation rental. Commissioner Wickersham stated that the parking along that area is not allowed for overnight parking. Vice Chair Montero asked Mr. Cupples that since the two applications were submitted in tandem, would they require separate votes. Mr. Cupples responded that the two items are submitted together, but anybody could appeal each decision individually. Vice Chair Montero wanted to verify that the VRD license goes to the applicant and the variance decision goes with the property. Mr. Cupples stated that a decision of a conditional use is only valid for up to a year unless the use is utilized, but the variance would continue to exist after the property has changed hands. Vice Chair Montero recommended to the Commission that in order to maintain the look of a residential neighborhood, the maximum number of parking spaces be limited to 4, 2 parking spaces inside the garage and 2 outside the garage, and landscaping elements to be installed within the 5th parking space. Commissioner Kleczek responded that the neighboring properties do not have the landscaping requirements along their driveways, so adding these requirements would be considered extreme. Commissioner Wickersham stated that without clarification of what landscaping elements would entail, and the parking arrangement fits with the current neighborhood, so he would prefer to not include this additional condition. Commissioner Kleczek asked if parking became an issue, could a condition to lower the parking spaces to maximum of 4 be added. Commissioner Wickersham responded that he was speaking to the landscaping elements, but does not have an issue with

allowing 5 parking spaces. Vice Chair Montero stated that this would allow for a consistency with the other units within the area that have a maximum parking of 4. Commissioner Wickersham asked how many parking spaces the previous owner was allowed to have. Vice Chair Montero responded that the previous decision was in 2005 which allowed for 4 parking spaces. Commissioner Kleczek motions to approve 21-032VRD and 21-033V. Commissioner Wickersham seconded the motion. The motion passed unanimously.

- B. 21-035CU:** A conditional use request by Steve Olstedt, Cross Creek Land 1 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 added that what staff recommends that the decision be made on the conditional use permit and the highway overlay zone permit and grant a continuance on the subdivision to have a more refined subdivision plat submitted for the next Planning Commission meeting. Vice Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Adam Daily, PO Box 973, introduced himself as the engineer who compiled the planning narrative and the preliminary plan for the project.

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 Kleczek asked Mr. Cupples to clarify how the split decision works for voting on two of the applications and continue the third. Mr. Cupples responded that whenever the Planning Commission is reviewing a packaged application, there would be one public hearing, have all the testimony from the public in that hearing, and then the decisions could be separated for each permit application.

Commissioner Kleczek verified if the high overlay zone has standards that are based on the City of Seaside's Transportation System Plan (TSP) and Oregon Department of Transportation (ODOT) requirements. Mr. Cupples confirmed this information. Commissioner Kleczek asked if the traffic impact study submitted was performed in 2018 or 2021. Mr. Cupples stated the study was done in 2021. Commissioner Carpenter stated that traffic will be a major issue with this project, and asked if ODOT had plans for updating the highway in that location. Mr. Cupples replied that when the TSP was compiled it showed that this section the highway would have 3 lanes, as the highway sits now. Commissioner Rose expressed his concern with the amount of traffic that would be using the entrance, which is shared with other businesses. Mr. Cupples stated that the traffic study showed that the intersection onto the highway wasn't going to be a problem, but would have traffic queueing for exiting the area. Commissioner Wickersham added that Dutch Bros. already has cars backed out into the access road during peak hours. Mr. Cupples replied that there will be heavy traffic during peak hours, potentially backed up into their development. Commissioner Kleczek stated expressed her concerns with pedestrian and bicycle access to the development, and read a quote from ODOT website regarding the amount of bicycle and pedestrian related accidents along the highway in Seaside. Mr. Cupples stated that the existing pedestrian walkway is being connected to this new development and will have a sidewalk system within their development. Commissioner Kleczek responded that the tenants would want to walk to other sections of Seaside, but there is not a safe route to the other side of the driveway. Vice Chair Montero asked what type of housing would this complex be. Ryan Osburn, 33485 SW Old Pine Drive, Warrenton, stated that the rent range would be roughly \$1,200 to \$1,400, but the lots for the apartments would be sold to different builders. Commissioner Wickersham asked if the development of the site would be completed in one

phase, while the building of the units would be developed at a separate time. Commissioner Carpenter continued the question if the units would have to match, or if the builders could choose their own building. Mr. Daily responded that there would be continuity to the units as they would have to build using the submitted elevations. Mr. Osburn added that there would be a parking lot easement agreement with all the owners of the complex. Commissioner Kleczek asked who would be responsible for paying the common fees for the development. Mr. Osburn stated that the fees would be shared amongst the owners at that time. Vice Chair Montero asked if the study was performed in 2017, and if it has have the numbers been adjusted to reflect the current conditions. Mr. Cupples responded that the date of the traffic study was June 17, 2021. Vice Chair Montero asked if there was a proposal with ODOT to reduce the speed limit from 40 to 35 in this section of the highway. Mr. Daily responded that as of right now there is not, but there is a center turn lane and a right turn lane to enter the property. Commissioner Kleczek requested that a safety measure of a pedestrian crossing light at the intersection with the highway be added. Vice Chair Montero suggested to the Planning Commission to vote for a continuance for this project to allow for more time to review the submitted plans and documents. Mr. Cupples responded that if the Planning Commission was wanting final plans to approve the development, the final plans are not reviewed by the Planning Commission but they are approved by the Building Official. Commissioner Carpenter stated that a continuance would be needed to perform additional review of the project to verify if the correct questions are being asked. Commissioner Wickersham asked the Commission what additional information is being requested from the applicant, or what information is holding the Commission back from making a decision. Commissioner Carpenter responded that the traffic is the biggest concern and would require more review. Mr. Cupples stated that as a follow up on Commissioner Kleczek's concerns, as the Commission starts making requirements for offsite improvements, the burden as a decision make becomes higher. Mr. Cupples suggested that the Planning Commission could request the developers discuss the possibility of having a pedestrian crossing with Lancaster and ODOT. Mr. Daily stated that ODOT had reviewed the study and the conclusions on page 16 show that there are no requirements for any additional improvements. Commissioner Kleczek motioned to continue to the August 3rd meeting at 6 o'clock in the City Council Chambers. Commissioner Rose seconded the motion. The motion passes unanimously.

ORDINANCE ADMINISTRATION

Vice Chair Montero had questions about the density maps for vacation rental applications, and if unbuildable wetland and the other non-improved open space parcels should be included in the density ratios. Mr. Cupples stated that not counting these lots would be out of convention. Vice Chair Montero stated that including these lots skews the numbers of VRD ratios within the areas, with lots that are unable to be improved being counted towards the ratio. Vice Chair Montero suggested making a decision or recommendation to not include unbuildable lots. Mr. Flory asked for clarity if it would just pertain to the open park zoning designations. Vice Chair Montero responded that to obtain accurate percentages of VRDs within an area, eliminating open space and undevelopable lots would reflect a true count.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Commissioner Carpenter stated that in the last meeting, the packets would be delivered 7 days before the next meeting. Mr. Cupples responded that the packets were delivered 6 days prior to the meeting. Commissioner Carpenter suggested that the packets be delivered 6 business days in advanced. Mr. Cupples replied that the most common time the City receives public comments is close to the day that the staff report is written. The further the mailed notice is sent out from the hearing date, the less likely the City will receive public comments. Commissioner Carpenter asked what is preventing the mailed notice being sent out earlier in the month. Mr. Cupples responded that the deadline for Planning Commission meetings are the previous month's Planning Commission meeting. Commissioner Kleczek suggested that the published notice date be adjusted to 10 days in advanced. Mr. Cupples stated that the published and mailed notice

could be adjusted, but the change will affect how the City accepts applications. Commissioner Kleczek asked for clarification on how this change will affect how the City accepts applications. Mr. Cupples replied that the time needed between application intake and mailed notice is for City staff to put the file together, get the notices written, get the notification published, and the notices mailed. With adjusting the date the packets are sent out, the staff report would be written during the time the first notices were being sent out. Commissioner Kleczek suggested that if the mailed notice was sent out 5 days in advanced, would that provide City staff the 5 additional days to get the staff report written. Mr. Cupples stated that he would attempt to get the notices and packets out in advanced, as requested by the Commission. Commissioner Wickersham stated that he would be gone for the September Planning Commission meeting. Mr. Cupples stated that Chair Hoth had stepped down from the Planning Commission, and asked if Vice Chair Montero would be willing to serve as interim Chair for the time being. Vice Chair Montero agreed to act as interim Chair.

ADJOURNMENT: Adjourned at 7:28 PM.

Robin Montero, Vice Chairman

Jordan Sprague, Admin. Assistant