

MINUTES SEASIDE PLANNING COMMISSION

May 11, 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 Chris Rose. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Jeff Flory, Transient Rental Compliance Officer. Absent: Kathy Kleczek

APPROVAL OF MINUTES: April 6, 2021 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. Vice Chair Montero stated that at Art in the Park, she met with an applicant but halted the conversation as soon as the application was brought up. Chair Hoth asked if she was going to recuse herself from the hearing of the application. Vice Chair Montero said no. Commissioner Neubecker stated that he ran into Mark Mead at a restaurant and told him that the projects could not be discussed.

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. **21-16VRD:** A conditional use request by Barbara Fisher 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 regardless of age. The property is located at 721 S Prom (T6-R10-21DB-TL7800) 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. Barbara Fisher and Edward Wiszowaty, 7204 N Mississippi Ave, Portland, OR 97217, spoke about how they have made repairs to the house and removed the garage to make room for additional parking. They are working with Clean Sweep for the layout and the paving of the parking spaces. Mr. Wiszowaty added that they are experienced with short term rentals, having had a short term rental in a different city.

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

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

Chair Hoth opened the discussion to the Planning Commission. Vice Chair Montero asked if the fence along Avenue G was going to be removed, while the fence that separates the property from the house on the east would remain. Mr. Wiszowaty replied that the cyclone fence would be relocated to allow for the cars to have better access to the parking. Vice Chair Montero questioned to Mr. Cupples if the driveway needed to be 18 feet wide. Mr. Cupples replied that the lot would need to accommodate three 9' x 18' parking spaces. Vice Chair Montero asked about the paving for the parking space. Mr. Wiszowaty responded that they are working with Clean Sweep to accommodate the Planning Commission's parking requirements. Vice Chair Montero asked if they owned any other short term rentals in town. Mrs. Fisher responded that they owned a short term rental in Bay City, Oregon. The Commission discussed parking spaces and driveway access for the property. Vice Chair Montero asked Mr. Cupples if there was a setback requirement from the street for a parking space. Mr. Cupples replied that if there was one, it would be defined by Public Works. The Commission continued to discuss the parking arrangement and driveway width. Commissioner Wickersham asked if the house would be used as a second home. Mr. Wiszowaty responded that they use the house frequently as a second home. Chair Hoth recommended that the motion to approve this VRD should have wording about the placement of the parking spaces on the property. Conversation regarding the layout of the parking spaces continued. Vice Chair Montero motioned to approve 21-016VRD with the condition that the parking access and parking spaces be paved within a year and the configuration of the parking spaces be as described in the conversation. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- B. 21-017VRD:** A conditional use request by Rhiannon Chamberlain 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 regardless of age. The property is located at 1175 S Prom (T6-R10-21DB-TL15400) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Rhiannon Chamberlain, 3526 NE 27th Ave, Portland, OR 97212, stated that her grandparents purchased the property, and the property has been passed down in the family. The house has been rebuilt, and the cost of the construction was higher than expected. Mrs. Chamberlain plans on renting the house to offset the cost of construction. The house would still be used for her family.

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

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

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth stated that the main discussion item is the parking for this property. He reiterated that all parking must be kept on the property, and no on street parking would be allowed for the short term rental. Vice Chair Montero asked Mr. Cupples if the City has plans to pave Avenue L. Mr. Cupples replied that if the neighbors wanted to form a local improvement district and pay for the paving, the Public Works director would get the process started. Chair Hoth recommended that with the motion to approve this application, a condition be applied for the paving to be completed within one year of the approval. Vice Chair asked if the garage would be used for parking for the VRD. Mrs. Chamberlain responded that the garage would be storage for their personal items. Vice Chair questioned if the unimproved space would be converted into an apartment or accessory dwelling unit. Mrs. Chamberlain replied that the space would be used as a storage area. Commissioner

Wickersham motioned to approve 21-017VRD with the condition that the parking spaces be paved within one year if the street is paved. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- C. 21-018VRD:** A conditional use request by Lisa Clifford-Burton 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 regardless of age. The property is located at 2040 Beach Dr (T6-R10-21CD-TL7700) 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. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Andy White, 7852 Catalpa St, Portland, OR 97229, is representing Jennifer Van Ditti, who is the new owner of the property. The property has been passed down within the family, as have the neighboring properties. As the house got passed down, the renting of the house would help offset the costs of keeping the house.

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

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

Chair Hoth opened the discussion to the Planning Commission. Vice Chair Montero stated that they had received a letter regarding the unexpected passing of trustee Lisa Clifford-Burton. She asked for clarification on who owned the house when and if the deed transferred. Mr. White responded that the house was owned by a family trust, with Jennifer Van Ditti being the remaining trustee. Mr. White added that Mr. Flory directed him to move forward with the application and the application can be changed to reflect this unexpected change of ownership. Commissioner Carpenter stated that her main concern were the parking spaces. Mr. White explained the layout of the available parking for the rental house. Vice Chair Montero asked if the site plan is measured from the street or to the sidewalk. Mr. White responded that the measurement does not include the 5 foot sidewalk. Commissioner Carpenter asked if a transfer of a VRD license to a member within the family would require a new application. Mr. Cupples responded that the license is deeded within the family and would not be considered a transfer of ownership. Vice Chair Montero motioned to approve 21-018VRD. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- D. 21-019SUB:** A subdivision request by Indigo Dunes Investments, LLC represented by Steve Winters. The subject property is located 485 N Wahanna Rd. (T6-R10-S22BA-TL101) and the subject property is zoned High Density Residential (R3). The request will create four separate lots that will each be accessed from N Wahanna Rd. and they are being developed with detached single family dwellings. The approximate size of the lots will be L1-5,217 sq. ft., L-2 5,441sq. ft., L3-5,492 sq. ft., and L4-5,061 sq. ft.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples added that a letter was received after the packets had been delivered, and he had responded to the neighbor that the houses were an outright approved use for the lot without the lot division. Chairman Hoth asked if there was anybody who would like to speak in favor of the proposal. Mark Mead, 89643 Ocean Drive, Warrenton, OR, acting representative for Indigo Dunes Investments, stated that when the owner started construction of the houses, they had originally planned for them to be rental units but decided to sell them individually. The wetland area will be common open space, and would not be developed. Mr. Mead continued to say that each house will have a turnaround area for pulling out onto Wahanna Rd.

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

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

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth asked if the houses could be placed on the original parcel without the division of the lot. Mr. Cupples replied that in the R3 lot, the zone allows for multiple houses to be placed on the property as long as it doesn't exceed the maximum density. Chair Hoth questioned if the lots would have to be separated to be

sold off individually. Mr. Cupples responded that the lots would have to be sold individually, or could be sold as a condominium. Commissioner Carpenter asked if the procedure would be different if the owner planned on selling the houses from the beginning. Mr. Cupples replied that the process would not be different. He then continued to give examples of parcels being divided after construction had finished. Commissioner Wickersham stated that a land locked parcel can't be created, and why couldn't the rear parcel be attached to one of the other parcels. Mr. Mead responded that the owner was in discussion with one of the neighboring property owners to work to incorporate the parcel into a bigger piece and donating it to the North Coast Land Conservancy or to the City of Seaside. The original idea was to have each front parcel to extend to the rear property line, but there would be a possibility that the new owners would encroach upon the wetland area. Commissioner Wickersham motioned to approved 21-019SUN based on the recommendations in the staff report. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

- E. 21-022HOZ:** A Highway Overlay Zone request by RDA Project Management to develop a 28 unit motel at 2001 S Roosevelt (T6-R10-S28ABD-TL10300). The subject property is zoned General Commercial (C-3) and the proposed use would provide 28 detached motel units that would have one access onto S Roosevelt (Hwy 101).

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. Mark Mead, 89643 Ocean Drive, Warrenton, OR, presented the alternate layout of the complex to the Commission, stating that he is still waiting to hear back from Oregon Department of Transportation (ODOT). Mr. Mead added that the walking path for the Mill Pond area encroaches onto the property, so the plan calls out the relocation of the path back onto the City's property. Additional parking spaces and landscaping have been included with the proposal.

Chair Hoth asked if anybody else would like to speak in favor. Randy Stemper, PO Box 1417, Astoria, OR, stated that he has read through the conditions that have been recommended and that the project will meet them. The alternative plan that was submitted would better fit the transportation plan and the additional condition would be met.

Chair Hoth asked if anybody else would like to speak in favor. Peter Owen, 2115 S Roosevelt, stated that he is in favor for the proposal, but worries that the new construction would require him to connect to the City's sewer system.

Chair Hoth asked if anybody else would like to speak in favor. Mike McCall, 2155 S Roosevelt, stated that he was looking forward to the Waterhouse logging buildings being removed. His concern was that his business makes a substantial amount of noise. He also plans a future development adding an additional building closer to the north property line.

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

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

Chair Hoth opened the discussion to the Planning Commission. Chair Hoth asked Mr. Cupples to explain the sewer connection requirements. Mr. Cupples stated that if the sewer was readily available in front of the property, Mr. Owen would have to connect. The proposed construction does not intend to run the sewer main in front of Mr. Owen's property. Chair Hoth added that it is not a guarantee that Mr. Owen would not have to connect to the sewer system in the future, but this development would not require the connection. Mr. Mead stated that the sewer connection will be along the Mill Pond property line. The future sewer main would run along the rear property line up to Avenue V. Commissioner Carpenter asked if the Mill Pond path would still remain open to the public. Mr. Mead responded that the path was being altered to move the path back onto the City's property. Mr. Cupples added that condition 7 of the staff report addressed the modifications to the trail. Mr. Cupples asked if there would be sound attenuation that would be incorporated in the southern buildings. Mr. Mead replied that there are no windows proposed along the southern walls, so the insulation would provide additional sound protection. Vice Chair Montero asked if the billboard that currently sits on the property would remain. Mr. Stemper

responded that they are uncertain at this time if the billboard would be removed. Vice Chair Montero questioned if the modified plan's driveway access is adequate for a firetruck to enter the property. Mr. Mead responded that the drawing reflects the requirements for firetruck access, and the access does meet the requirements for fire access. Vice Chair asked if a sign would be placed on the property and where the location of the sign would be. Mr. Mead replied that the sign would be either just north or south of the driveway entrance. Chair Hoth asked if there was a landscape plan proposed at this time. Mr. Mead stated that the owners of the property own a landscaping company and will be putting together the landscape plan at a future date. Commissioner Carpenter asked if the property has enough space if ODOT decided to widen Roosevelt in this location. Mr. Mead responded that ODOT has a 60 foot right-of-way in front of the property. Commissioner Carpenter asked if there were any protections in the future for Mr. McCall's company and receiving any noise complaints. Mr. Cupples replied that there are no protections under the City's noise ordinance. Mr. Stemper added that the owners are designing the units and landscaping to minimize the noise. Mr. Owen stated that when the surveyor was originally on the property, he was told that the use of the property was for seasonal workers, not as a hotel or motel. Commissioner Wickersham motioned to approve 21-022HOZ with using the plan labeled "Option A" and the additional condition 11. Commissioner Neubecker seconded the motion. The motion passed 6-0 with Commissioner Kleczek absent.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the final decisions for these projects would be completed prior to his leaving for Hawaii the next day.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Chairman Hoth asked if there were any comments from the Commission or staff. Vice Chair Montero welcomed the new commissioner Chris Rose, and asked about elections of the Chairman and Vice Chairman positions. Mr. Cupples stated that the elections would have been added to this agenda, but with the 5 items the election would be moved to the June meeting.

ADJOURNMENT: Adjourned at 7:38 PM.

Chris Hoth, Chairperson

Jordan Sprague, Admin. Assistant