

MINUTES SEASIDE PLANNING COMMISSION

November 2, 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, Vice Chairman Kathy Kleczek, 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.

APPROVAL OF MINUTES: September 21, 2021 work session memo adopted as written. October 5, 2021 minutes were amended by Chair Montero to reflect the vote was passed unanimously with Commissioner Neubecker being absent and Vice Chair Kleczek requested page numbers on 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.

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, Commissioner Neubecker, and Commissioner Morrissey declares a conflict of interest for project 21-061PDSUB. Chair Montero stated that she received a call regarding Indigo Dunes, but halted the conversation and referred the called to the Planning Department.

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. **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 during the last Planning Commission meeting, the public hearing was continued and the record was reopened to allow the applicant time to submit additional information and allow time for public to review the submittal. The applicant requests a continuance due to the late date of submitting the additional documentation. Staff did send notice to the surrounding property owners and anyone who had provided testimony regarding the continuance. Mr. Cupples continued to state that the applicant had waived the 120 day time limit. Chair Montero asked if Mr. Mead would like speak on behalf of the applicant. Mark Mead, 89643 Ocean Dr., Warrenton, stated that the continuance was requested for the owners to submit one more additional document and to provide neighbors time to review the submitted documents for written comments. Chair Montero stated that the applicant had submitted a substantial number of documents, which is available at the Planning Department and online on the Planning Department's webpage. Chair Montero encouraged neighbors to review the documents prior to testifying, but opened the floor to any public comments at this time. There were none. Commissioner Wickersham motioned to continue 21-061 PDSUB to the December 7, 2021 meeting. Commissioner Rose seconded the motion. The motion passed unanimously with Vice Chair Kleczek, Commissioner Neubecker, and Commissioner Morrissey abstaining.

- B. 21-070VRD:** A conditional use request by **Mohammed Shariff** 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 **430 9th Ave (T6-R10-16DD-TL800)** 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. Chair Montero asked if there was anybody who would like to speak in favor of the proposal. Mohammad Shariff, 21181 30th PI SE, Bellevue, WA, stated that he had purchased the property to use as a family vacation house, but would like to rent it out during the parts of the year his family will not be using it.

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

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

Chair Montero opened the discussion to the Planning Commission. Commissioner Rose stated that two floor plans were submitted, but which of the two floor plans would be used. Mr. Shariff stated that the floor plan with "proposed" above it would be used, as he had obtained a building permit to alter the house. Chair Montero asked Mr. Cupples for clarification on the setback requirement on the east side of the property and if the parking space would need to meet the required side yard setback. Mr. Cupples responded that parking can be provided in the side yard, but would still need to meet the required 50% landscaping in the side yards. Chair Montero asked if the curb cut would be extended to match the driveway approach. Mr. Shariff stated that the approach would be altered if the Planning Commission required it. Mr. Cupples added that condition number 2 requires the parking to be paved as well as providing a new driveway access permit through Public Works. Vice Chair Kleczek motioned to approve 21-070VRD. Commissioner Neubecker seconded the motion. The motion passed unanimously.

ORDINANCE ADMINISTRATION

- A. 21-019SUB:** Mr. Cupples stated that on May 11, 2021, the Planning Commission had conditionally approved the referenced tentative subdivision plat. The applicant had submitted the final plat to be reviewed by the Planning Commission. The Planning Commission is to verify that the final plat meets substantial compliance with the approved tentative plat. Chair Montero asked if the applicant needs to speak. Mr. Cupples responded that staff had looked at the final plat and it is consistent with the tentative plat with a slight difference in that the applicant was required to dedicate five feet along the fronting property, pursuant to the comp plan. Commissioner Rose asked if he is to abstain from the vote, as he was not a Commissioner at the time of the original approval. Commissioner Morrissey asked if the new commissioners were required to abstain from voting. Mr. Cupples responded that they are not required to abstain because the review is to

verify the final plat is consistent with the tentative plat based on the conditions of approval. Commissioner Morrissey asked if the back 3.38 acres would remain undeveloped. Mr. Cupples responded that the area is zoned A3 and would not be allowed to be developed at this time, unless the zone is changed. Vice Chair Kleczek asked for clarification of condition 1 regarding the utility easement. Mr. Cupples replied that the 5-foot strip is dedicated to the City or County, allowing the area to be used for sidewalk or widening of the roadway if needed. Vice Chair Kleczek asked if the wetland setback was being met for the new buildings. Mr. Cupples stated that they are being met. Commissioner Neubecker motioned to approve 21-019SUB. Commissioner Morrissey seconded the motion. The motioned passed unanimously with Vice Chair Kleczek abstaining.

- B. 21-011SUB:** Mr. Cupples stated that on April 6, 2021, the Planning Commission conditionally approved the referenced tentative subdivision plat. The final plat has been submitted and is to be reviewed by the Planning Commission. Staff had reviewed the final plat and appears to be substantially in compliance with the tentative plat. Chair Montero asked if sidewalks would be added to the property along Edgewood. Jason Kraushaar spoke from the audience, but did not approach the microphone so he was not added to the record. Vice Chair Kleczek asked about the status of the variance that was coupled with the subdivision. Mr. Cupples responded that the variance was approved at the time of the tentative plat by the Planning Commission. Commissioner Wickersham motioned to approve 21-011SUB. Commissioner Neubecker seconded the motion. The motion passed unanimously.
- C. 21-022HOZ:** Mr. Cupples stated that on May 11, 2021 the Planning Commission conditionally approved the referenced request to develop within the highway overlay zone. The applicant has revised their plan and reduced the number of units from 28 down to 24. Two conditions in the final decision required the Planning Commission to review the final landscaping plan and the altered site plan. A detailed landscaping plan was submitted with cross-sections. Chair Montero stated that the submitted documents are a total revision of the site plan that was originally approved. Chair Montero asked Mr. Mead to approach the microphone for questions. Mark Mead, 89643 Ocean Dr., Warrenton, stated that the changes were made after a discussion with the owner of Les Schwab regarding minimizing noise from the existing commercial building. The parking was moved to allow for an extra noise buffer, in combination with the landscaping, from Les Schwab. Two rows of buildings stayed the same while one row was changed. Chair Montero raised concerns about emergency vehicle access. Mr. Mead replied that he had sat down with the Fire Department to address the issue. Special types of pavers would be laid into the ground which firetrucks could drive on to reach the other buildings. Chair Montero asked if the fire trucks would be able to back out of the area. Mr. Mead responded that the design was made with discussions with the Fire Department. Chair Montero asked if the area where the new pool would be located could have been used as a second ingress and egress point. Mr. Mead replied that ODOT wants to limit the number of vehicle access points along the highway. Commissioner Morrissey asked if ODOT required a deceleration lane. Mr. Mead responded that they did not because the property is within a 35 mile per hour zone and is within a special distance from the stoplight. Commissioner Wickersham asked if the area in the middle of the property would be a court yard. Mr. Mead stated that it would be used as a court yard. Vice Chair Kleczek asked where the ADA accessible parking spaces were located. Mr. Mead responded that the ADA parking spaces were located near the ADA compliant units. Vice Chair Kleczek asked if the sidewalks would meet ODOT standards for width and ramps. Mr. Mead replied that the sidewalks are within the property, not in the ODOT right of way, so they would fall under City's jurisdiction. Vice Chair Kleczek asked Mr. Cupples if the sidewalk would fall under ODOT specifications and requirements for ADA compliance. Mr. Cupples responded that the applicants will need to meet ADA standards for the sidewalks. Vice Chair Kleczek stated that having two ADA parking spaces out of a total of 35 parking spaces seemed like a low number. Mr. Mead responded that the building code requires only two ADA parking spaces for parking lots up to 50 total spaces. Mr. Cupples asked Mr. Mead if he had discussed converting the courtyard into waffle block or planter blocks to be used as additional parking if necessary. Mr. Mead responded that they did consider this, but did not want to allow cars to access into the court yard. Vice Chair Kleczek asked why the parking was being relocated to the southern portion of the

property. Mr. Mead responded that the buildings would be located further away from the Les Schwab building, allowing the parking area to be used as an additional noise buffer in conjunction with the landscaping. Vice Chair Kleczek asked if approval was granted for adjusting the Mill Pond walking path. Mr. Mead responded that the Public Works Director approved the change to the walking path. Vice Chair Kleczek asked what percentage of change triggers the Planning Commission re-reviewing the entire project. Mr. Cupples stated that if there was no change to the site plan, the landscaping plan could have been approved by the Planning Director, but because of the change, it was brought to the Planning Commission for review. Vice Chair Kleczek asked if the drainage and storm water runoff was part of the landscaping plan. Mr. Cupples replied that landscaping plan was for the Planning Commission to review the frontage landscaping strip on the property. Commissioner Neubecker motioned to approve 21-022HOZ. Commissioner Rose seconded the motion. The motion passed unanimously.

COMMENTS FROM THE PUBLIC

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

COMMENTS FROM COMMISSION/STAFF

Commissioner Neubecker gave an update on his medical conditions. Vice Chair Kleczek asked if the Planning Commission would have a joint meeting with the City Council on November 29th. Mr. Cupples responded that there was a meeting scheduled for November 29th with the City Council to discuss business license fees and vacation rental dwellings. Chair Montero asked what time and where the meeting would take place. Mr. Cupples responded 6 o'clock in the council chambers. Vice Chair Kleczek asked if she could be provided with an information sheet with the basic zoning information. Mr. Cupples replied that the office has a basic information sheet for setbacks and requirements for residential zones, and could start putting the zoning information in with the staff reports to show the setbacks and other restrictions. Vice Chair Kleczek stated that she would not be able to attend the December 7th meeting. Chair Montero asked staff to provide site plans and drawing on 11x17 size paper and who will provide the agenda for the joint work session. Mr. Cupples stated the agenda would be taken care of by the Council, but if there are any additional items that need to be added, staff could let them know. Vice Chair Kleczek requested that a discussion of recreating the comp plan to be added. Mr. Cupples replied that he would let them know. Commissioner Morrissey asked if staff could compile a total number of vacation rentals dwellings of the last 10 years. Mr. Flory replied that he would be able to compile the reports for the last 10 years. Commissioner Morrissey added that he is primarily interested in vacation rental dwellings in residential zones.

ADJOURNMENT: Adjourned at 6:49 PM.

Robin Montero, Chairman

Jordan Sprague, Admin. Assistant