

MINUTES SEASIDE PLANNING COMMISSION

October 4, 2022

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Vice Chair Kathy Kleczek, Lou Neubecker, Chris Rose, Seth Morrissey, Brandon Kraft and Don Johnson. Staff present: Jeff Flory, Planning Director, Jordan Sprague, Administrative Assistant. Absent: Chairperson Robin Montero

APPROVAL OF MINUTES: September 6, 2022 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.

Vice Chair Kleczek asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There were none.

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

Vice Chair Kleczek 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. There were none.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice Chair Kleczek:

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. 22-050SR & 22-051NCS:** A request by **Julieta Sicat** for a review of Planning Commission decision 0-033NCS, an enlargement of a non-conforming structure **404 N Prom Seaside, OR (T6-R10-16DC-TL13200)**. The previous property owner was approved for an enlargement of a non-conforming structure but was prohibited from building an exterior stairway to the third floor of the dwelling. The applicant is requesting the Planning Commission review and reverse the previous Planning Commission's decision and allow the stairway and subsequent setback reduction.

Jeff Flory, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Vice Chair Kleczek asked if there was anybody who would

like to speak in favor of the proposal. Julieta Sicat, 404 N Prom, stated the staircase was being installed as an emergency exit. Family, friends, and foster care clients would be using the exit from the second floor. When the house was purchased, the realtor had told her that the property was pre-approved for a second exit and the staircase. Mrs. Sicat questioned why a setback reduction was required when the staircase is roughly 11 feet from the neighbor's house. Mr. Flory responded that the setback within the RR zone for 3 stories or taller is 8 feet, and the staircase is shown to be 3 feet from the property line. Oscar Merino, 14095 SW Walker Rd #5 Beaverton, stated that when he measured the distance from the house to the staircase, it was 11 feet. Mr. Flory responded that the site plan submitted shows the stairs 3 feet away from the property line. Commissioner Morrissey asked if the project would be brought to the Planning Commission if a building permit had been applied for before the work took place. Mr. Flory responded that the structure is non-conforming and the Planning Commission is required to approve the expansion of a non-conforming structure. The previous owner applied for an expansion of a third story to the building in 2000 and the Planning Commission had approved the application, but denied the expansion of the footprint of the building. Mr. Merino stated the staircase was being built in response to the fire that destroyed a house on 3rd Ave and N Roosevelt Dr.

Vice Chair Kleczek asked if there was anybody else who would like to speak in favor. Angelina, Ortiz, 14095 SW Walker Rd #5 Beaverton, stated that the stairs were to be installed to allow disabled clients to exit the house. The stairs inside the structure are narrow and they would not be able to easily use the stairs without assistance.

Vice Chair Kleczek asked if there was anybody else who would like to speak in favor. There were none.

Vice Chair Kleczek asked if there was anybody who would like to speak in opposition. Jim Murphy, PO Box 891 Chehalis, WA, stated that the stairs were being proposed for safety, but an interior elevator would be better for disabled folks. The fire that Mr. Merino used as a purpose for the stairs was spread from one building to the next because the buildings were too close to each other. People smoking cigarettes and discarding their cigarette butts around the staircase bring concerns of a fire starting and spreading to his house. The Planning Commission had already denied the construction of the staircase in 2000 and the decision should remain.

Vice Chair Kleczek asked if there was anybody who would like to speak in opposition. Trisha Murphy, PO Box 891 Chehalis, WA, reiterated Mr. Murphy's concerns and worries about having a staircase that close to the property line. Parking issues with the hotel could cause additional issues with Fire Department access if the staircase was erected.

Vice Chair Kleczek asked if there was anybody who would like to speak in opposition. There were none.

Vice Chair Kleczek opened the discussion to the Commission. Commissioner Morrissey asked Mr. Flory if there had been any changes from the previous application in 2000 to this current application. Mr. Flory stated the only difference was the previous application was requesting a staircase to the third floor and the current application is requesting a stairway to the second floor. Commissioner Morrissey motioned to uphold the previous Planning Commission's condition of approval by denying the request to allow the expansion of the footprint of the dwelling. The Commissioner Johnson seconded the motion. The motion passed unanimously with Chair Montero absent.

ORDINANCE ADMINISTRATION

Mr. Flory presented the official Continuance Policy as previously discussed at the September 6th work session. The only change was to allow the applicant to attend the Planning Commission virtually to request the continuance and virtually if the Planning Commission decided to deny the

continuance and continue the public hearing for that meeting. Commissioner Neubecker motioned to adopt the continuance policy. Commissioner Kraft seconded the motion. The motion passed unanimously with Chair Montero absent.

COMMENTS FROM THE PUBLIC

There were none.

COMMENTS FROM COMMISSION/STAFF

Mr. Flory stated that staff reports have been changed to match the updated City Council staff reports as requested by City Hall. If the Commission has any recommendations or additions to the staff report to notify staff to discuss the changes with City Hall. Vice Chair Kleczek recommended staff to make alterations to the agenda and packet to make the electronic version more user friendly. The Commission has a joint work session with City Council in October and for Commissioners to send agenda items to Chair Montero. Mr. Flory stated that the November Planning Commission does not have items on the agenda, so at this time a meeting will not be held.

ADJOURNMENT: Adjourned at 6:48 PM.

Robin Montero, Chairperson (absent)
Kathy Kleczek, Vice Chairperson

Jordan Sprague, Admin. Assistant.