

MINUTES SEASIDE PLANNING COMMISSION (ELECTRONIC MEETING)

May 5, 2020

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Vice Chairman David Posalski, Bill Carpenter, Lou Neubecker, Robin Montero, Teri Carpenter, Jon Wickersham. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant. Absent: Chair Chris Hoth

APPROVAL OF MINUTES: Vice Chairman Posalski motioned to approve the March 3rd minutes. Commissioner Montero seconded. Motion passed unanimously.

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 Chairman Posalski 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:

Vice Chairman Posalski 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.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice Chairman Posalski:

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. 20-010CU:** A conditional use request by **Anita & Bruce Folsom** to allow the establishment of an accessory dwelling unit (ADU) with a total floor area of approximately 800 square feet. It will be incorporated into the upper floor of a new garage located behind their existing single family dwelling at **444 2nd Avenue (T6-R10-21AB-5300)**. The subject property is zoned **High Density Residential (R-3)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusions.

Mr. Cupples stated that letters were submitted and addressed in the staff report.

Vice Chairman Posalski asked if there was anybody to speak in favor. Anita and Bruce Folsom, 444 2nd Avenue, stated that they were wanting to put in the new garage with an additional

dwelling unit, add a new driveway, and improve the area. They are permanent residents and renovated the house currently on the property. This project is to remove an existing garage and add a new garage. Mr. Folsom stated that there is an inn across the street and there are multiple short-term rentals surrounding the property.

Vice Chairman Posalski asked if anybody else would like to speak in favor, there were none.

Vice Chairman Posalski asked if there was anybody to speak in opposition.

Cindy Hawkins was recognized. She represents 810 Ave G, and resides at 2073 Cooper Dr, Seaside, OR. Ms. Hawkins is the realtor for the property next door to the Folsom's property. She has concerns regarding the driveway that is currently on the property and if there have been any discussion about maintenance of the driveway. She is aware that the property would not be able to become a VRD, and asked if the property would be used for long term rental. Vice Chairman Posalski clarified with Mr. Cupples that VRDs are not allowed in ADUs and a long-term rental would be permitted.

Erin Barker, in speaking with the owners behind the property, stated they have concerns regarding privacy with the living unit on the 2nd floor and the building location in general.

Mr. Cupples stated he spoke with the owners of this property and discussed the window location and siding for the new ADU.

Vice Chairman Posalski asked if anybody else would like to speak in opposition. Leesa Anderson and Carol Madonna 460 2nd Ave, spoke regarding trees that had been removed and their concern for the limited amount of space available for the additional dwelling unit. When built, the building will be the same height as their house. Mrs. Anderson expressed her concerns for the density of the area to afford more housing, and the lack of privacy the structure would induce on her property. She questioned the sustaining of existing landscaping features on the property and how they will be maintained.

Michael Bartlett, 3282 NE Stanton Street Portland, OR 97212, owner of 420 2nd Avenue. Mr. Bartlett stated that he submitted a letter regarding this new ADU. His first question was regarding the intended use of this building: if it will be a long term rental or a short term rental. Vice Chairman Posalski reiterated that VRDs are not allowed within an ADU. Mr. Bartlett expressed his concern regarding parking of vehicles and driveway ingress/egress issues from adding a second living unit to the property. Maintenance issues for the new driveway and upkeep was a concern, due to the property not having an existing, usable garage. Mr. Bartlett also stated that the new ADU could decrease the value of his property. He stated that living in Portland where ADUs are popular he's noticed most buildings do not match the architectural design of the houses in the area and questioned if this had been considered.

Vice Chairman Posalski invited the Folsom's to address the issues that had been raised.

Mr. Folsom stated that the Douglas fir trees were removed due to being their being diseased. He stated that the lot next door has been unkempt for the past three years. The new driveway will be installed at the Folsom's expense, due to the existing driveway being dilapidated. The parking space for the ADU will be located at the front of the property. In regard to the litter and noise pollution, there is a motel across the street from the property, so one more person will not make a difference. Mr. Folsom asked Mr. Cupples what the square footage of an ADU would need to be to allow a decision by the Planning Director. Mr. Cupples stated the ADU could be 525 square feet to be approved outright.

Vice Chairman Posalski opened the request for Planning Commission discussion. Commissioner Montero asked Mr. Bartlett if he would be able to sell the 6 foot easement to the Folsom's to alleviate the issue for both properties. Mr. Bartlett stated that selling of the 6 feet could put the lot into a conditional design issue, as the lot is currently under the standard lot size. Commissioner Teri Carpenter stated that she would like to see a resolution to the issue regarding the driveway. Vice Chairman Posalski had questions regarding the overhang/cantilevered area encroaching into the 5 foot setback. Mr. Cupples stated that the cantilevered areas would not comply with setback requirements, but could be replaced with a design feature like a bay window. The plans

would be amended to reflect this change. Vice Chairman Posalski asked if this would decrease the square footage. Mr. Cupples said that the change will not affect the livable square footage. Commissioner Teri Carpenter asked about the existing garage and the easement on the property line. Mr. Cupples stated that the easement was for the use of the existing garage and there is a provision of removal of the garage. Vice Chairman Posalski allowed for additional comments from Mr. Bartlett, who voiced his concern about the new development depreciating his property value and the Folsom's not providing this information before it was brought to the Commission. Vice Chairman Posalski responded that the issue would need to be discussed with a realtor. Ms. Folsom replied that they were going to bring this information of a new development to Mr. Bartlett once the approval was granted. Vice Chairman Posalski allowed Mrs. Anderson to speak again. She questioned the new driveway access on the property and if it would be used as a driveway along the property line. Mrs. Folsom stated that the new space was only sized to fit a single parked car.

Vice Chairman Posalski asked if there were any additional comments from the Commission. Hearing none, Vice Chairman Posalski opened the conditional use to a motion. Commissioner Neubecker made a motion to approve 20-010CU. Commissioner Bill Carpenter seconded the motion. The motion passed with a vote of 5 to 1 with Commissioner Teri Carpenter voting against; Chair Hoth was not present for the vote.

ORDINANCE ADMINISTRATION

Mr. Cupples spoke about the new Code Compliance Officer position that was being filled. Interviews were completed and a tentative candidate had been chosen. Vice Chairman Posalski asked if Mr. Cupples had received public comments from the Mayor or from the City Council meetings about the new Code Compliance Officer position. Mr. Cupples stated that the Mayor sent a letter to the newly formed association of VRD owners that confirmed the City's plans on moving forward with hiring the new code compliance officer position. The letter was in response to a number of emails sent to the Mayor regarding the new position.

COMMENTS FROM THE PUBLIC

Vice Chairman Posalski asked if there were any comments from the public. There were none.

COMMENTS FROM COMMISSION/STAFF

Commissioner Wickersham asked how the planning department has been with the slow down. Mr. Cupples provided information about new projects being submitted and new construction plans that have been submitted. Mr. Cupples stated that all plans being submitted are put in a box for a 3 day "quarantine" before they are routed for review. Commissioners Teri Carpenter and Montero reminded people to stay safe and to wash their hands. Vice Chairman thanked Jordan Sprague for hosting the first electronic Planning Commission the City of Seaside had hosted.

ADJOURNMENT: Adjourned at 6:50 PM.

David Posalski, Vice Chairperson

Jordan Sprague, Admin. Assistant