

MINUTES SEASIDE PLANNING COMMISSION

September 7, 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, Lou Neubecker, Teri Carpenter, Kathy Kleczek, 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. Absent: Jon Wickersham

APPROVAL OF MINUTES: August 8, 2021 minutes were approved 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 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:

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 Kleczek stated that she would like to declare a conflict of interest because she is an abutting property owner for project 21-061PDSUB. Commissioner Neubecker stated that he also would like to declare a conflict of interest as he lives within the abutting subdivision. Commissioner Morrissey declared a conflict of interest for the same project as he also owns an abutting property.

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. 21-059VRD:** A conditional use request by **George Arrigotti** for a **one (1)** bedroom Vacation Rental Dwelling with a maximum occupancy of **three (3)** persons over the age of three, no more than 10 persons regardless of age. The property is located at **1307 N Franklin (T6-R10-16DA-TL07300)** 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. Vice Chair Montero asked if there was anybody who would like to speak in favor.

George Arrigotti, 4145 NW Carlton Cr, Portland, OR, stated that the cabin was inherited from his parents, and would like to have the ability to rent the house to help supplement the upkeep and maintenance while still being able to use it for family vacations.

Vice Chair Montero asked if there was anybody else who would like to speak in favor of the project. There were none.

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

Vice Chair Montero opened the discussion to the Commission. Commissioner Kleczek asked Mr. Cupples if there were any regulations for a maximum occupancy for a house that does not have a bedroom. Mr. Cupples replied that even though there isn't a distinctive bedroom, it would still be classified as a one bedroom for licensing purposes. Commissioner Kleczek stated that she has a concern with the wording for allowing a maximum of 10 persons regardless of age. The ability to have 10 persons could cause an impact on the neighbors and the atmosphere of the neighborhood. Commissioner Kleczek also added that she was concerned with the lack of landscaping on the property. Vice Chair Montero clarified the question to Mr. Cupples by asking if the property owner would be required to landscape the property with bushes and trees. Mr. Cupples replied that the landscaped area is any space on the property not used for parking. If the property is graveled, the Planning Commission could require some kind of divider to be installed so the parking space is sectioned off and identified. Commissioner Kleczek stated that the Commission has required potted plants and greenery in driveways, it concerns her that the Commission wouldn't be requiring the same type of beautification for this property. Vice Chair Montero stated that the potted plants weren't for beautification. Mr. Cupples added that if there was an area with extensive parking, the pots and plants would be used to separate parking space from landscaped space. The landscaping would be installed to ensure people park in space that was improved for parking. Commissioner Kleczek asked who was responsible for making sure the parking was kept to the designated parking spots and not on the lawn. Mr. Flory responded that as the conditions are written, the owners will have to improve the parking area, which means the spaces will have to be paved within the first year. If parking becomes an issue and complaints are being filed, the Commission could require some form of delineation to be installed, such as potted plants, to prevent parking in the yard area. Commissioner Morrissey asked for clarification if the applicant was requesting the maximum of 10 persons or if it was a standard condition for any VRD. Mr. Cupples replied that it was a standard condition, put in place by the current Building Official. The applicant and City set the number of maximum occupants over the age of 3 based on the number of bedrooms in the house. The ordinance only calls out for those individuals over the age of 3, but the Building Official stated the occupancy can't be more than 10 people without the installation of a sprinkler system. Mr. Cupples added that the total number of persons could be adjusted when making a motion for this application. Commissioner Rose asked if there was a bathroom located in the house. Mr. Arrigotti replied that there is a bathroom located near the kitchen. Commissioner Carpenter shared the same concern as Commissioner Kleczek with the maximum occupancy of 10 persons. Commissioner Morrissey asked for clarification on the number of occupants the applicant is requesting for his permit. Mr. Cupples responded that the application was for an occupancy of 3 persons over the age of 3. Commissioner Kleczek proposed to the Commission to change the maximum occupancy to 5 persons regardless of age. Commissioner Carpenter asked if the driveway and parking area would be improved. Mr. Cupples responded that the driveway and required parking area must be either paved or have an approved alternative installed within a year. Commissioner Kleczek motioned to approve 21-059VRD with the maximum occupancy of 3 persons over the age of 3 and no more than 5 persons regardless of age. Commissioner Neubecker seconded the motion. The motion passed unanimously.

- B. 21-060VRD:** A conditional use request by **Lannie Mai** for a **four (4)** 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 **1211 Beach Dr. (T6-R10-21DB-TL17000)**

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. Vice Chair Montero asked if there was anybody who would like to speak in favor. Mark Tolan, 524 N Roosevelt, summarized a letter submitted by the owners regarding their future use of the property. The owners will be installing a 4th bedroom on the first floor for their parents, but are only asking for a 9 person maximum occupancy. The owners will be using the house for their personal use, and looking to maintain the house and landscape as it sits now.

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

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

Vice Chair Montero opened the discussion to the Commission. Commissioner Rose asked what proposed parking plan the owners intend to use. Mr. Tolan responded that option 1 was the parking plan that was intended to be used, and option 2 was a backup option. Option 2 would require the parking to be accessed off of Beach Drive and would require significant changes to the curb appeal of the property. Commissioner Carpenter stated that the parking layout is going to be an issue. Commissioner Morrissey asked if proposed parking spot 3 is currently available now. Mr. Tolan responded that the parking is currently there, but some alterations would have to be made to bring the space up to compliance. Vice Chair Montero stated that the proposed third parking space in option 1 would be along an undeveloped alley and was unsure if the required dimensions for a parking space was available. Mr. Tolan responded that his staff and Mr. Flory met on site and found there the property pins were located to verify if the parking space was going to meet the requirements. The space would be longer than the required 18 feet, but would require drivers to parallel park into the space. Vice Chair Montero stated that the space was only 8 feet wide. Mr. Tolan responded that the measurement of 8 feet is to the curb, not the property line. Mr. Flory responded that the pin was located on the outside of the curb. Vice Chair Montero restated that the measurement to the property line was only 8 feet. Mr. Cupples added that if the Planning Commission wanted to consider having less than a 9 foot wide space, it could be identified as a compact car parking space. If there was a problem with parking and obstructing traffic, the owners could be required to use option 2 by the compliance officer. Mr. Tolan stated that because the gravel alley isn't planned to be paved in the near future, the paved parking pad would be an easy verification if vehicles were obstructing traffic and maintaining compliance from an oversight standpoint. Vice Chair Montero asked what the intended timeline of the paved parking area was. Mr. Tolan responded that the house would have a 6 person occupancy until the parking space was developed, allowing them to limit the number of parking spaces to 2. As the third parking space gets installed, he would have to go to Mr. Flory to increase the occupancy to the 9 persons. Vice Chair Montero asked if a survey had been performed to determine the property lines. Mr. Flory responded that they were able to locate a pin on the Beach Dr. corner, but were not able to locate the pin on the east side. There is a utility pole that was drawing the pin locator to it because of the metal within the pole. Commissioner Kleczek asked if this area is within the current urban renewal zone. Mr. Cupples responded that he did not have an answer for that question, but believes the urban renewal district was limited by the riverbank.

Commissioner Morrissey added that he also believes this property is outside the urban renewal district. Vice Chair Montero asked for clarification from Mr. Tolan that the owners understood that the building would be allowed for a 6 person occupancy until the parking improvements can be made, which at that time it would be reviewed by Mr. Flory to allow for a 9 person occupancy. Mr. Tolan responded that the owners did not want to tear up the area without the approval from the Planning Commission. Commissioner Carpenter stated that she still has concerns with the parking, because she does not like garage parking as the renters have a tendency to not use the garage. Commissioner Neubecker motioned to approve 21-060VRD with the understanding that the house is currently a 6 person occupancy until such time as the parking issue has been resolved and approved by the City of Seaside. Commissioner Morrissey seconded the motion. The motion passed 5-1 with Commissioner Carpenter opposing.

C. 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, presented a staff report, reviewing the request, decision criteria findings, conditions, and conclusion. Mr. Cupples added that letters and emails were sent to the Planning Department and have been emailed to the Planning Commissioners and hard copies were provided at this meeting. These included opposition testimony from Kathy Kleczek at 2080 Aldercrest St., Marilee Laurens at 2007 Fernwood, Sylvia Stuck at 164 Alpine St., Lief Morin at 35 Hilltop Dr., Michael Haner at 2021 Aldercrest St., Mike Brackenbrough at 2130 Aldercrest St., and Kathy Samsel at 343 Hemlock St. Commissioner Kleczek stepped down from the dais and participated as a citizen for this hearing. Vice Chair Montero asked if there was anybody who would like to speak in favor. Mark Mead, 89643 Ocean Dr Warrenton, stated that he is representing Sunset Ridge LLC. He stated that Sunset Ridge LLC had purchased the property last summer and were looking to develop the property into 17 lots. The owners were trying to develop the property into more than 17 lots, but the topography wouldn't allow for anything more than 17. A restriction for properties along the east side would be in place to restrict development along the steep slope that is along the creek bed. A 30 foot easement would be in place along the storm sewer pipes to allow the City access to these pipes to do any maintenance or replacement of pipes. The sewer would be accessed from near Suzanne Elise, where there is currently a manhole and would be extended to run up the hill into the property. Mr. Mead continued to state that a walkway over this sewer pipe would be installed for people to walk from the cul-de-sac to Suzanne Elise. Mr. Mead stated that contacts from the Department of State Lands and Department of Fish and Wildlife have been in contact with the property owners about the development to ensure state measures are met. The water would be accessed from the new reservoir built at the Seaside High School, eliminating the pressure booting station to the new subdivision. This new subdivision was included when designing the new reservoir tank, so water pressure would not be affected. Mr. Mead added that the owners had looked at accessing the subdivision near Suzanne Elise, but would need to cross a fish bearing stream with a steep incline to the subdivision. The access is coming from Sunset Hills to avoid excess grading that could impact the stream. Mr. Mead stated that there are a lot of springs in the Sunset Hills area, but has not found any springs within this new development. As the area is within a geological hazard area, each house that comes in for development has to have a geological hazard study performed on the property before the house is developed.

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

Vice Chair Montero asked if there was anybody who would like to speak in opposition. Susan Coddington, 2152 Cedar St, requested the Commission to take a drive to the location and around the Sunset Hills subdivision. Ms. Coddington provided examples of family activities in the Sunset Hills subdivision. Water issues and land settling issues are to be looked at for the new and existing houses. Ms. Coddington also stated that Sunset Hills is considered assembly area 3 for earthquakes and tsunamis. She is concerned that when the earthquake comes, the proposed development will cause the existing subdivision to fail.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Kathy Samsel, 343 Hemlock, asked if the Planning Commission had received her letter. She wanted to add to the discussion the amount of traffic that would be using Broadway, and the apartment complex be considered in the solution. Ms. Samsel asked if the City services were able to manage adding the 17 new houses to the system.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Marilee Laurens, 2007 Fernwood, stated that her letter included pictures of the water issues for her property. The corner of Hilltop and Fernwood is full of water during the winter time. Ms. Laurens added that when the City was performing repairs to the storm drain system in the neighborhood, the issues were not fixed. She added that the proposed development should be used for a wildlife area.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Leif Morin, 35 Hilltop, gave the Commission 3 options to consider. The first option would be to approve the project outright, but there would be strong opposition. The second option would be to deny the development. Mr. Morin stated that he wanted to see Seaside grow, but not in this location. The third option would be for the developers to get involved with the existing neighborhood to help build the subdivision to meet the community's standards. Mr. Morin requested that an environmental study be performed on the subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Mike Brackenbrough, 2130 Aldercrest, wanted to verify if the Planning Commission had received his email and wanted to speak to show the number of neighbors who oppose this subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. James Heacock, 2002 Maple, stated that the environmental concerns have not been addressed within the project. Mr. Heacock believes that this development has not been given the property planning activities. He stated that there are lots along Forest Drive that are considered undevelopable for housing, but could be used as access for a bridge to the subdivision. The access should be off of Forest Drive, and not causing the amount of logging trucks, concrete trucks, and other vehicles to travel through Sunset Hills.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Greg Boat, 2020 Aldercrest, stated that there are no sidewalks along Aldercrest and is concerned with the amount of vehicles that would be using the road in front of his house. He asked if there were sidewalks proposed for Aldercrest. The drainage is a major issue due to the number of natural springs in Sunset Hills. Mr. Boat stated that he was not sure how removing the foliage off the side of a hill and adding a house would be considered a safe idea. The runoff from the development will go into the creek and affect the fish that use it. Mr. Boat added that he had cleaned up a junk pile behind his house, and his children use the area to play in. He wanted to make sure the value of his property would not be lowered because somebody built a shed in their backyard.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Mike Haner, 2021 Aldercrest, stated that water drainage is an issue for the subdivision, and the catch basin is slowly sinking. Mr. Haner wondered if the developers had performed a thorough site inspection for the development. He requested the Commission to have a forum on this project at the site to review the water runoff during the winter.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Judy Madson, 2134 Maple, stated that she is strongly against this development. The water runoff is a big issue for the entire subdivision. The subdivision is covered in natural springs.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Melinda Austin, 2062 Cedar, stated that her house had sunk 7 inches in 10 years since the time that they had purchased it. The sinking was due to the water problems within the subdivision.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Kathy Kleczek, 2080 Aldercrest, stated that she was speaking as a citizen for this project and had stepped off the dais to speak. Ms. Kleczek stated that the land size for this development is 6.62 acres, and how the applicant generously stated that 1.93 acres would be saved for green space,

but it is not considered buildable land. When was the topography for the area last completed? Ms. Kleczek suggests that the information is outdated. The current swales are already overloaded and would not be able to handle the additional amount from the new development. The lot sizes that are being proposed are not near the same size as the lots in the Sunset Hill subdivision. The average lot size is .25 acres, not what is being proposed in the new subdivision. Ms. Kleczek requests that the new subdivision should fit the parameters, descriptions, and CC&Rs that were established for Sunset Hills subdivision. The road size for the development is smaller than the roads in Sunset Hills. Ms. Kleczek stated that if sidewalks were to be required for the Sunset Hill subdivision, the city should pay for them, not the homeowners. The developer will damage the roads and should be required to repave the roads that they use in Sunset Hills.

Vice Chair Montero asked if there was anybody else who would like to speak in opposition. Sylvia Stuck, 164 Alpine, wanted to reiterate the concern of the water issues and sloughing and erosion for the existing houses. Ms. Stuck stated that coming up the hill is a blind spot, where kids could possibly get hit by cars.

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

Vice Chair Montero gave the applicant's representative a chance to rebuttal the comments from the public. Mr. Mead stated that the access on the Broadway and sidewalks are City issues and the City should see if there is funding to install sidewalks in the Sunset Hills subdivision. The new subdivision will have a sidewalk on one side of the street to preserve land space for landscaping. The developer had stayed away from the creek on the east end on purpose because the slope is too steep. The road into the four lots on Fern Ct is narrow to reduce the amount of runoff water in that area.

Vice Chair Montero stated that the public comment period was closed and opened the discussion to the Planning Commission. Vice Chair Montero suggested that with Commissioner Wickersham being absent, the discussion should be moved to another date. Commissioner Rose agreed that the Commission should continue the discussion. Commissioner Carpenter suggested that it could be moved to a work session. Vice Chair Montero stated that as it's a public hearing, it should be discussed at a Planning Commission Meeting. Commissioner Carpenter motioned to move the discussion of 21-061PDSUB to the October 5th Planning Commission meeting. Commissioner Rose seconded the motion. The motion passed 3-0 with Commissioners Neubecker, Morrissey, and Kleczek not voting.

ORDINANCE ADMINISTRATION

Mr. Cupples stated that the next meeting is going to have 5 items, and this continuance will have 6. The meeting will be a long one.

COMMENTS FROM THE PUBLIC

James Heacock, 2002 Maple St, stated that the City of Seaside and City of Gearhart should have a joint resolution to present to the State of Oregon to reconsider the development of new transportation facilities along his corridor to supplement Highway 101 that goes through Seaside and Gearhart. The bypass would open property on the east side of the new proposed bypass for development and provide another access road to the high school. Vice Chair Montero suggested that Mr. Heacock reach out to the transportation committee to voice his opinions. Commissioner Carpenter asked when the transportation committee meets. Commissioner Kleczek responded the Third Thursday at 6 o'clock in the Council Chambers.

COMMENTS FROM COMMISSION/STAFF

Commissioner Neubecker stated that his sister had passed away from San Francisco, and will be going down to her house for cleaning and selling the property and does not know when he will be back. Commissioner Neubecker asked Mr. Cupples if he would need to fly back for the meeting. Mr. Cupples stated that there will be a quorum for the meeting without him there.

ADJOURNMENT: Adjourned at 7:36 PM.

Robin Montero, Vice Chairman

Jordan Sprague, Admin. Assistant