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[www.cityofseaside.us](http://www.cityofseaside.us)

## SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

February 1, 2022

6:00 p.m.

1. CALL TO ORDER:
2. PLEDGE OF ALLEGIANCE:
3. OPENING REMARKS:
4. DECLARATION OF CONFLICT OF INTEREST OR EXPARTE CONTACTS:
5. APPROVAL OF MINUTES: January 4, 2022
6. PUBLIC HEARING:
  - A. **22-001V:** A request by **Terrance Bichsel** for a variance to the 45 ft. maximum height restriction. The subject property is located at **414 N. Prom (T6-R10-S16DC-TL12600)** and it is zoned **Resort Residential (RR)**. The applicant intends to build a 54 room addition to the existing motel that would be five-stories tall and include a rooftop viewing deck and bar. The property was originally developed as a 107 room hotel built to the maximum height restriction.  
**Please note a continuance has been requested by the applicant and we will not be taking public testimony on this item.**
  - B. **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.  
**Please note a continuance has been requested by the applicant and we will not be taking public testimony on this item.**
7. ORDINANCE ADMINISTRATION:
8. PUBLIC COMMENTS: Not related to specific agenda items
9. PLANNING COMMISSION & STAFF COMMENTS:
10. ADJOURNMENT

**MINUTES SEASIDE PLANNING COMMISSION**  
**January 4, 2022**

**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 Chair Kathy Kleczek, Jon Wickersham, Chris Rose, Seth Morrissey, and Brandon Kraft. Staff present: Kevin Cupples, Planning Director, Jordan Sprague, Administrative Assistant, Anne McBride, Community Development Assistant. Absent: Commissioner Lou Neubecker

**APPROVAL OF MINUTES:** December 7, 2021 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.

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 declared a conflict of interest for project 21-061PDSUB. Commissioner Morrissey declared a conflict of interest for projects 21-061PDSUB and 21-093VRD.

**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.
5. Electronic testimony can be submitted via Zoom using the meeting ID of 817-4719-0379.

**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 that the

applicant has requested a continuance in order to respond to comments that were made at previous Planning Commission hearing. The applicants have requested a continuance to the February 1<sup>st</sup>, 2022 meeting at 6 pm in the Council Chambers. Chair Montero asked if the applicants have waived their 120 day period. Mr. Cupples confirmed that they have waived their 120 day period. Commissioner Wickersham motioned to continue 21-061PDSUB. Commissioner Rose seconded the motion. The motion passed unanimously with Vice Chair Kleczek and Commissioner Morrissey abstaining, and Commissioner Neubecker absent.

- B. 21-086VRD:** A conditional use request by **Annette O'Connor** for a **two (2)** bedroom Vacation Rental Dwelling with a maximum occupancy of **six (6)** over the age of three, no more than 10 persons regardless of age. The property is located at **420 13<sup>th</sup> Ave (T6-R10-16DA-TL7600)** and it is zoned **Medium Density Residential (R2)**. In conjunction with this request, the applicant is requesting a variance (**21-087V**) to the rear yard landscaping requirement. The existing driveway easement currently takes up more than 50% of the required rear yard. The easement driveway is used by neighboring property owners to access their parking areas and the applicant wants to create two off-street parking spaces for her dwelling unit in the rear yard that will be accessed from that driveway.

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. Annette O'Connor, 2926 NE Going St, Portland, OR, stated that she had purchased the house as a vacation home for her family, but would need to rent the property to supplement the purchase. The variance would be needed to allow parking in the rear of the property and the easement was in place before she had purchased the property. Ms. O'Conner stated that security cameras would be installed to ensure parking is taking place in the correct locations.

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

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

Chair Montero opened the discussion to the Planning Commission. Commissioner Rose asked for a clarification of the lot width. Ms. O'Conner replied that the lot was 34 feet wide. Commissioner Rose asked if the remodel was taking place only in the kitchen. Ms. O'Conner responded that the remodel was taking place in the kitchen and bathroom as some doors were too narrow. Commissioner Kraft asked if the parking areas had recently been graveled and if parking pylons will be installed. Ms. O'Conner stated that gravel had been installed and pylons would be installed after the backyard had been fenced. Commissioner Kraft stated his biggest concern would be that the parking area was not clearly marked. Ms. O'Conner stated that a parking agreement would be included in the rental contract and the security cameras would monitor parking on the property. Commissioner Kraft asked if there would be no parking signage in the front of the property. Ms. O'Conner stated that is correct. Vice Chair Kleczek asked for clarification if the easement continued to Franklin. Ms. O'Conner replied that the easement stops at the property to the west of her property. Vice Chair Kleczek stated that the easement doesn't look like it provides enough space for people to access the parking spaces. Ms. O'Conner responded that the parking spaces would be shifted to the farthest east portion of the property to allow for more maneuverability for parking. Commissioner Rose and Vice Chair Kleczek discussed the parking locations on the provided site plan. Commissioner Morrissey stated that staff recommended a conditional approval for the application and asked staff their opinions on the parking issue being discussed. Mr. Cupples responded that one of the conditions included was that the owner or responsible party for renting would need to provide detailed access instruction to renters. Ms. O'Conner stated that the shifting of the parking spaces was from a recommendation from Jeff Flory, Transient Rental Compliance Officer. Vice Chair Kleczek questioned if a car that was larger than a compact car was able to get out of the parking spaces and asked who would determine if the parking was an issue, or would the City have to wait for complaints from neighbors. Mr. Cupples stated that the parking could be monitored by complaints, but Jeff would be able to re-evaluate the parking spaces. The applicant has enough room to enlarge the parking spaces to allow for more maneuverability. Vice Chair Kleczek questioned if enlarging the spaces would remove all backyard area. Mr. Cupples

responded that it would not. Chair Montero asked if the applicant was planning on paving the easement. Ms. O'Conner showed the Planning Commission pictures on her cell phone the current parking area. Chair Montero asked what separation would be in place to prevent renters from parking on neighboring properties. Ms. O'Conner responded that something will be put in place to define the parking area and signage would be installed. Chair Montero asked if the easement was a city easement. Ms. O'Conner replied that it was a private easement. Commissioner Rose motioned to conditionally approve 21-086VRD. Commissioner Morrissey seconded the motion. The motion passed 4-2 with Chair Montero and Vice Chair Kleczek voting no and Commissioner Neubecker absent.

## **ORDINANCE ADMINISTRATION**

Chair Montero asked if there were any ordinance administration. There were none.

## **OTHER BUSINESS**

Election of Officers: Chair Montero opened the nominations for Planning Commission Chairperson. Commissioner Wickersham motioned to nominate Commissioner Montero as the Chairperson and Commissioner Kleczek as the Vice Chairperson. Commissioner Morrissey seconded the motion. Commissioner Morrissey motioned to close the nominations. Commissioner Rose seconded the motion. The election of officers were approved 4-0 with Chair Montero and Vice Chair Kleczek not voting and Commissioner Neubecker absent.

## **COMMENTS FROM THE PUBLIC**

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

## **COMMENTS FROM COMMISSION/STAFF**

Vice Chair Kleczek motioned for the Planning Commission to make a formal recommendation to the City Council to declare a moratorium on new conditional use permits for VRDs. There was no second for the motion. Commissioner Morrissey requested more framework around the timeframe for the moratorium. Vice Chair Kleczek motioned for the Planning Commission make a formal request to the City Council to initiate a review and update process for the comprehensive plan as a whole. Commissioner Wickersham seconded the motion. Commissioner Kraft asked for a description of what the comprehensive plan is. Vice Chair Kleczek responded that the comprehensive plan is what is used to render decisions and is used as a guiding document for the Commissioners. Commissioner Kraft asked if there was a set time period that the comprehensive plan needs to be updated. Chair Montero stated that within the comprehensive plan it stated it should be reviewed every five years. The motion passed unanimously with Commissioner Neubecker absent. Commissioner Wickersham stated that he is not against a moratorium, but was wanting more information for the recommendation and more structure around the moratorium before making a vote. Vice Chair Kleczek stated that the reason she had made the motion was to allow the moratorium to be included in the city budget for the next budget hearing. Chair Montero stated that the Mayor was going to bring up the moratorium at the January 10, 2022 City Council meeting. Chair Montero requested a work session to be held on January 18, 2022 at 6 pm in the City Council chambers. Commissioner Wickersham asked when the new budget cycle started for the city. Mr. Cupples responded the new budget would start in July. Vice Chair Kleczek gave her appreciation for having the meeting available electronically. Chair Montero requested that for the February agenda, to have the continued 21-061PDSUB be the last item on agenda for public hearings. Commissioner Morrissey stated that his personal opinion regarding the moratorium is that the City Council some be the body pushing the moratorium, as they are more of the political body. Commissioner Morrissey requested the number of vacation rentals that are possible within the City of Seaside, even if it's an approximation within 50. Mr. Cupples responded that staff will try to get an estimate. Mr. Cupples welcomed Commissioner Kraft to the Planning Commission. Mr. Cupples also stated

that he would be retiring on February 15<sup>th</sup>, 2022. Commissioner Wickersham asked if the Planning Director position had been posted. Mr. Cupples responded that it had not been posted at this time.

**ADJOURNMENT:** Adjourned at 6:48 PM.

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Robin Montero, Chairman

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Jordan Sprague, Admin. Assistant

**Terrance J. Bichsel**  
**Best Western Plus Ocean View Resort**  
**414 N. Prom**  
**Seaside OR 97138**

City of Seaside Planning Commission  
Planning Department  
Attn: Mr. Kevin Cupples  
989 Broadway  
Seaside OR 97138

**Re: Planning Commission Meeting February 1, 2022**

Dear Mr. Cupples:

I respectfully request a delay in terms of my appearance before the City of Seaside Planning Commission from February 1<sup>st</sup> to the March 1<sup>st</sup>, 2022 Planning Commission Meeting. We planned to present some schematics of a proposed 54-room addition to the Best Western Plus Ocean View Resort in Seaside Oregon however, our architectural plans are not far enough along to allow us to properly present them to the Commission to support a height variance.

Thank you for your expeditious treatment of this request.

Kindest regards,

  
Terrance J. Bichsel

Owner

[tbichsel@comcast.net](mailto:tbichsel@comcast.net)

425-443-1902

## Jordan Sprague

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**From:** Kevin Cupples <kcupples@cityofseaside.us>  
**Sent:** Monday, January 24, 2022 1:07 PM  
**To:** Jordan Sprague  
**Subject:** FW: Requested Continuance

Kevin S. Cupples  
Seaside Planning Director  
Ph: 503-738-7100  
Fx: 503-738-8765

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**From:** TERRY BICHSEL [mailto:tbichsel@comcast.net]  
**Sent:** Monday, January 24, 2022 12:38 PM  
**To:** Kevin Cupples  
**Subject:** Re: Requested Continuance

Good afternoon Kevin;

Yes, I agree to the 120-day waiver and I am sorry I neglected to clarify that in my letter to you. Jordan did mention it to me and I simply forgot to mention it.

Regards  
Terry

**Terrance J. Bichsel**  
**Mobile (425) 443-1902**  
**Email TBichsel@comcast.net**

On 01/24/2022 11:21 AM Kevin Cupples <kcupples@cityofseaside.us> wrote:

Mr. Bichsel: This is to confirm that included with your request for a continuance from the February 1<sup>st</sup> meeting to the March 1<sup>st</sup> meeting, you are waiving the 120 day time period for the City to make a final decision. Without that waiver, the City cannot grant a continuance requested by an applicant, since it places too tight of a time frame for the City to render a final decisions should the Commission's final decision get delayed and their final decision get appealed to City Council. The 120 day time limit covers the entire time to render a final decision after all appeals have been exhausted locally.

Please confirm your request includes the waiver and we will restart the 120 day clock at the meeting in March.

Thanks!

Kevin S. Cupples

Seaside Planning Director

Ph: 503-738-7100

Fx: 503-738-8765



SUNSET RIDGE, L.L.C  
PO Box 800,  
Seaside, Oregon 97138  
503-780-3671

January 24, 2022

To: Kevin Cupples  
City of Seaside

From: Sunset Ridge, L.L.C.

RE: Vista Ridge Tract "G"  
Future Development Area  
6.62 Acres  
Tax Lot 8100 Tax map 6-10-22-AB

As per our discussion, we would like to ask for a continuance for the January hearing on this project. This will allow us to submit additional material for review by the commission and the public.

We are also waiving our right to a 120 day decision time frame.

Respectfully,



Sunset Ridge, L.L.C.

## Jordan Sprague

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**From:** Kevin Cupples <kcupples@cityofseaside.us>  
**Sent:** Monday, January 24, 2022 3:26 PM  
**To:** Jordan Sprague  
**Subject:** FW: Continuance for Sunset Ridge

Confirmed

Kevin S. Cupples  
Seaside Planning Director  
Ph: 503-738-7100  
Fx: 503-738-8765

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**From:** brad a5capital.com [mailto:brad@a5capital.com]  
**Sent:** Monday, January 24, 2022 3:11 PM  
**To:** Kevin Cupples  
**Subject:** RE: Continuance for Sunset Ridge

Yes please!  
Thank you for the question.

Brad

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Kevin Cupples <kcupples@cityofseaside.us>  
**Date:** 1/24/22 1:39 PM (GMT-08:00)  
**To:** "brad a5capital.com" <brad@a5capital.com>  
**Subject:** RE: Continuance for Sunset Ridge

Just for clarity, you want a continuance for the February 1st meeting to March 1<sup>st</sup>, correct?

Kevin S. Cupples  
Seaside Planning Director  
Ph: 503-738-7100  
Fx: 503-738-8765

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**From:** brad a5capital.com [mailto:brad@a5capital.com]  
**Sent:** Monday, January 24, 2022 12:43 PM  
**To:** kcupples@cityofseaside.us  
**Cc:** Neal Arntson; Steve Ackley; shultberg@radlerwhite.com  
**Subject:** Continuance for Sunset Ridge

Kevin,

Please see the attached letter regarding a Continuance Request for the Sunset Ridge, LLC project.

Please contact me if you have any questions.

Regards,

Brad Arntson