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## SEASIDE PLANNING COMMISSION MEETING AGENDA

989 Broadway - City Hall Council Chambers

April 5, 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:** March 2, 2022
6. **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.  
**Please note a continuance has been requested by the applicant and we will not be taking public testimony on this item.**
7. **ORDINANCE ADMINISTRATION:**
  - A. **20-021CU Extension:** Arthur Worsham III requesting an extension to his conditional use permit for rebuilding three (3) non-conforming dwellings at **2021 s downing (6-10-28AB TL2402)**.
8. **PUBLIC COMMENTS:** Not related to specific agenda items
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

**MINUTES SEASIDE PLANNING COMMISSION**  
**February 1, 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, Lou Neubecker, Chris Rose, Seth Morrissey, and Brandon Kraft. Staff present: Jeff Flory, Acting Planning Director and Transient Rental Compliance Officer, Jordan Sprague, Administrative Assistant.

**OTHER BUSINESS:** Jon Rahl, Assistant City Manager, stated that this was his first timer speaking at a Planning Commission meeting, but wanted to speak about moving forward with the vacant Planning Director staff position. Mr. Rahl and Mark Winstanley, City Manager, had decided to name Jeff Flory, Transient Rental Compliance Officer, as the interim acting Planning Director until the position is hired. Mr. Rahl continued that management has great confidence in the Community Development team to handle this transition. Staff had also contacted with external contractors for the larger projects that the current staff would require assistance on. Vice Chair Kleczek asked if there would be an interview panel and who would be on the panel. Mr. Rahl responded that currently staff is performing a Zoom call screening, but the interview panel for the position is not set up at this time. Commissioner Neubecker asked if there was a time limit for the hiring of the position. Mr. Rahl replied that Mr. Flory is being evaluated on a month to month basis, but there was a closing date for the position. Staff is currently looking at the candidates and will determine if the posting needs to be re-opened for additional candidates.

**APPROVAL OF MINUTES:** February 1, 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.

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, Commissioners Morrissey and Neubecker declared a conflict of interest for project 21-061PDSUB.

**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. Jeff Flory, Acting 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 April 5, 2022 meeting at 6 pm in the Council Chambers and have waived their 120 day timeframe. Commissioner Rose motioned to continue 21-061PDSUB. Commissioner Kraft seconded the motion. The motion passed unanimously with Vice Chair Kleczek, Commissioners Morrissey and Neubecker abstaining.
- B. 22-006VRD:** A conditional use request by Tyler Davila 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 507 13th Ave (T6-R10-16DA-TL01005) and it is zoned Medium Density Residential (R2).

Jeff Flory, Acting 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. Tyler Davila, 14587 SW Scarlet Dr., Tigard, OR, stated that he and his wife had purchased the house as a vacation home and would use the rental permit to cover the costs of the monthly mortgage.

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

Chair Montero asked if there was anybody who would like to speak in opposition. Joyce Hunt, 510 13<sup>th</sup> Ave, stated that there were already a large amount of vacation rentals near her house already. The other houses along the private drive between 12<sup>th</sup> and 13<sup>th</sup> have been cutting back into the riparian zone. The private drive has also become a public right of way as a cut through to get from 13<sup>th</sup> to 12<sup>th</sup>. Mrs. Hunt continued to state that the houses along the private drive have replaced their lights with brighter lights and wants to make sure this house meets the lighting nuisance ordinance.

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

Chair Montero opened the discussion to the Commission. Commissioner Rose stated that the floor plan that was submitted was reverse of what was built. Mr. Davila stated the plans submitted were provided to him when he purchased the house, but the floor plan was flipped for the house. Vice Chair Kleczek expressed her concerns regarding the private drive being used as a public through street, parking in the private drive, and the landscaping appearing to be over the 50% requirement. Commissioner Kraft asked if there garage would be used for the parking requirement. Mr. Davila stated that one parking space would be within the garage. Chair Montero asked Mr. Flory if the lighting complaint Mrs. Hunt stated would warrant a compliance investigation. Mr. Flory responded that it does warrant an inspection, as well as the neighboring properties using gravel to potentially create additional parking spaces. Chair Montero stated that the homeowners will need to make sure the CC&Rs were enforced for the private drive. Chair Montero questioned if City owned property should be included within the calculation for the density requirements. Mr. Flory responded that the ordinance requires the density to include every property within a 100 foot radius. Vice Chair Kleczek asked why staff chose to have the 100 foot distance oval be lengthwise from east to west instead of being north to south. Mr. Flory explained that the 100 foot measurement is measured from the property lines of the lot. Commissioner Neubecker motioned to approve 22-006VRD. Commissioner Morrissey seconded the motion. The motion passed unanimously.

## ORDINANCE ADMINISTRATION

Vice Chair Kleczek questioned if staff had verified the meeting was accessible virtually. Jordan Sprague, Administrative Assistant, responded that the last meeting did have a passcode that was protecting the meeting but it was removed. Chair Montero asked if a check of the Zoom meeting was functioning before the meeting. Mr. Sprague replied that the setup of the Zoom meeting does show that the meeting is active and live, and the lack of attendees virtually was assumedly from the Sunset Ridge project being continued. Vice Chair Kleczek requested that the header on the top of the agenda and packet be a clickable link that opens to the Zoom meeting. Mr. Sprague responded that the Planning Commission webpage has a direct link to the Zoom meeting. Vice Chair Kleczek stated that she found it difficult to find the meeting information to access the Zoom meeting. Commissioner Neubecker stated that the meeting was working on Zoom. Mr. Flory stated that there were changes to the City's webpage being developed to better promote the public meetings. One change was the public comment policy voted and passed by City Council, and if the Commission had any questions he would be able to answer them. Vice Chair Kleczek asked how this new policy applies to the Planning Commission meetings. Mr. Flory responded that the Planning Commission has the ability to decide how to apply the policy to Planning Commission meetings. Vice Chair Kleczek gave an example of why having a cutoff time for registering public comments would not be in favor of the City. Mr. Rahl added that there was a provision within the policy to allow the Mayor or the Chairperson of the meeting the ability to make decisions based on the meeting. The policy was meant as a guidance, not as a set in stone procedure. Commissioner Neubecker asked if this new policy was going to comply with the State's policy of online virtual meetings. Mr. Rahl responded that House bill 2640 was enacted because of the different ways to attend a meeting. Mr. Flory presented a small presentation on how VRD density is calculated and how the required yard landscaping is calculated. The presentation showed an example of how the yard is calculated. Chair Montero requested that a breakdown of VRDs per zone would be included in the VRD inventory that staff provides. Vice Chair Kleczek asked if the notification for a project can be changed from the 100 feet to the properties affected by the project. Mr. Flory responded that the notification requirements are set by ordinance, and any changes would require the ordinance to be amended.

## COMMENTS FROM THE PUBLIC

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

## COMMENTS FROM COMMISSION/STAFF

Commissioner Neubecker stated that he is purchasing a house in Beaverton as a second home, but his primary residence would be in Seaside and he was not resigning from the Commission. Vice Chair Kleczek asked if there was a plan or process in place for updating the comprehensive plan and how will the Planning Commission be involved. Mr. Flory responded that he was unsure if the request to the City Council to update the comprehensive plan had been submitted, but will follow up with the Commission. Chair Montero stated that Commissioner Wickersham had resigned from the Planning Commission and notified the Mayor.

**ADJOURNMENT:** Adjourned at 6:47 PM.

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Robin Montero, Chairman

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Jordan Sprague, Admin. Assistant.

**Jordan Sprague**

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**From:** brad a5capital.com <brad@a5capital.com>  
**Sent:** Tuesday, March 15, 2022 4:47 PM  
**To:** cdadmin@cityofseaside.us  
**Cc:** jsprague@cityofseaside.us; Steve Ackley; Steve Hultberg  
**Subject:** Re: Continuance request for Vista Ridge Tract "G"  
**Attachments:** SUNSET RIDGE continuance 3 14 2022.docx

RECEIVED  
3/15/22

Dear Sirs,

Please see the attached request for a continuance for the Vista Ridge Tract "G" project to the April Development meeting.

Thank you

Sunset Ridge LLC

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

March 14, 2022

To: Jordan Sprauge  
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 April 5<sup>th</sup> hearing on this project pushed to the May 3<sup>rd</sup> meeting. 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:** Thursday, March 3, 2022 8:31 AM  
**To:** 'Craig Worsham'  
**Cc:** cdadmin@cityofseaside.us  
**Subject:** RE: 2021 S. Downing st.

Craig: I have retired, so I have Cced your email to the general delivery box at [cdadmin@cityofseaside.us](mailto:cdadmin@cityofseaside.us) The staff should be able to help you get an extension request letter before the PC.

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

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**From:** Craig Worsham [mailto:[craigbuilt@yahoo.com](mailto:craigbuilt@yahoo.com)]  
**Sent:** Thursday, March 03, 2022 1:30 AM  
**To:** Kevin Cupples  
**Subject:** Re: 2021 S. Downing st.

Hello Kevin, i believe that i may need to submit for an extension on my conditional use permit fir 2021 S. Downing st. My reasons for the extention haven't changed but with that said i have made some plans and drawings since last request for extension. I appreciate and direction to help in facilitating this request. Thank you.  
Arthur Craig Worsham III

### [Sent from Yahoo Mail for iPhone](#)

On Friday, August 6, 2021, 2:09 PM, Craig Worsham <[craigbuilt@yahoo.com](mailto:craigbuilt@yahoo.com)> wrote:

Ok yes, thanks again kevin.

### [Sent from Yahoo Mail for iPhone](#)

On Friday, August 6, 2021, 9:06 AM, Kevin Cupples <[kcupples@cityofseaside.us](mailto:kcupples@cityofseaside.us)> wrote:

Craig: The conditional use permit 20-021CU is transferrable, but it would only be for what was approved under your request. Once it expires, that approval will no longer be valid and the process would need to start over from scratch if someone wanted to do the same thing or something completely different, short of full demo and construction of a fully compliant single family dwelling. If the non-conforming use is abandon or the building(s) are demolished and then work stops for a period of time, you would lose all of the non-conforming use and structure status that was the basis for your original approval, so once you truly start the renovation process that was approved, you wouldn't want to abandon it in the midst of the renovation.

That actually happened to one property owner that gutted their building and left it for a period of time. That was abandonment of the prior use so they could not go back to the prior non-conforming use of the property.

I hope that answers your question.

Kevin S. Cupples

Seaside Planning Director

Ph: 503-738-7100

Fx: 503-738-8765

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**From:** Craig Worsham [mailto:craigbuilt@yahoo.com]  
**Sent:** Friday, August 06, 2021 12:54 AM  
**To:** Kevin Cupples  
**Subject:** Re: 2021 S. Downing st.

Thank you Kevin. I was wondering if i chose to sell the property is the progress that i have made with at minimum the conditional use permit transferable? Moving forward i need to weigh all my options. Thank you.

Craig

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, August 4, 2021, 12:00 PM, Kevin Cupples  
<kcupples@cityofseaside.us> wrote:

Dear Craig: Your request was approved by the Planning Commission at last night's meeting. The attached document was included in your land use file. Please make note of the revised deadlines applicable to starting your work project. We routinely take plans submitted prior to the deadline as an intent to begin the construction process by means of developing plans for the proposed work. Please note that any future request for an additional extension would be subject to approval by the Planning Commission and it would need to be submitted not less than 10 days prior to the updated expiration date.

Kevin S. Cupples  
Seaside Planning Director

Ph: 503-738-7100  
Fx: 503-738-8765

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**From:** Craig Worsham [mailto:craigbuilt@yahoo.com]  
**Sent:** Sunday, August 01, 2021 5:22 PM  
**To:** Kevin Cupples  
**Subject:** 2021 S. Downing st.

Arthur Craig Worsham III  
2021 S. Downing St.  
RE: 20-021CU  
Appeal Deadline 8/20/2021

Hello Kevin, I am making a request for an extension on my conditional use permit. I started this project with my father last year. Shortly after the approval of our proposal he unexpectedly passed away in October of 2020. This set in motion a new set of challenges regarding the intentions on the property in question. As i made efforts to regroup in an attempt to move forward i was and am currently faced with an inflated budget. I am not only a man down with my fathers passing but we have recently seen the price of essential materials skyrocket to triple in many cases. Since my budget is primarily based on the acquisition of these materials the current state of their costs makes this project untenable at this time. So I need some time to get back on track with a reasonable goal in regards to this project moving forward. Thank you for your help and consideration.

Arthur Craig Worsham III