

**MINUTES SEASIDE PLANNING COMMISSION**  
**May 4, 2010**

**CALL TO ORDER:** Chair Tom Horning called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Steve Winters, Virginia Dideum, Dick Rees, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Rees Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director, Glenn Taylor, Planner

**OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT:** Chair Horning 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. Chair Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. Chair Horning stated that he would be excusing himself from the Wills and Peyser complaint due to past experience with them. Commissioner Winters stated that he may have a potential conflict on the agenda items with Mark Mead so he will excuse himself from participating in those agenda items. He has sent a letter to the ethics committee stating that they own property together and that's it.

**APPROVAL OF MINUTES:** Motion to approve the April 6, 2010 and April 20, 2010 minutes; Commissioner Carpenter made a motion to approve the April 6<sup>th</sup> and April 20, 2010 minutes as submitted. Commissioner Rees seconded the motion was carried unanimously.

**PUBLIC HEARING REQUIREMENTS:**

The following public hearing statements were read by Chair Horning:

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.) Continuance 09-051PD:** A preliminary planned development request by Donn Bauske at 498 N Wahanna Rd. The applicant is seeking authorization to develop three single family dwellings on the upland portion of the subject property.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Mark Mead, 89643 Ocean Dr, Warrenton OR 97146. Representing, Donn Bauske. They have changed the site plan, and allowed the 24 foot setback along Wahanna. The buildings have been changed to fit within the 25 foot riparian set back area and now have one entrance off of Wahanna. The north unit is a three bedroom unit with a 2 car garage the living room and master bedroom look out over the wetland area. The center building which is similar looks over the wetland area. The third unit is a single story and has a 2 car garage. The master bedroom and living area look out over the wetlands.

- 10 feet between buildings
- Majority of trees will stay
- Small decks out back
- Slope driveways up into the garages because of the flood plain.
- Landscaping will be mostly natural vegetation.
- Rainwater will be diverted to a small pond area.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Rees appreciated that Mark had changed the setback area between the buildings and the architectural features of the buildings have been changed so that these new units can not be turned into duplexes.

Commissioner Carpenter mentioned that he is pleased with the change of ingress and egress of the property.

Chair Horning asked what is happening with DSL. Mr. Cupples stated that DSL has not made any further contact with us at this time. The applicant is aware that they need DSL to recognize the line. Staff will need to verify that DSL has signed off and that the applicant is on the right line. The DSL representative seemed comfortable with where the line is.

Commissioner Ridout asked now that the buildings are at least 10 feet from one another, in the future can these be subdivided? Mr. Cupples stated that with an application to actually divide the property they would need to provide adequate square footage to do that they would have to bring in another conditional use request. Mr. Cupples stated that if they did that, that would change what they are currently applying for and that is a planned development. It would be a change in the planned development. In order to allow a change to a planned development they would have to come back to the Planning Commission for approval. Commissioner Ridout would like a commitment in writing from the owner of the property that states they will support any L.I.D.

Chair Horning asked if there were any other additions to the approval of this conditional use?

Commissioner Hoth asked if there was a final recommendation from staff regarding this planned development. Mr. Cupples stated that if you adopt the applicant's submittal then it is being adopted as your justification document. It appeared to Mr. Cupples that it satisfied the concerns that were raised by the Planning Commission's requests. Commissioner Hoth asked if that would also cover the issues that are not completely resolved regarding the wetland delineation? Mr. Cupples stated that the Planning Commission would be adopting two conditions one is the consent agreement that there would be no remonstrance against the local improvement district for the pathway along Wahanna road and you would be recognizing the fact that the DLCD would still have to verify the wetland delineation line in order to determine where that 25 foot line is.

Chair Horning stated that the Planning Commission would be delegating the completion of these issues to staff.

Commissioner Ridout made a motion to approve the planned development with the restriction that staff has put on the development and he likes the design. Commissioner Rees seconded the motion and the motion was carried unanimously. Commissioner Winters did not participate in the vote.

**B.). 10-013CU:** A conditional use request by Pat & Andy DeWyse. The subject property is located at 861 S Columbia. This request will allow construction of a new three story dwelling that will replace the existing non conforming structure subject to modifications to the development standards applicable in the zone.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Mark Mead, 89643 Ocean Dr., Warrenton. Or. In 1941 or 1947 this lot went from 50 ft by 100 ft to 50 ft by 40 ft. The existing house is over the set back in the front, it is over the property line in the back. The house is way off where the setbacks would be. The house has been in the family for over 27 years so it's not like they just bought it and want to build. They want to rebuild so it is more efficient and more usable. They looked at putting a garage on the north side of the building. One of the things we are doing is increasing the setbacks, The back of the house will be shortened up so that it will be 2 ft from the property line. We are trying to move the walls in and are trying to meet all the setbacks. The lot to the south is only 50 x 60 there are two potential houses with setback issues on the same block. Further up the street is another one like this one that was done back in the 50's. The front of the this house is setback so that a porch can be added to break up the walls so it's not just a three story square building. They have come up with what works and looks best for the lot. They have put firewalls in where needed and have improved the look of the neighborhood. The zone has a height limit of 45 feet and this house is going to be 36 feet.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. Andy Dewyse 18964 SW Red Wing Way. Lake Oswego, This home has been in the family for many years and Pat wants to become a citizen of Seaside. They have gone through a lot of money trying to improve the house and make it safer and more accessible for the police and fire department. They will put in very nice garage doors to improve the look of the home and the neighborhood. The porch will match that with a southern theme. The home will blend into the neighborhood. The neighborhood used to be pretty run down but now it looks like things seem to be improving.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. There was no response.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Hoth asked how could the applicant avoid the planning commissions review? Mr. Cupples stated that the applicant could apply outright for a building permit, for a structure that is 20 x 30 sq. ft and 45 feet high this would be a replacement structure.

Commissioner Rees asked how long is the driveway? Mark Mead stated that the driveway is 7.8 feet when you are backing out of the garage you can see down the road much better than what is currently there. Commissioner Rees asked if this is legal driveway. Mr. Cupples stated that there is no actual regulation that states how long your driveway has to be. The main thing is that you can back out of the garage and see out of the side windows if there are cars coming. But there is no standard. Mr. Mead stated that there is also a sidewalk after the 7 plus feet.

Mr. DeWyse stated that they are trying to avoid building a 45 ft. high box. If they had to build it that way no one would like it and it would stick out like a sore thumb. Mr. DeWyse wants it to blend into the neighborhood and improve the look of the neighborhood.

Chair Horning stated that he sees how they are trying to improve the look of the neighborhood with this non-conforming lot. In the visioning plan they addressed issue about buildings going to tall. But the ordinance states that you can go up to 45 feet. Chair Horning asked Mr. Mead what is the square footage of the house? Mr. Mead stated that it is 1622 sq. ft. Commissioner Hoth asked how tall is this new house? Mr. Mead stated that it is approximately 37 ft to the peak and the home next door is 26 ft. tall. Mr. Mead pointed out that the house next door is very boxy looking and this home fits the lot better and doesn't look so boxy. Commissioner Ridout stated that the height limit in this zone is 45 feet and they are asking for 37 feet so he doesn't see an issue with the height of the home. Commissioner Rees stated that this home is architecturally pleasing and will enhance the neighborhood. We have turned some people down notably the developers that wanted to develop by the Gilbert Inn and were turned down because of the comments of the neighbors and the height of the buildings and didn't want to have a canyon going down Beach Drive. In the confines of the acceptability of this plan he doesn't see a problem. Mr. Cupples stated that the building official indicated that if the structure was going to maintain a 2 foot set back there would be fire life and safety code issues and that the code would require an automatic sprinkler system. If the property owner decides to go less than three feet then the building official will require a sprinkler system. Commissioner Dideum stated that she was on the 2020 visioning committee and listened to the concerns of the citizens of Seaside regarding the height of the buildings. This was a strong opinion voiced by the citizens of Seaside. Commissioner Dideum asked if this house was being raised because of the steps going up to the home. Mr. Mead stated No, that they are trying to get the home as low as they can. Commissioner Dideum stated that she grew up in this neighborhood and looked at the homes in the area and there are no two houses that look alike. Mr. Cupples stated that being as they are coming in to rebuild something other than "in kind" then it takes a conditional use permit but the portion that Mr. Mead has designed that goes up to the three floors is within that allowable box. If he came in and wanted to build that portion of the box he could do that with out any review. Chair Horning asked, why is the room on the first floor sticking out? Mr. Mead stated that they are trying to meet the setbacks areas. Chair Horning asked is it feasible to dig out and put the ground floor lower. Mr. Mead stated then you start creating a problem with ground water and river rock. As you begin to dig down into the river rock your base will be bigger than the lot. Commissioner Dideum asked if the owners have spoken to the neighbors. Andy DeWyse stated that he has personally talked to all the neighbors and they seem to be pleased with the new design and welcome the change. Commissioner Hoth asked if they are tearing down the house or are they going to rebuild what was there with an addition. Mr. Mead stated that is why they are here is because they want to tear down the existing structure and start with everything new and built to code.

Commissioner Hoth made a motion to accept this application as the request was made. Commissioner Carpenter seconded the motion. Commissioner Hoth had a question regarding the stipulation that they cannot use this home as vacation rental. Mr. Cupples stated that it is because it's a small lot. Chair Horning stated that he approves of the stipulation that this will not be used as a vacation rental. The motion was passed with a 5 to 1 vote in favor of the request. Chair Horning voted no. Commissioner Winters did not participate in the vote.

**C.). 10-016VRD** is a request by David Pullan for a Three (3) bedroom Vacation Rental Dwelling Permit within the Residential High Density (R-3) zone. The property is located at 2216 S. Columbia.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker Beach-House Vacation Rentals at 570 S Roosevelt. This is a very simple application and very straight forward. There is actually more parking available than they are required to have. The home owner is here tonight.

Chair Horning asked if there was anyone else who would like to offer testimony in favor of this project. There was no response.

Chair Horning asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Rees asked, who is the owner? Marianne Pittard (realtor) stated that at this time it is the Taft's and the property is currently in escrow and the Pullan's will be the new owners.

Commissioner Ridout had a question regarding the driveway being over grown with brush on the north side. If you really want people to park with out using the garage you will need to trim the brushes. The new owner stated that they will trim the brush.

Commissioner Hoth made a motion to accept this application as written. Commissioner Carpenter seconded the motion and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION:** Jim Wills Tree Complaint / Dick Peyser Fence Complaint, Harry Henke Development Plans.

Chair Horning step down to let Vice Chair Rees take over. Mr. Cupples stated that a complaint was made by Rhonda wills regarding some trees that were allegedly planted in a set back area. This potentially may be a violation of the ordinance that basically says that if you have a hedge row or windbreak or what have you, it may be restricted to the height of a fence, whether or not that section even applies. Basically what staff has to do is go out, do some fact finding and bring it back to the Planning Commission to determine whether or not it obstructs some ones view or is it out of character for the neighborhood. In this case what staff did was go out and measure where the trees where placed close to the property line and there are 3 trees within the setback area and the other trees are not with in the required setback. If you plant trees on your property and they are not in your yard they do not fall under this provision. They can't be looked upon as a wall it would be landscaping. If you have them planted in a row you could recognize them as a wall or a fence. The Planning commission can regulate how high they will get. The neighboring property owners (the Wills) are saying that they obstruct their views. You have a lengthy letter from the property owner (Dick Peyser) who owns the property next door, He has information that was passed on to the PC members which basically is his defense that states these are not blocking any ones view and if you look at the site you'll see that there might be some other things on the property that you would want to block the view of other than their house. The trees that are within the set back area are the trees in between the properties. Really what those trees are blocking is a view of the Peyser house. That's really not a bad thing. But it is up to the planning commission on what you want Mr. Peyser to do with those trees, leave as is, or should they be cropped or is there really an issue with the trees. Mr. Peyser as brought in a lot of information of why he put the trees where he did. There are only three trees that are close to the property line. You can call Mr. Peyser to the microphone and he will tell you why he put the trees where he did.

Following the Wills complaint Mr. Peyser has a complaint which is really an interpretation issue. Which is the neighbors fence that has been painted multi-colors and with reflectors on it. But up oddly enough only one side of the fence is painted in this manor, the Peyser's side of the fence. The Wills side of the fence is left natural wood. Mr. Peyser has recognized a section in the ordinance that states if you are putting a perimeter fence up that perimeter fence is not suppose to impact the aesthetic freedom of the

neighboring property owners. Mr. Peyser has indicated that he believes that fence does impact the aesthetic freedom of the neighboring property owners. What we are asking for is some guidance. When some one puts up multi-colored fence with reflectors on the neighbors view side of the fence rather than their view side of the fence. Is that a violation of the aesthetic freedom? If you believe that Yes, this is actually affecting the neighboring property owners aesthetic freedom and is in violation. Then what we can do is bring that to the City manager and he will take the necessary steps to get that abated, recognizing that that is a violation of the ordinance.

Vice Chair Rees asked if both parties were present? The Peysers were present but not the Wills. Dick Peyser 60 Hilltop Seaside – This is the third time that he has been before the planning commission.

- The Peysers have been coming to Seaside for 25 years.
- Homeowners for 6 years.
- There has been a problem with the Wills and the previous owners.
- Mr. Wills has threatened to block the whole view from the Sauers (previous owners).
- Mr. Peyser paid Mr. Wills \$35,000. for a view easement.
- People will not want to live in Seaside if the ordinances are not enforced in a timely manner.
- Mr. Wills has been sited on several occasions. Once for destruction of the bank, another for putting up an illegal fence that was too high and it was used as a retaining wall. Left an 18 foot fence post up for 18 months.
- Now we are disgusted with the Wills. Mr. Wills tried to sneak in that partition, where he said he talked with the neighbors which he didn't talk to the Peysers. There would have been some objections if he did.
- The Peysers rejected the partition.
- The Peysers filed violation reports to the city.
- Mr. Wills has not fixed the violations.
- He has not fixed the bank,
- He has not fixed the fence. Then when he finally took down the 18 foot post he put up another fence that was in violation of the zoning ordinance.
- There are other penalties and Mr. Peyser is asking for \$150. per day against Mr. Wills because this is an ongoing thing with the Wills.
- You have to tell him to stop what he is doing.
- Mr. Peyser will address the trees first. Five of these trees are not even in the required side yard.
- Mr. Peyser talked with Mr. Wills about living in peace with one another and maybe they should have reciprocal easements to protect each others properties and Mr. Wills stated that he didn't need Mr. Peysers easement, basically Mr. Wills was implying you need mine and that will be \$35,000.
- The three trees that are in the side yard are basically 3 or 4 inches from the boundary line. The reason we didn't put it 5 feet is because we needed a walk way between the front and rear yard. They really don't stick out that much.
- Mr. Wills has complained to Mr. Peyser that he didn't like looking at Mr. Peyser soaker hoses. So Mr. Wills put up a fence.
- The zoning ordinance states that trees over six feet are allowed in the zone.

Commissioner Ridout asked, how tall will these trees grow? Mr. Peyser said he's not sure but probably 20 to 30 feet tall. They still are not affecting the view. The other trees may affect his view down the road. Bill West 50 Hilltop Dr. Seaside – The trees are not affecting anyone.

Vice Chair Rees stated that being as Rhonda and Jim Wills are not here tonight we can not hear comment from them. Commissioner Hoth noted that the trees are blocking the vision of the view of their property but not of any view. Commissioner Hoth drove and walked through the neighborhood and noticed that there are trees in between just about every house up on the hill. Commissioner Dideum stated that the trees look like they are well taken care of, and it looks like they just want some privacy from the deck next door looking right down on them. Commissioner Rees stated that the only trees that we are concerned about are the trees that are less than five feet from the property line. The commission stated that the trees are a non issue.

Moving on to the fence issue. Mr. Peyser stated that the only reason Mr. Wills did the fence this way was in retaliation for the Peysers opposing the Wills partition. Mr. Peyser wants to bring attention to the City what Mr. Wills has done to the bank. It's not only destroys the bank it also destroys the cities protecting of the bank. The city needs this bank for all the people to get up the hill when and if a tsunami

comes. Mr. Wills thinks he can do anything to his property notwithstanding the fact the Peyser paid him \$35,000. for a view easement.

Commissioner Ridout asked how did the Wills get to that side of the fence to paint it? Mr. Peyser stated you need to ask Mr. West because they were not in town when this was done. Mr. West stated that he reached around the fence and painted it one board at a time. Mr. Wills is going to do whatever Mr. Wills wants to do regardless of any legal consequences and that is what he does. The Peysers who are fantastic neighbors and the Sauers were good neighbors as well. One day Mr. West was walking by and asked Mr. Wills what he was doing with the fence. Mr. Wills stated that he was forced to take it down because it's too high. He informed Mr. West that he was going to paint the new fence neon colors to get back at the Peysers and now we (the West's) have to look at it. It looks like a circus fence and it's absolutely ridiculous. Mr. Wills did this just to get back at the Peysers. Mr. Peyser has every right to question the things that Mr. Wills has done. Enough is enough, now it is affecting us (the West's). This fence is illegal and I can't believe the city would allow this to go on. If Mr. Wills would take this same negative energy and turn it into something positive we would have a wonderful world. Mr. Wills painted the boards before he put them up and reached around the fence to put them up. This is just absolutely ridiculous.

Dawn Miller 140 Hilltop Dr. Here I am again in non support of the Wills. This is not a conventional design by any stretch of the imagination. This was an intentionally rude jester by Mr. Wills for all of that live up on the hill. We all have to look at it as we are coming up the hill. That is how distracting it is. Maybe what the planning commission should do is make Mr. Wills turn the colored portion of the fence to his side.

Erin Barker 570 S Roosevelt. If some one buys a piece of property and paints the fence like this, can you paint your side of the fence? The commission stated that the fence is on his property so no, you can't paint the fence but you can put up a fence right next to it on your property.

Kathy Peyser, 60 Hilltop Seaside, One other thing that happened is that Mr. Wills has hung 2 huge wind chimes outside our master bedroom window. The Peysers are only here maybe 60 days a year. What can be done to make sure that he is following through with what he is suppose to do. An example he was told not to do anything on the hillside until he has a plan approved. Now he has lined up all the concrete blocks. Now how can your decision be enforced?

Commissioner Rees stated that the home is for sale and bland is always good for resale. If this fence were to be painted on his side his realtor would tell him that he would need to change that because it's not very aesthetic.

Commissioner Ridout stated that this fence does not fit in to the feel of the neighborhood, maybe in some places but not in Seaside. A fence usually has the same design all along the property line, not like this one that is aesthetically pleasing most of the length and then changes to something that is not aesthetically pleasing.

Commissioner Carpenter stated that if this fence was painted with these colors the whole length of the fence and on both sides then we could say that this is what the property owner likes. But in this case it's only painted on the portion of the fence that the neighbors can see. Commissioner Carpenter stated that this is way out of bounds and should be referred to the City Manager to resolve.

Commissioner Winters also concurs with Commissioner Carpenter and Commissioner Ridout's opinion. Commissioner Dideum stated that the colors should be facing the Wills property and why did they go with two different styles on the fence? If the colors were on the Wills side of the fence would be one thing but when you change the look of the fence and then change the colors of the fence where the neighbors are the only ones being affected by the change then it isn't right. Also, the wind chimes can be very annoying if they are placed right outside your bedroom window. Commissioner Dideum would like the City Manager to take action immediately. Mrs. Peyser stated that the wind chimes are very annoying and loud. Mr. Peyser stated that he would like to have action taken immediately and penalties added as soon as possible because Mr. Wills drags things out over and over.

Commissioner Winters stated that Mr. Wills needs to get this resolved now, not over a long period of time.

Commissioner Rees stated that there are no issues with the trees, but the fence on the other hand is obnoxious and not in keeping with the general appeal of the neighborhood and action needs to be taken immediately. Fines should be what the City Manager feels is necessary.

Chair Horning was invited back to take his seat as the Chair.

Mr. Cupples stated that Harry Henke is here to present the proposed development plans for the North Roosevelt project. Harry Henke is here to show the planning commission the preliminary drawings of the three apartment buildings that he is proposing to build. He wants to propose a building that has a timeless design for the community and nothing that is too far out there. This is the direction on where he is planning to go with the property. The site plan is the next step in his ongoing efforts to keep the

Planning Commissioners informed on what his thoughts are for developing the property. The floor plan shows that there will be a few different types of units. There will be studio apartments, one, two and three bedroom apartments in each complex. The three bedroom units will have three bathrooms so that three different people can rent the unit and still have their private bathrooms. Or people with larger families can rent the three bedroom units. By adding the different size units Mr. Henke was able to get two more units out of the buildings instead of 30 units per building there will be 32 units per building. It's really starting to come together, it flows really well with the TLC. We have changed the main drive to be more towards TLC and the parking will have fingers down to the apartment buildings rather than have the road go right next to the apartments. With the proper landscaping you really won't be able to see them that much. It has a pitched roof which is really the only way to go here on the North coast with the winds and rain. With that Mr. Henke would like to introduce Tom Johnson for the architectural features of the property and if you have any questions now is the time to ask the architect.

Tom Johnson, 821 NW Flanders, Portland, Anytime you are dealing with a large project like this it is best to get it down to the pedestrian scale so that it feels residential. In looking at the elevation you can see that we are trying to get a residential feel. They have added lower scale outlets to the building around the entries which seems to pull the scale down and make it look more appealing. The siding will be horizontal lap siding and then there will be some vertical siding to break up the building a bit. The site plan will show the areas that will be landscaped and also a view of how the parking and road entrance will look.

Commissioner Dideum asked, how many parking spaces will they have? Mr. Johnson stated that as he read the ordinance there will be 2 per unit. The studio apartment may have 1 parking space if the planning commission will allow that. Commissioner Dideum would also like to see some sort of barrier between the buildings and the river for the safety of the children that will be living in the units. Mr. Johnson stated that there are spaces between the buildings in which the children will be able to play. Commissioner Hoth stated that he would like to see the traffic flowing away from the buildings for the safety of the people and children living in the units.

Commissioner Winters stated that conceptually this plan looks good. Chair Horning stated that he felt comfortable with the design plans of the buildings. On the project summary how many people do you think this complex will be able to accommodate. With the 2020 visioning plan we have this vision of not over filling the river with these big developments, if we go through with this we need to have a drawing of the areas for the children to play and also have a significant riparian set back area. Mr. Johnson stated that the next step is to get a landscape architect involved. Chair Horning asked if they knew what kind of method was used to determine the amount of open space that would be needed for a project this size. If they don't have enough open space for the children to play, the children will probably play in the marsh or in the parking lot.

Mr. Henke stated we need to remember that we are talking density here and with the shortage of available affordable housing, we are going to do the best we can to have a park area on site. Maybe a split rail fence that would look aesthetically pleasing along the river and not a chain link fence, to see a child drown or get hurt in the river would be the worst thing in the world to happen. Mr. Henke has a 5 year old daughter and knows how horrible that would be. If you want more open space then let's lower the parking requirement. It's close to the schools it's close to downtown so many people will be riding bikes or walking so technically not everyone will need a car. Mr. Henke had a condo in the Pearl District and there are only two parks, where do all those kids go. They go to the park and that's where most of the kids will go here too. They will go to the city parks, the pool, and to the beach. We are going to do the best we can it won't be just grass. We will try to keep this as simple as possible. If the planning commission wants more green space then Mr. Henke will have to give up some parking. The parking at the outlet mall was based on a formula and any given day the parking lot is at least 50% vacant. Maybe four or five days a year it is close to being filled. If you drive through the any large apartment building their parking lots are empty during the day. We have an agreement with the credit union that at night time the tenants will be able to park in their parking lot. We're trying to make this work as best we can. History has not been kind to the river so we are in favor of protecting that as much as possible.

#### **COMMENTS FROM THE PUBLIC:**

#### **COMMENTS FROM COMMISSION/STAFF**

**ADJOURNMENT:** Adjourned at 9:30 pm.

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Tom Horning, Chairperson

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Debbie Kenyon, Admin. Assistant