

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
January 5, 2016
7:00 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:** December 1, 2015
6. **PUBLIC HEARING:**

Continuance;

A.) 15-044CU: A conditional use request by Broken Spoke Properties that will allow the redevelopment of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. The subject property is located at 303 & 325 S Holladay and 760 Avenue C (a compilation of tax lots 14000, 14400, & 14500 of T6, R10, 21AD). In addition to the conditionally permitted uses, the redevelopment will also provide some additional rental retail space.

B.) 15-048HOZ is a request by the Marci Utti to demolish the convenient store associated with the Chevron gas station and rebuild a new building within the Highway 101 Overlay Zone. The new convenient store will be rebuilt utilizing the old car lot north of the existing building. The building will be approximately 3700 sq. ft. on the first story and the second story, used as office & storage, will be approximately 1290 sq. ft. The property is located at 1215 S Holladay and it is zoned General Commercial (C-3).

C.) 15-049CU: A conditional use request by Kendall Higgs to expand his dwelling in conjunction with a commercial use on the second floor of his existing building. The subject property is located at 724 Ave S (6 10 61DD TL:2800) and it is zoned General Commercial (C-3) zone.

D.) Continuance:
15-032ACP- Amendments to the Comprehensive Plan associated with the selection of lands for inclusion within the City of Seaside Urban Growth Boundary based on an evaluation under Goal 14 and the land needs previously identified under Goal 9 & 10. The lands under consideration are located south and east of Seaside City Limits and will include just over 200 acres of land suitable for development.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
December 1, 2015

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Ray Romine, Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine 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 Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: November 3, 2015;

Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Horning seconded. The motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

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.)15-043VRD is a request by **Kari Court** for a **five (5)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten (10)** people regardless of age. The property is located at **2061 S Columbia** and it is zoned Medium Density Residential (R-2).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Erin Barker, Beach House Vacation Rentals. Erin stated that it has been through the first inspection and there are a few items that still need to be corrected.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout had a question regarding whether this is a four bedroom or a five bedroom. Erin stated that it is a five bedroom but the occupancy will be ten. Vice Chair Carpenter asked if this has been a vacation rental in the past and Erin stated that it has not been a vacation rental. Commission Hoth had a question regarding the paving. Mr. Cupples stated that they need to pave the parking area.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Carpenter seconded and the motion was carried unanimously.

B.) 15-044CU: A conditional use request by Broken Spoke Properties that will allow the redevelopment of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. The subject property is located at 303 & 325 S Holladay and 760 Avenue C (a compilation of tax lots 14000, 14400, & 14500 of T6, R10, 21AD). In addition to the conditionally permitted uses, the redevelopment will also provide some additional rental retail space.

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

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

There was no one at the meeting to discuss the project. Commissioner Hoth made a motion continue this to the next scheduled Planning Commission Meeting on January 5, 2016. Commissioner Perkel seconded and the motion was carried unanimously.

C.) 15-045VRD & 15-046V is a request by **Ron & Toni Sunseri** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The owners are also requesting a variance that will allow two of the required parking spaces to be 17.5' in length instead of the 18' requirement based on pre-existing development of the site. The property is located at 1341 Beach Drive and it is zoned Medium Density Residential (R-2).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Brooke English, 1530 Lea Way, Seaside: This has been a VRD in the past and sold so the new owners had to reapply for a vacation rental. Brooke stated that they have parking for 3 vehicles, one will be in the garage and two in front of the garage. Historically the parking was two in the garage and two in front of the garage.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked if they are asking to let the vehicles hang out over the driveway. Mr. Cupples stated No, there is enough room for two cars in the driveway. A parking space is 9 x 18 and they are asking for a 6" variance. The report shows different vehicle lengths and even a Tahoe will fit in the driveway without hanging over the sidewalk.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Horning made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Perkel seconded and the motion was carried unanimously.

D.) 15-047VRD is a request by **Joe & Diane Birkenfeld** for a **four (4)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **ten (10)** people regardless of age. The property is located at 1221 S Prom and it is zoned Medium Density Residential (R-2).

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

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Randy Harris 1648 Beach Dr. Seaside. Randy noted that this has not been a VRD but has been inspected and all corrections have been made.

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

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

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked if they own both tax lots from the Prom to Beach Drive, are they undersized and could they separate them. Randy stated that he is not sure. Commissioner Wright asked if they will need to pave all the driveway or just a portion. Mr. Cupples stated that the driveway will need to be paved but the turnaround area doesn't need to be paved. Mr. Cupples stated that if they get a paving contractor out there they will probably pave the whole thing.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Carpenter made a motion to approve the conditional use under the guidelines that staff has presented. Commissioner Wright seconded and the motion was carried unanimously.

E.) Continuance: 15-032ACP- Amendments to the Comprehensive Plan associated with the selection of lands for inclusion within the City of Seaside Urban Growth Boundary based on an evaluation under Goal 14 and the land needs previously identified under Goal 9 & 10. The lands under consideration are located south and east of Seaside City Limits and will include just over 200 acres of land suitable for development.

Don Hanson handed out a spread sheet that shows the difference between the 14 year plan and the 20 year land need plan.

Land Use Type	20 Year Need	14 Year Need
Low Density	61.3 Acres	43. Acres
Medium Density	54.5 Acres	38.2 Acres
High Density	38.8 Acres	27.4 Acres
Subtotal Residential	154.6 Acres	108.6 Acres
Institutional	19.5 Acres	13.6 Acres
Industrial	16.1 Acres	11.3 Acres
Park	10.5 Acres	7.3 Acres
TOTAL	200.7 Acres	140.8 Acres

Lewis and Clark Hills Site:		23.0 Acres
North Hills Site:	A.)	12.3 Acres
	B.)	21.5 Acres
Subtotal:		56.8 Acres
<u>14 Year Land Need:</u>		<u>140.8 Acres</u>
Total:		197.6 Acres

Commissioner Hoth asked if we went with the 14 year land need we could take the 140.8 acres (total from the South Hills sites) and then subtract the 56.8 acres that come from the Lewis & Clark and the North Hills Site would that make the total land needed from the south hills site down to 84 acres?

Mr. Cupples stated that is if we are going with the 14 year land need.

Mr. Hanson stated the table is only using the South Hills site. If we went with the 20 year land need, we would only need 140.8 acres from the south hills site and then we would use the 56.8 acres from the North hills and Lewis & Clark site to meet the 20 year land need.

Mr. Hanson stated that the primary request would be for the 14 year need and that would be following the advice from the planning director as well as the city manager. The second would be keep our 20 year need supply which has been endorsed by the city council as well as the planning commission. Keep

that intact and make the initial request for the 14 year need and push the boundary out and come back at a later date to get the 20 year. Making this a two step approach.

Commissioner Ridout asked what is the motivation for a 14 year plan? Mr. Cupples stated the state is looking at revamping how a city goes about getting a land needs analysis and setting a 14 year planning horizon instead of a 20 year planning horizon. There has been a lot of concern from the individuals who are in the proposed UGB expansion area being concerned that maybe we overshoot what our need is. If the city says we don't want to wait around for the state to go through the finalization of setting a 14 year time frame, what we can do is back our 20 year demand down to where it would be a 14 year demand and go with that. That puts you in a good position to say you are in fact taking public testimony, which is one of the statewide planning goals is citizen involvement, rather than going for the full 20 year we can look at the 14 year and then re-evaluate that 7 years down the line or 10 years down the line and see if we overshoot our land need or not.

Chair Romine stated that our land needs analysis if we chose to use the 14 year plan, we would save the background data on the 20 year plan so that it could be addressed in the future without having a complete land needs analysis study. Mr. Cupples stated that if the commission made a decision like that we would have to say why is it that we are going with the 14 year plan and not the 20 year plan. Mr. Hanson stated that the land supply is adopted by the city council, which means it is set, if you went back to revisit it they are going to do new demographic projections calculations. They have set the state up into three parts and North Coast is third, so none of the valuation would be done until half way through 2017. If we were going to revisit this again you would have to update the demographic material with that new data. The economist that helped with this project doesn't think that it will vary appreciatively.

Commissioner Hoth stated that his whole push for the 14 year thing is that things change even in a year, things change often in ways that we cannot anticipate either way larger or smaller. Taking this out to 20 years when we have an option for 14 years and having a bit less uncertainty makes more sense. If we go way out we could be way over or way under, we always have an option to revisit this.

Obviously there is going to be more information available and more history to see which way we need to go. Commissioner Hoth doesn't feel as comfortable with the 20 year plan as he does with the 14 year plan. It seems like the 20 year is just more land than what we need. Mr. Hanson stated that the 14 year need is a bit more tangible.

Commissioner Wright stated there must be a reason that the state is changing the rules. Mr. Hanson stated the motivation for the state is streamlining and to make this a simpler process for the smaller communities and to standardize the approach. This new 14 year approach was formulated by a committee.

Mr. Hanson stated that he was take the 140 acres number and applied it to the maps and see if it will fit in the south east hills area. Mr. Hanson put the XXL tsunami line on the map and below that line will be the lowest density residential and also put institutional and industrial uses in that area along with the a park. This will put a buffer between the low density and high density residential. On the map it also shows the water tank at an elevation of 400. As he thought more about this it makes sense to move the water tower farther north maybe above where the school campus might expand. Then a water distribution line could go to the south hills and then also move up to the north hills site. It would be a lot easier to do that water line along the existing logging road. On the north hills site, that was included in the 20 year plan. If we are going to consider this we need to include these 12.3 and the 21.5 acres. The reasoning is because it puts it up closer to where we can have an emergency access outlet to the logging road and it helps pay for the road going up to the site. That will be a city street with curbs, sidewalks on both sides, utilities and that will cost approximately \$1000 per linear foot to go up that road. To do that you really need a critical mass of acreage on the hillside. If you notice the Lewis and Clark site you see it is pretty easy to allocate where the residential uses will go, between the North hills site and the South hills site between the 14 year and 20 year need. What's a little more complicated is where the institutional and industrial land will go. Mr. Hanson took 70% of those uses and allocated it along Wahanna Road. Kevin and Mr. Hanson talked about moving the institutional and a little bit of the educational and industrial along the Lewis and Clark road would not be that bad. Those uses could be out towards the front or rear; there could be Resort residential. That would be about 6 acres of institutional, and 5 acres of industrial/employment. Those two uses would take up about 1/3 to 1/2 of that property. The back portion of the property could be residential uses. Mr. Hanson stated that summarizes his 14 year and 20 land use needs plan.

Now we will move onto the Cove area. Mr. Hanson stated that he did the same mapping exercise with the cove area as he did with the other areas. He documented the slopes and also plotted the stream drainage areas and the tsunami XXL line on map. First of all he checked where we could develop in the current UGB. Currently there is some confusion on where the UGB is on that end of town. He took his assumption on where it is and ended up with 1.8 acres along Sunset BLVD and that is very usable land. Then off the end of Highland Drive, there is a road stub there and also there is a bit of a steep slope

there (20%). In reality we could work around that and grade the site and there is roughly 2.4 acres. Part of the area is below the XXL line but when the road is cut for that street we put the fill in that area below the XXL and lift it up a bit. Then as Kevin and Don talked they weren't sure where the current UGB is, so they have some clarifying to do on that site. Mr. Cupples stated that we have a zoning map that preceded the current zoning map. That zoning map was supposed to be revamped and it wasn't authorized to go outside of our current UGB. There were a few errors in that and one of the things that the county has as our UGB is different than what we have on the zoning map that preceded our electronic zoning map. When the electronic zoning map was done there was a discrepancy and there was no authorization for us to go and add new land to our UGB. You can't re-do a zoning map and say look we put more land in our UGB just magically. Whatever we wind up doing we need to clarify the map. We need to match up with the county. Mr. Cupples stated that he would bring a map that shows where the different two lines are so we know what kind of acreage that we are dealing with. When this is all said and done even if we don't change anything in that area, we still need to match up with what the county has. Mr. Hanson stated that he wanted to point out in this area he used the same 200 ft width for drainage corridor and the purple line is the tsunami line. Hopefully at the next meeting we have some clarification on the UGB in the Cove area. Vice Chair Carpenter asked about the area on the map in the Cove area that looks like it is platted. Mr. Cupples stated that was an old subdivision that was vacated. There are a few places in Oregon that are platted and out in the middle of nowhere and you couldn't get to it or develop it. Mr. Hanson stated that there are a lot of paper streets in the Portland area. Mr. Hanson stated that he would prefer not to go beyond the current UGB in the Cove area but account for the current UGB. The main reason is because it would be a long dead-end road, and the sensitive nature of the property and the fact that it goes through an existing development. Chair Romine want to confirm that for the 14 year plan we would use only the Southeast hills and then in the 20 year plan we would use all three sites. So the decision making process for him is not so much a matter of not having too much because most of the public comment has been about the south east hills. Looking at the 20 year plan actually gives us more options as a community to expand potential development in other areas other than the south east hills. Commissioner Ridout stated that is what he said two weeks ago, he wants the 20 year plan that includes those other sites. Let's try to cut the amount as much as possible from the south east hills, that's where most of the opposition is and whether we develop high land or low land that still needs to be decided. Commissioner Ridout stated that he can see skipping over the low land and going to the high land and we can argue that we are keeping it out the tsunami zone and that will force people to build in a safe area.

Commissioner Hoth stated that this is not what he expected to see nor what he would consider and unfortunately he is going from the acreage point of view and is looking at the 140 acre 14 year land need. Commissioner Hoth would like to use as little land as possible from the South East hills and disperse the land to include the North Hills site and the Lewis and Clark site. He doesn't know about using the Pihl property at this time because Commissioner Horning's comments about the site, he would like to use it if possible but would like more information on the site. Commissioner Perkel stated that behind Huckleberry, that's where he lives, there is a lot of property behind there and could be used in the UGB. Chair Romine stated that the Pihl property has a big cost getting to the property but once on top it looks relatively flat. Mr. Hanson stated that it is manageable using the medium and high density residential zone. Chair Romine asked if we did use the Pihl property with high density could we go 35 feet high. Mr. Cupples stated that in the R3 zone you could go up to 45 feet. Chair Romine stated that if we are going to include the North Hills and Lewis & Clark site it makes sense to go with the 20 year plan and include those two sites and then less land will be needed from the South East hills.

Commissioner Hoth stated that makes sense if we are going to do that. Chair Romine stated that at that point it is the developer's choice and or seller's choice, but if there is no motivation to sell in a particular area then nobody will develop there. Commissioner Hoth stated he would like the high density in the North Hills and Lewis & Clark site. Chair Romine stated that it is too far from public transportation, but if we put condominium and/or retirement type homes with a view up there that might work. Chair Romine asked Commissioner Horning about the geological issues up there and how much trouble it is to build multi story dwellings on an area that has historical factors at play. Commissioner Horning stated that there is some experience from Astoria that has the similar geology. There are landslides that have not moved for over 150 years, and then there are masses that have moved 12 city blocks that are moving and some are galloping. The asphalt is cracking and needs to be replaced, water lines are being repaired every 6 months. You can't walk onto a property in their native condition especially if it's been clear cut and read the landscape and know what going on. You can look at the larger land forms of the hillside and say that was definitely a landslide, the top has slid down and is now near the base of the hills. There are mounds of volcanic rock that have steep slopes and then there are flatter areas like these terraces that represent broken up mudstones and broken up rubble from the volcanic debris and soils mixed together that have a variety of ponds and beaver habitat and swamp that represent sort of

sag/stretch marks in between the bigger blocks. Whether these are still moving or not he cannot say, but from looking at it he can say that it has moved rather recently and in geological terms means within 100 years. The catch is that there are places within the sag/stretch marks that may have those galloping fast moving stretches and you won't know until you build on them, so how do you deal with them. Chair Romine stated that basically you should use pilings for building. Commissioner Horning stated that pilings will go along with the ride, so basically you want to build rafts and hope that the building will not get sheared but will drift with the rest of the material down the hillside. Mr. Hanson stated that the last project that he did in Astoria, which was some time ago, was the Coast Guard housing project behind the high school. He remembers looking at it and you could see it moving. The way they dealt with it was not so much with the building which is mainly duplexes and triplexes, but in the street system. They used the street system, they over excavated quite deep and filled it with rock and that's how they stabilized the area. Chair Romine stated that he would like to go forward with the 20 year plan and let the market sort it out. Mr. Hanson stated that we still should look at the disbursement and probably some of the refinements that Commissioner Hoth has mentioned in the South hills area. Commissioner Wright stated that he doesn't know if moving the high density to the north hills site is a good idea, but definitely use the 140 acres everywhere, which is the 14 year land need. Mr. Hanson stated from his understanding is that the commission would like to go with the 14 year land need and keep both the North hills site and the Lewis & Clark site in and use as little land in the South East hills as possible. Commissioner Carpenter stated that by going to the 14 year plan we would reduce the land use in the South East hills if we could accept the fact that we would use the North Hills and Lewis & Clark site. Chair Romine stated that we could still use the industrial and institutional in the South East hills along with some low density residential. Mr. Cupples wanted to clarify the what the commission wanted: Commissioner Hoth wanted 140 acres – 14 year, Commissioner Ridout wants to use the 20 year plan – 200 acres but cutting back on the South Hills site and include the North Hills and Lewis & Clark site. Chair Romine stated that he liked the 200 acre idea but is in agreement with Commissioner Hoth in the sense that we move the medium and high density from the South East hills elsewhere it will make the residents of the South East hills much happier that way. We look for the possibility of meeting the 14 year numbers with that or we look to meet the 200 acres with something else. Vice Chair Carpenter stated that he is with 140 acres and 14 year land need and incorporating the additional sites and reducing the foot print in the South East hills, Commissioner Perkel and Commissioner Wright are in agreement with Vice Chair Carpenter. Commissioner Horning is in the 14 year land need of 140 acres but excluding the Pihl property. Commissioner Hoth stated that if any land in the Cove area could be used that would be nice. Mr. Hanson stated that his concern right now is that we have the amount of land in the Cove area corrected. Commissioner Horning asked if the people in the Huckleberry area have been notified. Mr. Cupples stated that no, they have not been notified. Mr. Hanson wanted to point out that there are two access points there also. Vice Chair Carpenter stated that he liked the idea of moving the proposed water tank more to the North. Chair Romine stated that the reduction in the South East hills just in the high density and medium density is 65.6 acres and the additional two sites add in 56.8 acres. Mr. Hanson stated that he will send an updated version of the maps. He also wants to review what he will bring to the next planning commission meeting: clarification of the current UGB in the Cove area, summary of the directives.

Mr. Cupples stated that the next work session will be on December 15, 2015 and we can review Mr. Hanson's updated report.

Vice Chair Carpenter started to make a motion to continue this item, but Commissioner Ridout stated that there were people in the audience who would like time to comment. Chair Romine stated that public comment was closed last month. Mr. Cupples stated that you can make a motion to open the public hearing. Vice Chair Carpenter made a motion to re-open the public hearing on this agenda item 15-032ACP. Commissioner Perkel seconded the motion; was carried unanimously.

Chair Romine asked if there was anyone present who wanted to offer testimony on this agenda item. Mike Pihl, Vernonia OR. He owns the North hills site, there hasn't been any change in options and he would like to keep the North Hills site available for the UGB expansion.

John Dunzer, 2964 Keepsake Dr. Seaside, OR. Mr. Dunzer appreciates the work that the commission has done on the Cove area. He doesn't understand the reason that a lot of land that appears to be quite suitable for development has not been included. The land that has been included in the Cove area is already in the UGB. Whereas the other land in all the other areas is not in the UGB. All the area to the south of the 2.4 acres which appears developable, has not been included and if he understands correctly is because the road was too long. To Mr. Dunzer it looks like it should be developable. In this case it looks like you are only looking at the area that is already in the UGB. The other land beyond the current UGB should be able to be developed. You are comparing apples to oranges. The 2.4 acres and the 1.8 acres are already in the UGB. The area south of that is not in the UGB. So you have your apples and your oranges he's just wants to clarify where the oranges are in the Cove.

Commissioner Hoth stated that we needed clarification on where the current UGB area is so that we can address the issues of why that land up there wasn't useful and we haven't heard the specifics about that yet. Mr. Dunzer stated that he heard that the road was only 1500 feet. Mr. Hanson stated that there is only one way in and one way out of that area. Mr. Dunzer stated that is with most of the areas. Mr. Hanson stated that most of the other sites have loop roads with multiple connections. Mr. Dunzer stated that he appreciated all the work that Mr. Hanson had put into this. Mary Kemhus 86183 S Wahanna. She wanted to say Hi from Maria and she's sorry that she is missing tonight's meeting. Ms. Kemhus just wanted to say thank you very much for listening to their concerns.

At the end of the Commissioners discussion, Commissioner Perkel made a motion to continue this to the next scheduled planning commission meeting on January 5, 2016 at 7pm at City Hall with public comments. Commissioner Hoth seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Ridout asked being as this agenda item was closed at the last planning commission meeting shouldn't it have been placed under another category instead of the under the Public Hearing part.

Mr. Cupples stated that we haven't in the past because we are still deliberating on the same continued item, because this hearing is open to the public whether or not you are taking public testimony or not is a matter of have you opened or closed it. At the last meeting you closed it and when you are still in that much deliberation that may have been a bit premature. By re-opening it you haven't harmed anything.

ADJOURNMENT: Adjourned at 8:45 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant

CITY OF SEASIDE STAFF REPORT

To: Seaside Planning Commission
From: Planning Director, Kevin Cupples
Date: January 5, 2016
Applicant: David Vonada, P.O. Box 648; Tolovanna Park, OR 97145
Owner: Marci Utti, P.O. Box 23, Seaside, OR 97138
Location: 1215 S Holladay
Subject: Highway Overlay Zone 15-048HOZ, Replace Existing Chevron Gas Station Convenience Store

REQUEST:

The applicant is requesting approval to remove the convenient store associated with the Chevron gas station and rebuild a new building within the Highway 101 Overlay Zone. The new convenient store will be rebuilt utilizing the old car lot north of the existing building. The building will be approximately 3700 sq. ft. on the first story and the second story, used as office & storage, will be approximately 1290 sq. ft. The property is located at 1215 S Holladay and it is zoned General Commercial (C-3).

The review will be conducted in accordance with Section 3.400 and Article 10 of the Seaside Zoning Ordinance which establishes the review criteria and procedures for a Planning Commission review within the Highway Overlay Zone.

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements which may be adopted by the Planning Commission to support their conclusions. These may also include conditions which are necessary to ensure compliance with the Seaside Zoning Ordinance. Although each of the findings or justification statements specifically apply to one of the decision criteria, any of the statements may be used to support the Commission's final decision.

REVIEW CRITERIA # 1: Pursuant to Section 3.400 of Appendix G of Seaside's TSP, all development that will create a significant number of additional trips (more than 5 peak hour or 30 average daily trips) must address the following review standards and criteria:

Section 3.407 Highway Overlay Zone Standards

1. Building Size: The maximum building size will be 20,000 square feet. Buildings larger than 20,000 square feet may be considered, but are subject to additional design review.

2. Landscaping: A landscaped area must be provided along the highway frontage to assure that a buffer is provided between the development and the road surface. As a minimum requirement, the area must be equal to a 10' width multiplied by the length of the highway frontage. Any public sidewalk area provided on private property adjacent to the highway would be deducted from the required area.

3. Exterior Lighting: All exterior lighting shall be designed so the lighting source or lamp is recessed or otherwise covered to eliminate line of site visibility from neighboring properties, street travel lanes, or the surrounding environment. All exterior lighting must be dark sky compliant and shielded, screened, or otherwise provided with cut-offs in order to prevent direct lighting on the adjacent properties, riparian area, or the state highway subject to the following exception: Line of site visibility and direct lighting of neighboring property can be permitted subject to a formal agreement with the neighboring property owner when the lighting will benefit joint parking, access, or safety.

4. Yards Abutting the Highway Frontage: In an effort to promote more pedestrian oriented development, regardless of yard requirements of the underlying zone, buildings must be located close to the property line adjacent to highway such that the property line setback for the building entrance will not exceed 10'.

5. Off Street Parking: In addition to the requirements in Section 4.100, parking areas must address the specific design standards in Section 3.410.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's submitted justification and site plan are adopted by reference. The applicant's plan calls for the following:
 - A Traffic Impact Analysis (TIA) is not required for the proposed use because it will not generate more than 600 daily trips or 100 hourly trips.
 - The proposed building is accessed by pre-existing accesses into the property that have been used for the existing gas pump islands and the convenience store. The accesses are considered permitted by ODOT based on prior use.
 - The proposed commercial building will consist of a slightly "V" shaped structure. The building will be approximately 3700 sq. ft. on the ground floor and approximately 1290 sq. ft on the second story.
 - The ground floor will be used primarily for retail sales, whereas the second floor will be used for office and storage space.
 - A landscaped area is proposed between the structure and N Roosevelt. This area is inside of the new pedestrian sidewalk that will run along the east property line. Since the new sidewalk will match the existing and it is all located on the applicant's property, it takes up all of the area that would normally be utilized for a landscape buffer.

- The proposed landscaping will provide some buffering between the structure and the highway. It will consist of: Synlawn, Karley Rose Grass, Shore Pine, California Lilac & Blue Oat Grass.
 - An improved walkway area will be provided that leads up to the east entrance to the building. This will also provide an accessible route from the required van accessible parking space. The walkway will front the building and it will also provide a continuous pedestrian connection to the existing sidewalk along the South Holladay frontage.
 - New sidewalk will be built along Avenue M, adjacent to the back of the building.
 - New recessed can lights will be provided along the exterior canopy of the building. Accent wall lights (50 lumen LEDs) are proposed around the exterior of the building and they are all provided with a translucent cover.
 - The existing fuel island canopies are not being changed at this time so light fixtures will not be modified.
 - The primary building entrance is centrally located between the two fronting streets, South Roosevelt & South Holliday in an effort to provide equally convenient pedestrian access from the sidewalks fronting either street.
 - Not counting the pump island parking spaces, a total of 12 off street parking spaces (one handicapped parking space & 11 standard spaces) will be provided. In keeping with Section 3.410 *Automobile Parking Standards*, off-street parking, driveways, and other vehicle areas will not be placed between building and the highway.
 - A short term bike parking rack is being proposed near the northeast pedestrian walkway between the building and the sidewalk fronting S Roosevelt.
 - A trash enclosure will be provided on the north side of the building.
2. The wall mounted lights are low lumen lights that could be considered adequately shielded by the lamp's translucent cover; however, they would not be dark sky compliant unless they were provided with hoods. These lights would be exempt under the City's outdoor lighting ordinance because they are below the 450 lumen threshold established under the City's outdoor lighting ordinance.
 3. The ordinance calls for building accesses to be located adjacent to the highway within 10 of the front property line. The applicant has submitted a preferred alternative plan that would set the structure further back on the property in an effort to provide some space between the building and the sidewalk along S Roosevelt that is located completely on their property. The proposed entrance location would provide access to pedestrians from the fronting streets on the east and west sides of the property. This would require a variance approval by the Planning Director if the Planning Commission supports this alternative setback and building access arrangement on the site.
 4. The retail customer accessible area is approximately 2120 sq. ft while the office area is approximately 521.5 sq. ft. In accordance with section 4.100, the use would

require 12 spaces plus one per employee. Staff credited one space on each side of the existing pump islands as additional parking for the retail store bringing the total number of parking spaces to 16. Additional off street parking would only be needed if the store has more than four employees per shift..

5. The short term bike parking is intended to be closer to the entrance to the building such that it is no further than the closest car space to the front door. Long term, covered or enclosed bike parking must also be provided. Only two spaces of each type are required.

Commercial Categories Uses: Retail Sales store, And Service or repair shop

Long Term: 2, or 1 per 12,000 sq. ft. of floor area

Short Term: 2, or 1 per 5,000 sq. ft. of floor area

Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle parking space, or 50 feet, whichever is less. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design.

6. The sidewalk located along Avenue M and any necessary curb cuts providing access to the trash enclosure will need to be redesigned to meet Public Works standards since the current sidewalk does not follow the property line.

7.

CONCLUSION TO CRITERIA #1:

The proposed office building will satisfy the applicable development standards in the Highway Overlay Zone provided the following conditions are attached to the approval.

Condition 1: The selected wall light must be modified (through selection of an alternative fixture or by providing a vertical cut off) to meet the higher outdoor lighting standard in the Highway Overlay Zone or the Planning Commission must be willing to accept a Planning Director approved variance to allow the wall light based in part on the low lumen value of the selected fixture.

Condition 2: The building setback and entrance design must be modified to address the standard in Section 3.407, 4 or the Planning Commission must be willing to accept a Planning Director approved variance to allow the modified setback and building entry location based in part on the sidewalk location and need to provide convenient pedestrian access from S Roosevelt and S Holladay.

Condition 3: The final development plan must incorporate provisions for short and long term bike parking in accordance with the standards adopted under Seaside's TSP. These will be approved by the Planning Director.

Condition 4: Minor modifications to the applicant's proposed plan must be reviewed and approved by the Planning Director. These could be required in order to comply with other code issues applicable to the request or reduce impacts to the neighboring property. Any major changes or conflicts over a proposed modification will be reviewed with the Planning Commission prior to the approval of any development permits.

REVIEW CRITERIA #2: Section 3.408 Highway Overlay Zone Criteria

- 1. The proposal is consistent with the purpose of the overlay zone, and protects the capacity of US 101.**
- 2. If the proposal involves a development with frontage along US 101, the required permits from ODOT will need to be obtained prior to construction. If a permit already exists, proof of permit shall be provided to the City and ODOT. Developers are advised to coordinate with ODOT concurrently with their development proposal to discern the appropriate permit requirements. To confirm an appropriate permit, or to obtain a permit, contact the Permit Specialist at ODOT.**
- 3. The location, design, and size of the development are such that the development can be well integrated with the surrounding transportation facilities or anticipated future developments, and will adequately address the impact of development on US 101.**
- 4. The location, design, and size of the development are such that traffic generated by the development can be accommodated safely and is less than the mobility standard on existing or planned streets, including US 101.**
- 5. The location, design, and size of the development are such that the proposed uses will be adequately served by existing or planned facilities or services.**
- 6. The location, design, and size of the development are such that the proposed uses will provide functional and efficient access and circulation for anticipated pedestrians, bicycles, and vehicles.**

FINDINGS & JUSTIFICATION STATEMENTS:

8. The proposed use will not create any new accesses onto N Roosevelt, Highway 101 and it will have a negligible impact on the long term traffic carrying capacity of this transportation facility since the proposed development is similar to the previously established use.
9. As of January of 2014, ODOT recognizes all existing accesses as permitted and unless a change of use creates a significant number of additional trips under ODOT standards, a new permit is not required for this access.
10. The proposed development was discussed with the Development Review Coordinator at ODOT, Matt Caswell. He indicated: "The attached permit, for both approaches to the Chevron Station in Seaside, Oregon are valid and continue to be valid for the proposed changes: Remove, replace and relocate the existing convenience store with a larger, 3600 square foot building per the attached site plan."
11. The vehicle and bicycle access appears to be functional and efficient. The site design has also incorporated a pedestrian walkway that will lead directly to the front door of the proposed structure.

CONCLUSION TO CRITERIA #2:

The proposed redevelopment design for a larger convenience store at the existing Chevron Gas Station will satisfy the applicable criteria in the Highway Overlay Zone.

FINAL STAFF RECOMMENDATION

Conditionally approve the proposed redevelopment design for a larger convenience store at the existing Chevron Gas Station 1215 S Roosevelt. This decision can be supported by the Commission adopting the findings, justification statements, and conclusions in this report subject to the previously stated conditions.

Although they are not conditions of approval, the following is a reminder to applicant.

- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance such as erosion control provisions and any other applicable City of Seaside Ordinances.

The information in this report and the recommendation of staff is not binding on the Planning Commission and may be altered or amended during the public hearing.

Attachments:

Applicant's Project Narrative & Site Plan

Utti Convenience Store Replacement

PROJECT NARRATIVE

This project involves the replacement of the existing convenience store at the existing property located between Avenues M and N, and Holladay and Highway 101.

Originally constructed in 1963 as a service station with 2 service bays, an office, and restrooms, the building was converted to a convenience store in approximately 2000.

It is the desire of the property owners to replace the aging original building with a new building that makes better use of the available property and allows a larger retail floor area with second floor office space.

ADDITIONAL PROJECT INFORMATION/

Section 3.407 Highway Overlay Standards Criteria:

1. **Allowed Building Area:** The allowed building area for the site is 20,000 s.f. The proposed floor area for this project is 4,990 s,f, total.
2. **Landscaping:** The proposed landscaping is indicted on sheet L 1.1 Landscape Plan. Based on a 10 ft. width multiplied by the length of the highway frontage, the minimum required area is approximately 2,140 s.f. This criteria is met based on the existing and proposed public sidewalk provided on the site.
3. **Exterior Lighting:** The exterior wall sconce light fixtures have been changed to comply with the dark sky initiative requirements. See revised Site Lighting Plan submitted at the hearing.
4. **Yards Abutting the Highway Frontage:** The new building east entrance is located approximately 8'-6" from the west edge of the public sidewalk, but actually 18'-6" to the east property line due to the fact that the public sidewalk is actually on the easterly border of the site. This unique condition means that is impossible to meet and still meet the minimum landscaping width of 10 feet per Item 2. above.
5. **Off Street Parking Criteria:** The criteria of Section 3.410 is met as follows: The proposed parking is located to the side of the building frontage with a pedestrian walkway with a direction connection to the public sidewalk. As a commercial building, the parking is located to the long side of the building and screened from the highway the landscaped planters.



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT DAVID VANADA	ADDRESS P.O. Box 648 Tolovana Park, Ore	ZIP CODE 97145
STREET ADDRESS OR LOCATION OF PROPERTY 12155 Holladay Dr.		

ZONE C-3	OVERLAY ZONES H02	TOWNSHIP G	RANGE 10	SECTION 21DA	TAX LOT 7300
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Retail, convenience store with gas station

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:		APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):	
PRINT NAME OF PROPERTY OWNER Marcie Utt	marci@tdment.com	PRINT NAME OF APPLICANT/REPRESENTATIVE David Vanada	
ADDRESS 1215 S. Holladay / P.O. Box 23		ADDRESS P.O. Box 648 Tolovana Park	
PHONE / FAX / EMAIL 738-3651		PHONE / FAX / EMAIL (503) 430-0519	97145
SIGNATURE OF PROPERTY OWNER <i>Marcie Utt</i>		SIGNATURE OF DULY AUTHORIZED APPLICANT/REPRESENTATIVE <i>David Vanada</i>	

FOR CITY USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEMPORARY USE | <input type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input checked="" type="checkbox"/> Highway Overlay Zone |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE	BY
CASE NUMBER (S) 15-048 H02	
HEARING DATE	P.C. ACTION

OFFICE USE:	
FEE 670.⁰⁰	RECEIPT 014071 pd.
DATE FILED 11-20-15	BY RCC

Marcie - 440-1018

Request for pre-application meeting form

1. Applicant Information				
Last Name: Utti		First Name: Marci		
Company Name (if applicable):				
Street Address:				
City:	State:	Zip:	Country:	
Mailing Address:				<input type="checkbox"/> Check if same as street
City:	State:	Zip:	Country:	
Phone No.:	Cell No.:	Fax No.:		
Email:				
2. Subject Property Location				
<input type="checkbox"/> Check if the subject property location is the same as the applicant street address and skip to Box 4.				
Side of Highway:	<input type="checkbox"/> North	<input type="checkbox"/> South	<input type="checkbox"/> East	<input checked="" type="checkbox"/> West
Highway Name: US 101 (Route #009)	Route Number:	Mile Point: 21.54-21.61		
Street Address: 1215 South Holladay Drive				
City: Seaside	State: OR	Zip: 97138	County: Clatsop	
3. If no address, Please describe location:				
Name of Nearest Highway Intersection(s) to the right:				
Distance and direction (N,W,S, or E) from nearest intersection(s) to the right:				
Nearest Highway Intersection(s) to the left:				
Distance and direction (N,W,S, or E) from nearest intersection(s) to the left:				
Location notes:				

734-2680P (8/12)

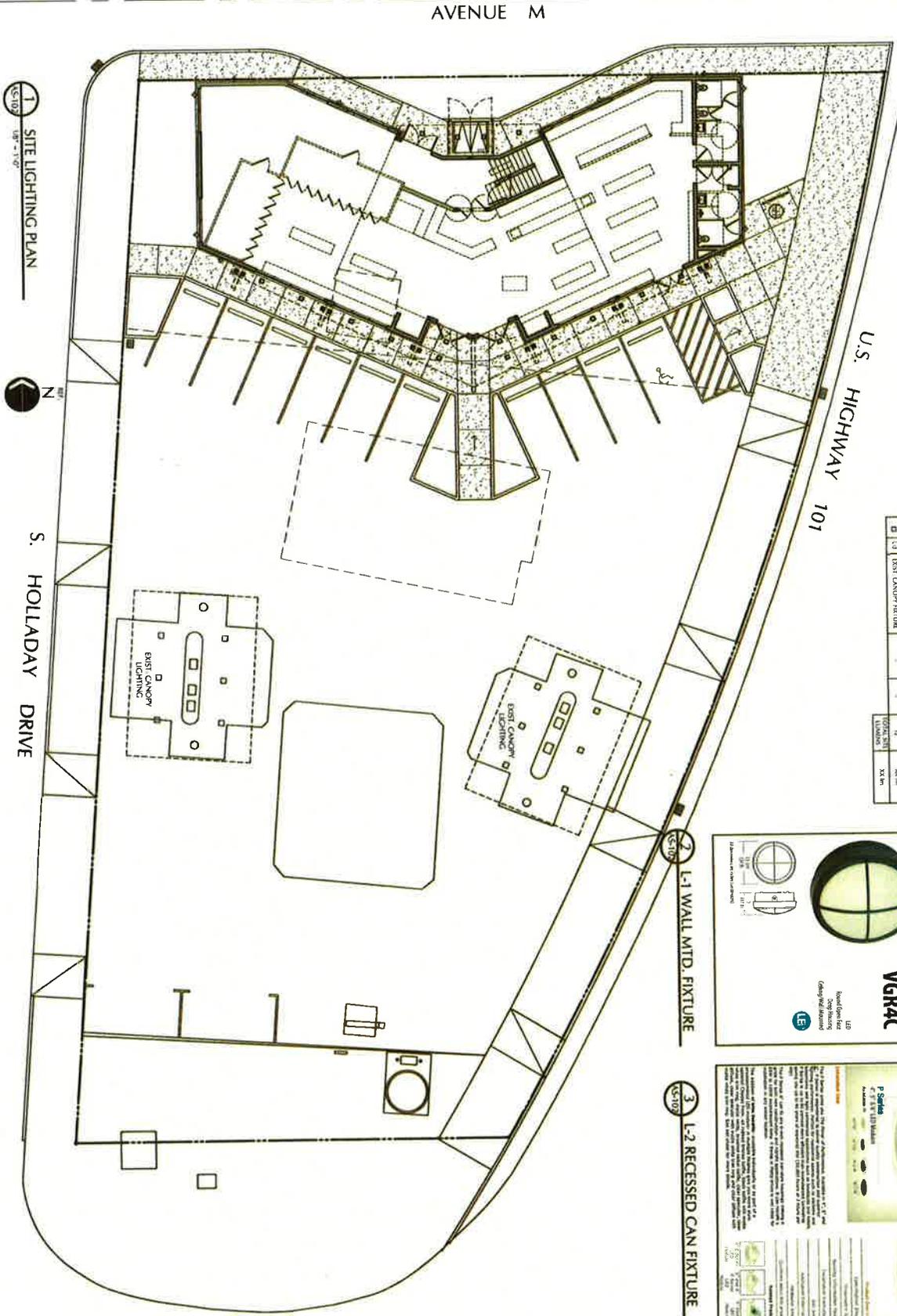
4. County Tax Assessor's Map Numbers. Fill in the tax map numbers and attach a copy of the current county tax lot map.							
Township	Range	Section	Tax Lot	Township	Range	Section	Tax Lot
6N	10W	21	7300				
5. Date(s) Applicant Requests Pre-Application meeting:							
Date:				Time:			
Alternate Date:				Alternate Time:			

Pre-application Meeting Requests can be submitted to your local District Highway Office or to:

Marcus Berlin
 Access Management Unit
 Technical Services
 Highway Division
 4040 Fairview Industrial Dr. MS#1
 Salem, OR 97302

Please Contact your local District Highway Office or Marcus Berlin if you have questions.

Marcus Berlin
 Phone: (503) 986-3914
 Email: Marcus.A.Berlin@odot.state.or.us



EXTERIOR LIGHTING SCHEDULE

SYMBOL	FIXTURE TYPE	MANUFACTURER	QUANTITY	TOTAL LUMENS
1-1	WALL MTD. FIXTURE	LTD	28	28,000
1-2	RECESSED CAN FIXTURE	LTD	18	18,000
1-3	EXIST. CANOPY FIXTURE	LTD	12	12,000
				58,000

Lyntronic LIGHTING

GATEWAY™
Architectural Single Sensor Fixture
VGRAC

LED
Sensor for Day/Deep Sensing (Day/Night/Dimming)

Lyntronic LIGHTING

P-Series
Architectural Single Sensor Fixture

LED
Sensor for Day/Deep Sensing (Day/Night/Dimming)

1-1 WALL MTD. FIXTURE

1-2 RECESSED CAN FIXTURE

AS-102

SITE LIGHTING PLAN

DATE	11/24/11
TIME	
DESIGNER	
CHECKED	
DATE	
TIME	
DESIGNER	
CHECKED	
DATE	
TIME	
DESIGNER	
CHECKED	

**PROPOSED CONVENIENCE STORE FOR:
UTTI PROPERTY DEVELOPMENT**

1215 S. HOLLADAY DRIVE
SEASIDE, OR 97138

**HIGHWAY 101
OVERLAY ZONE
ACCESS REVIEW**

Tolovana Architect LLC
368 Elk Creek Rd., Suite 408
Cannon Beach, Oregon 97110



BASIS OF BEARING

THE LINE BETWEEN FOUND THE MONUMENT AT THE CENTERLINE OF HOLLADAY AND "M" AND THE FOUND MONUMENT AT THE CENTERLINE OF HOLLADAY AND "K" BEARS NORTH 4°26'00" EAST, THE RECORD VALUE FROM MAP CS-7938.

NOTES

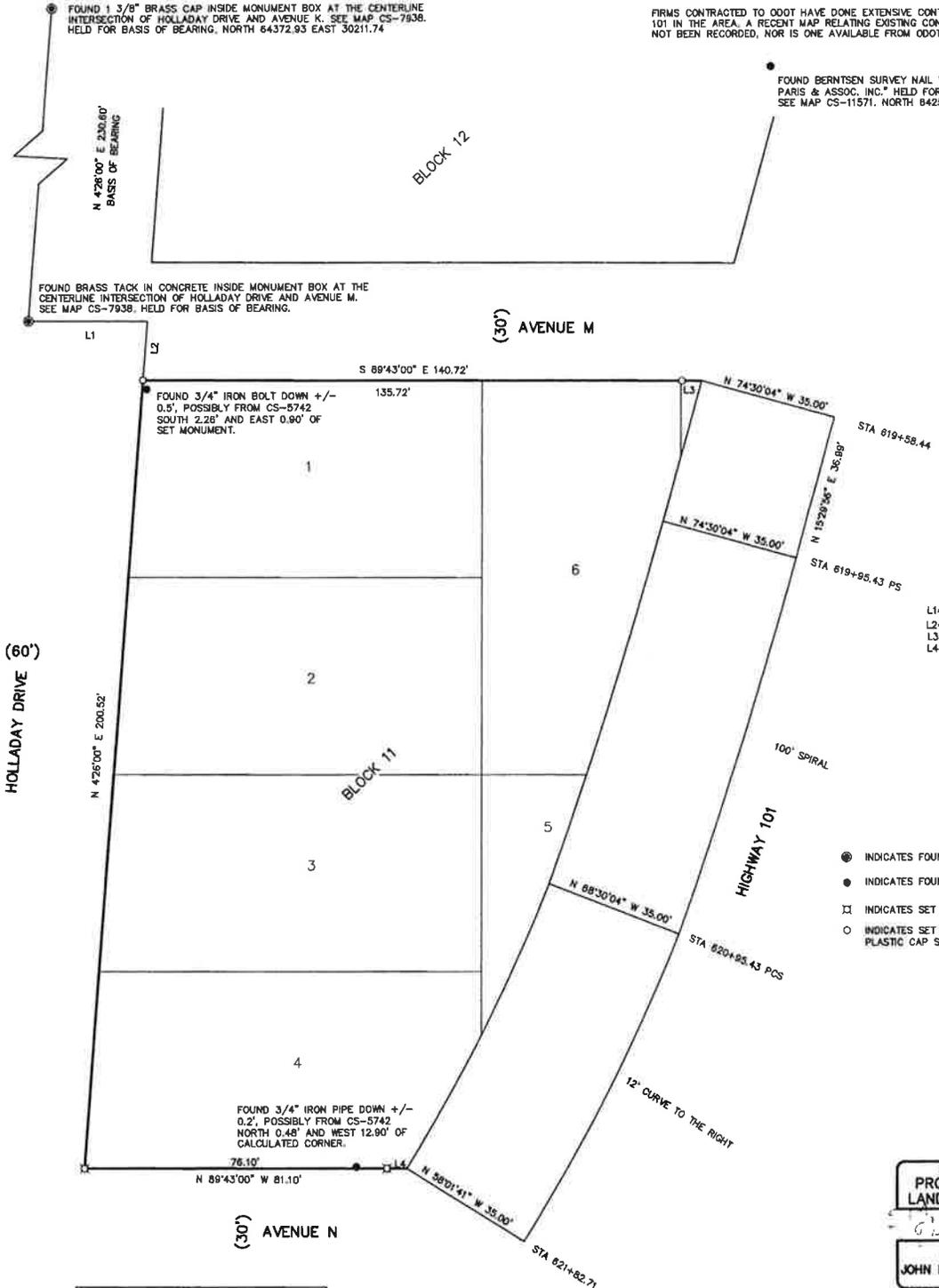
THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE SUBJECT PROPERTY AS SHOWN.

THE SUBJECT PROPERTY IS DESCRIBED AS LOTS 1, 2, 3, 4, 5 AND 6 BLOCK 11 OF BRADBURY'S SECOND ADDITION TO OCEAN GROVE, EXCEPT THAT PORTION TAKEN BY THE STATE HIGHWAY COMMISSION JUDGMENT ROLL NO 24431 CLATSOP COUNTY CIRCUIT COURT.

BLOCK 11 AS SHOWN WAS LAID OUT FROM THE FOUND MONUMENT AT THE CENTERLINE OF HOLLADAY AND "M" USING MEASURED DISTANCES AND BEARINGS SHOWN ON MAP CS-11571.

HIGHWAY CENTERLINE AND RIGHT OF WAY ARE SUBJECT TO REFINEMENT AND WERE CALCULATED AS FOLLOWS: THE MONUMENT SET AS THE SOUTHEAST CORNER OF THE SUBJECT PROPERTY ON CS-11571 WAS HELD AS WERE SHENK'S BEARINGS AND DISTANCES TO THE CALCULATED POINTS ON THE CENTERLINE OF THE ABANDONED SP & S RAILROAD, THESE CALCULATED POINTS WERE THEN TRANSLATED AND ROTATED TO MATCH VALUES SHOWN ON CS-8438, THE COORDINATES FROM CS-8438 FOR THE POINT ON THE WESTERLY RIGHT OF WAY OF HIGHWAY 101 AT STATION 809+26.84 WAS USED AS WERE CENTERLINE BEARING, STATIONING, SPIRAL AND CURVE INFORMATION FROM CS-8438 TO CALCULATE THE RIGHT OF WAY AT BLOCK 11. SEARCH WAS MADE FOR SEVERAL MONUMENTS NORTH AND SOUTH OF THE SUBJECT PROPERTY SHOWN ON CS-8438, ONLY ONE WAS RECOVERED WHICH FIT WITHIN +/- 0.75' OF ITS CALCULATED POSITION.

FIRMS CONTRACTED TO ODOT HAVE DONE EXTENSIVE CONTROL AND MAPPING WORK ALONG HIGHWAY 101 IN THE AREA. A RECENT MAP RELATING EXISTING CONTROL MONUMENTS TO RIGHT OF WAY HAS NOT BEEN RECORDED, NOR IS ONE AVAILABLE FROM ODOT IN SALEM.



- INDICATES FOUND MONUMENT AS SHOWN HELD.
- INDICATES FOUND MONUMENT AS SHOWN.
- INDICATES SET 1" BRASS PLUG STAMPED "LS 73558".
- INDICATES SET 5/8" X 30" REBAR WITH YELLOW PLASTIC CAP STAMPED "CASTLE ROCK SURVEYING".

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 12, 2009
JOHN PETER WICKMAN
73309LS
RENEWAL DATE: APRIL 30, 2018

N
SCALE:
1" = 20'

CASTLE ROCK SURVEYING
P.O. BOX 1252
CANNON BEACH, OR 97110
(503) 436-1218

SITE SURVEY FOR:
DELBERT FOLK
BLOCK 11
BRADBURY'S SECOND ADDITION TO OCEAN GROVE
SE1/4 SECTION 21, T6N, R10W, W.M.
SEASIDE, CLATSOP COUNTY, OREGON

DATE	EQUIPMENT	FIELD	DRAWN	CHECKED
OCT 22, 2015	LEICA TC803 ONBOARD	JPW/AMH	JPW	JPW

CLATSOP COUNTY
SURVEYOR
RECEIVED
NOV. 12, 2015
FILED 12-10-15/LS
ASTORIA, OREGON