

**MINUTES SEASIDE PLANNING COMMISSION**  
**November 19, 2013**

**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: Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, 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:** Motion to approve the October 1, 2013 minutes;  
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.) 13-036VRD-** A conditional use by **Phil and Melanie Reilly** that will allow the establishment of a Vacation Rental Dwelling (VRD) at **2421 Ocean Vista Drive (6-10-28BD-TL 2400)**. The subject property is zoned **medium density residential (R2)** and the **applicants** are requesting a maximum occupancy of **10 (ten)** within the existing **four** bedroom dwelling.

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. Melanie Reilly was at the meeting but didn't want to speak because the staff report was self explanatory.

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 Hoth mentioned that the property manager was in Portland and the local contact is here how does that work. Melanie stated that they will be the property manager but the local contact is Randy and he lives in town.

Commissioner Dideum stated that she had a hard time finding the property because the tree that is out front blocks the numbers on the house, maybe the owners could put something like a mailbox pole out front by the street so it would be easier to find. Melanie stated that would not be a problem.

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

Chair Romine asked the audience if there were any objections to moving 13-040ACP down to the third position on the agenda. There were no objection to hearing item C.13-050CU ahead of item B.13-040CPA on the agenda.

**C.) 13-050CU:** A conditional use request by **Lewis Hanson & Co. and Loren & Tami Williams** that will allow the re-use many of the existing buildings as storage/warehouse units, within 5 years build some additional small storage units and immediately convert the larger unoccupied building as the new "Miss Tami's" child daycare center which currently operates out of the applicants home and is in dire need of expansion due to the overwhelming demand in Seaside for childcare. The subject property is located on the SE corner of Jackson St. & Avenue M, tax lots 8700, 8800, 8900, & 9000 of T6, R10, 21DA and is zoned General Commercial C-3.

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. Loren Williams, 2022 Forest Dr, Seaside OR wished to testify. Mr. Williams stated that they have read the staff report and agree with the findings and the conditions. Mr. Williams stated that his wife Tami has been doing daycare in their home for the last 12 years and with the high demand for daycare in the area she needs to expand. This building is perfect because of the square footage. With this large building they can remodel it to their liking. They have talked with Betty Cook, the Oregon State Licensing agent, and she stated that the site would work out great for a childcare facility.

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 Dideum asked Mr. Cupples about the amount of play area for the facility. The staff report states that the applicant has provided a secured outdoor play area that would provide approximately 100 sq. ft. for at least 16 children. This doesn't make sense. Mr. Cupples stated that he meant to put that there is 1600 sq. ft. outside for the children to play.

Commissioner Horning asked about the 100 year flood plain issues. The site is already filled, how can the floodway go through there without causing problems. Mr. Cupples stated that he could go over the flood plain issues for hours. But the basic answer is that FEMA takes the center of the river and then they do a thing called equal conveyance which means they dump a certain amount of water on one side of the river then they dump the same amount of water on the other side of the river. It has nothing to do with land forms or structure encroachments, that doesn't even figure into the equations. We have areas along the Neawanna that are currently under water and they are not in the flood way. We have areas that are on dry land with homes that are in the flood way. The flood way analysis is nothing more than a requirement to file a no rise certification. The applicant has floodplain restrictions that apply but at this time we are not sure how those will impact their proposed development. When they submit for building permits, that is when all the information will be needed.

Commissioner Hoth stated that it is in the inundation zone. The staff report says that occupancy greater than 50 may be prohibited; the ORS says that it IS prohibited. Mr. Cupples stated that if you read the ORS you can read it as it is prohibited but in actuality there are steps that you can go through to have a consultation with DOGAMI, have a public hearing and then they may be allowed. The reason it is worded that way is specific as it's a maybe, that's a matter of looking at all the alternatives rather than a matter of a straight prohibition. There are provisions in the ORS if you read further into it under Sub D. There is actually a provision that allows things to take place in that zone. Commissioner Hoth asked Mr. Cupples if he felt that it wasn't necessary to place restrictions on the development because there won't be problem. Mr. Cupples stated that he didn't see why the planning commission should place restrictions on something that is already regulated by the state. Mr. Cupples stated that he put that in his report so that the applicants could be aware that a situation could arise and that they needed to be

aware of it. Commissioner Hoth asked the applicant how they felt about it. Mr. Williams stated that if it comes to that then they will need to deal with it at that time.

Commissioner Dideum stated that she was going back to her original comment regarding the outside play area of 1600 square feet. That means you can only have 16 kids. Is the applicant going to have more than 16 children? The applicant stated yes, they are going to have more than 16, and the states require that different age groups be separated from each other so there will only be a maximum of 16 children outside at one time. Commissioner Dideum asked what is their business plan, how many kids do they plan on having? The applicant stated that when Betty Cook came out, she took measurements and she said that they could have up to 76 children. The applicant stated that right now she has 11 children on her waiting list. Commissioner Romine stated that those provision both at the state and city ordinance is the applicant's responsibility to make sure their growth is covered as they move forward. Commissioner Dideum stated that there are a lot of conditions that the planning department has put on this particular conditional use, are there problems with any of these conditions? Mr. Williams stated that he understands the conditions and the staff had done a good job with the report. An audience member asked if it was going to be open 24 hours a day? Mr. Williams stated that no it will be open from 6:30 a.m. to 6:30 p.m. Then the audience member asked if the storage unit is going to be open 24 hours a day and Mr. Williams stated that it will be the same as it is now.

Commissioner Hoth asked about the sidewalks and other conditions that were placed on the project when it was first submitted. Mr. Cupples stated that they are still conditions and that some of the responsibility for those conditions will be on the Public Works Department as well as the Planning Department. Commissioner Carpenter stated that he is very happy to see the sight being cleaned up. Chair Romine seconded that.

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

**B.) 13-040ACP-** Amendments to the Comprehensive Plan associated with the adoption of a new economic opportunities and housing analysis addressing Goals 9 & 10 that will justify the need for additional land within the City of Seaside's Urban Growth Boundary.

Kevin Cupples, City Planning Director stated that he would like to have the consultants do a review summary of the information that has been provided and then continue the item to the December 3<sup>rd</sup> meeting so the noted concerns can be addressed. If the public has any comments or wish to bring up any items that are discussed in this meeting, we can revisit them on December 3<sup>rd</sup>.

Don Hanson with OTAK introduced Brendan Buckley and Jerry Johnson from Johnson Reid and also Scott Dawlquist and Steve Ketz from Weyerhaeuser. Earlier in the year they did a presentation with the City Council and the Planning Commission. Mr. Hanson will give a short update on the activities that have been going on since that meeting and then Brendan will give a short update of the technical work that he has done to incorporate some of the items that were discussed during the joint work session.

At the joint work session council directed them to take this in a few steps, first the broad twenty year view. How much growth will there be and how much acreage will be needed to meet that twenty year land supply and at this time don't request a boundary modification. Come back at a later date once everybody has agreed to the needs and growth analysis. They have met with the school district and have been in continuous contact with Mr. Cupples. Mr. Hanson has been in contact with the county to keep them informed on the process. So they have continuously refined the reports and the documents that are enclosed in tonight's packet. Mr. Hanson also stated that he has been in continuous contact with Patrick Wingard at the State.

Brendan with Johnson Reid went over items that were in the packet. Goal 9 deals with the need for new employment lands. Goal 10 deals with the housing demand.

Commissioner Hoth asked about the vacancies rates having held steady, does that figure effect anything in terms of the calculations that are made. Brendan stated that it does, in this community you have the permanent residents and then you have the part time residents. How do you capture that in a forecast. The way they forecasted that was to assume that it would more or less stay the same. Commissioner Hoth stated that the vacation rental properties are located in an area that cannot expand, so the additional lands needed, will not be affected by vacation rentals. Commissioner Carpenter asked if this number includes the total number of second homes that are not vacation homes. Brendan stated that it includes all vacant homes. Commissioner Carpenter asked about the concept of industrial lands, what does that mean? Brendan stated that it uses the same definition as the city ordinance.

Commissioner Carpenter asked if the 1.2 acres of industrial land is what we have now. Mr. Cupples stated yes that's what we currently have. Commissioner Carpenter asked how can we get from 1.2 acres to 7.7 acres in the 20 year land needs? The growth in manufacturing is less than 1% over the twenty year period. How could it jump that much? Brendan stated that some of the need for office space is assigned to industrial zones and the way the analysis is done and the net need for office and some extent is retail needs to be assigned to the different types of zoning available. Typically there will be some assumption of flex space or technical space that can take place on industrial land. That is increasing the need beyond just the growth for manufacturing there are other factors. Commissioner Carpenter stated that Seaside is unique in that we don't really have an industrial base. At one time we had logging and forestry products base and that went away and now we have tourism. That's where the term industrial base might be used more for your benefit and the benefit of the report. But it is confusing as it applies to Seaside. Don Hanson stated that he agrees with that comment, and when he thinks about the industrial and employment areas of Seaside a lot of them are small front office contractor types of business. The contractor has a small office and then in back has a small warehouse or yard area. There are a lot of cross over employment uses that could fall into this area. Mr. Cupples asked if other areas have reduced true industrial demand looking to the county. Do they ever say that demand is going to be satisfied with an industrial park somewhere in the county and not in the city? Because regionally we have an industrial demand and what I don't want see is the planning commission and the city council members struggling with where they're going to put this industrial land. Right now the outlet mall is placed in an industrial zone. Jerry Johnson stated that in different areas throughout the state they use lands that are outside the city limits as industrial land. Commissioner Romine mentioned that there was a significant amount of discussion of incorporating our industrial land need and fulfilling some of our industrial needs, hotels type lands into the city limits so the possibility of that land group may be larger than what is projected.

Commissioner Dideum stated that in this document it increases the population 25% in twenty years, yet in the past 12 years the population has increased less than 10%. Where did the consultants come up with the 25%? In the report it states that Seaside is a desirable location and you also use the term suburban and yet this is considered rural not suburban. Mr. Cupples stated that when you are dealing with urban land, yes we qualify for rural assistants because the federal government says we are rural but for the purpose of this we are dealing with urban areas and that's why we have a suburban residential zone. The vacation rental properties and hotels will not be in this suburban area. The hotels want to be within walking distance to the beach and near the downtown core area. Those kinds of businesses will not want to be located that far away. Brendan stated that this report doesn't say where the growth is going to go.

Don Hanson stated that the policy statement in the comp plan talks about the constraints of moving south and the city to the North and the ocean on the West. So the growth would have to be the land to the East. Commissioner Dideum stated that the school bond issue was voted down, and the school board has said that they do not have a plan B. Mr. Cupples stated that even though the bond issue has failed on its first run, it doesn't mean it will not come back several more times. Mr. Cupples stated that he is happy that the components for the schools are mentioned in the report and we do have policies now that state where we need to look for land if we start to relocate schools and hospitals. Commissioner Carpenter stated that we have 50 acres set aside to relocate schools and we know we need these out of the tsunami inundation zone. Does that free up the high school and the middle schools land? How is that land going to be used? Brendan stated that the land is not in the buildable lands inventory as of now. Potentially it will be when the schools relocate and the schools will have to come up with a disposition strategy when the time comes. Then it would become a redevelopment site. Commissioner Carpenter stated that the school is zoned R-2 right now and could we rezone that to commercial because it fronts highway 101. Mr. Cupples stated that part of the answer to your question hasn't even been finalized yet because we haven't gotten there. The DLCDC has indicated that they have concerns with any rezone or intensification on that property that would go above and beyond the current zone classification. Just know that the property is zoned R-2 and what DLCDC doesn't want to see happen is a change to higher density residential or commercial and put a hotel on the site. We are good with saving the kids but not with saving the people staying in the hotels. So what would likely happen is that there would be a plan policy in place that would say if you get ready to utilize that site, here are some sideboards and be able to go within those guidelines.

Don Hanson stated that the 50 acres on the hill is a number that was worked up early on. The number wasn't just thrown out there. 50 acres is the gross size of site. You are going to need level areas and need room to have playgrounds and there are ravines that are up there too.

Commissioner Horning asked how they account for the trend towards un-affordability of housing for the people working in the service industry. These people are coming from Warrenton and over the mountain from Jewell. Brendan stated that the methodology is that the state wants the community to come up with a projection of housing needs for all types of households. That is what goal 10 is intended to do. Commissioner Horning stated that back in the housing boom, we had a lot of apartments that were turned into condominiums or otherwise occupied by contractors who were coming down to construct new condos. At that time there were folks who were kicked out of their apartment complexes and when that house of cards collapsed and everything went back to a semi normal state, we found that the apartments that were available were \$200 more expensive. The people couldn't afford to come back. Every time we license one of these homes and turn it into a vacation rental, we take a home out of the market and it continues to drive the prices up a bit more. Mr. Johnson stated that there are other communities that have this same problem of where does our work force come from. In Sister Oregon they bus in people from other communities because it's too expensive to live close to where you work. Don Hanson stated that it's a very common issue in tourism communities. In Bandon they have created a community near the resort for just the work force and it's very successful.

Don Hanson stated that one of the things that will be discussed more in the next meeting is a response to the 1000 Friends of Oregon. They did a careful review and we need to come back with a solid response. In response to the policy clarification with the state on redevelopment of the school site, we will need a little bit more time to work that though.

Chair Romine stated that these issues will need to be continued at the next meeting. Commissioner Carpenter moved to continue the item to the December 3<sup>rd</sup> meeting at 7:00p.m. in the Council Chambers and Commissioner Dideum seconded and the motion was carried unanimously.

**ORDINANCE ADMINISTRATION:** Mr. Cupples asked if everyone was able to read the new verbiage that was applied to the lighting on the conditional use staff report. The Commissioners affirmed use of the new condition.

**COMMENTS FROM THE PUBLIC:** None

**COMMENTS FROM COMMISSION/STAFF:** Commissioner Horning wanted to mention the new NAPA store's outside lighting is perfect and it really makes Seaside look nice along the highway.

**ADJOURNMENT:** Adjourned at 8:30 pm.

---

Ray Romine, Chairperson

---

Debbie Kenyon, Admin. Assistant