

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
14 Year Land Need:		140.8 Acres
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 that 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 linier 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