

**MINUTES SEASIDE PLANNING COMMISSION**  
**December 6, 2016**

**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: Chris Hoth, Bill Carpenter, Dick Ridout and Ray Romine, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director  
Absent: Tom Horning, Steve Wright

**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 1, 2016;

Vice Chair Carpenter made a motion to approve the minutes as submitted. Commissioner Hoth 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.) 16-059ZC-** A request by James Spicer for a zone change at 405 N Wahanna Rd. (T6 R10 22BA TL: 101). The proposal will rezone the upland suburban residential (SR) zoned portions of the subject property (approximately 20,394 sq. ft.) to high density residential (R-3). This would allow urban density residential development in conjunction with annexation of the property that is within Seaside's current urban growth boundary.

Kevin Cupples, City Planning Director, stated this is going to be continued to the next Planning Commission Meeting on January 3<sup>rd</sup>, 2017 meeting.

**B.) 16-066CU:** A conditional use request by **Terry Lowenberg** that will allow the establishment of a 1 bedroom residential dwelling on the second floor of the existing commercial use located at 1616 S Roosevelt (T6, R10, 21DD TL: 9400). The property is zone general commercial (C-3) and it conditionally permits the residential use when located within the same structure.

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. Mark Mead, 89643 Ocean Ave, Warrenton. Mark stated that the current tenant would like to convert the upstairs office space to a one bedroom apartment so that the business can have a 24 hour contact person on site. If an emergency happens they will be able to be on site within minutes. Vice Chair Carpenter stated that he would like to see more of this. Where there are businesses below and living space above. Chair Romine stated that he would also like to see more of this. Commissioner Ridout asked what type of business would be in the building and he wanted to make sure that there would be

safety measures put in place so that the tenant would be safe. Mark stated that there is a 2 hour firewall in place and they plan on putting in a sprinkler system in the building.

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.

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

**C.) 16-067CU:** A conditional use request by **George Horga (Golden Age Center)** that will convert the existing apartment building into a 50 bed nursing home facility. The property is located 822 Necanicum (T6, R10, 16DD TL: 900 & 2000) and it is zoned high density residential (R-3). The building was previously used as a nursing home, but it was converted to apartments. The new owner would like to convert it back to its original use.

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. Eddie Radulescu, 919 NE 19<sup>th</sup> Ave #155, Portland. Mr. Radulescu stated that this will go into two phases. First they will remodel the inside and then the outside. Phase one will consist of remodeling 11 of the apartments into studio rooms for the memory care facility. Once that is complete they will start on phase 2 which will have the rest of the rooms converted to studios. There will be a total of 49 memory care beds.

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. Chair Romine asked what will happen to the tenants. Mr. Radulescu stated that they will be given a 30 day notice. Vice Chair Carpenter stated that 60 days would be better, because of the affordable housing problem that we have it work better. Mr. Horga stated he would be fine with the 60 day notice. Commissioner Hoth asked if this is temporary care. Mr. Radulescu stated no this will be for long term memory care. Chair Romine asked what will happen to the exterior doors to the apartments. Mr. Radulescu stated they will be put back to windows and the current laundry room will be converted to the kitchen. This will be a secure facility. All the residents will need full time care. If they have a hard time finding residents then they will keep phase two as apartments. They will need to make a firewall for separation between the two uses because the state will not allow them to have a combined use without the wall separation. Commissioner Hoth stated that long term memory care is not currently available in Seaside. Providence Seaside Hospital had one but they closed their facility and now there isn't any long term memory care available in Seaside. He thinks the only one that has this service available in Clatsop County is Clatsop Care in Astoria. There is a need and unfortunately apartments and housing is also a need but they both serve a purpose that is needed in the county. Vice Chair Carpenter stated that we need something that falls under this category of care. Mr. Cupples stated that condition 6 in the report was written as a permissive condition in saying they will be able to apply for the second phase of the development without further review provided that permits are obtained within two years of completing the first phase of development. That way we are spreading out the loss of the apartment housing market. Vice Chair Carpenter stated that about 10 years ago apartments were converted to condominiums and that left a real rental crisis here in Seaside and he would like to not see that happen in this case. Chair Romine stated that is a great idea and also he would like to see at least a 60 day notice given to the tenants. Commissioner Ridout stated that he thinks with the long term rentals with new legislation there is a 90 day notice requirement. Chair Romine asked Mr. Horga if he would be OK with the 90 day notice and Mr. Horga stated sure. Commissioner Hoth asked Mr. Cupples if they are approving this conversion to a memory care facility in its entirety or do they have an option of maintaining some rental units if they don't fill it up. Mr. Horga stated that it cannot be a mixed use - it's all or nothing. They would have to have something that totally separates the two uses like a firewall or something that the state will approve.

Commissioner Hoth asked if they could go over phase one and phase two again. Mr. Radulescu stated that phase one will start with the conversion of 11 of the apartments into 22 studio rooms, with 25 total beds a couple of the rooms will have two beds. That leaves 13 apartments left for phase 2. Right now the complex has 24 apartments but 3 of them are vacant. Mr. Cupples asked if they read in his report that they would only be allowed 49 units and not the 50. Mr. Horga stated yes. Vice Chair Carpenter asked if Mr. Cupples saw any problems with the condition 6 where it says one year limit is there some regulation that says you can't extend that out. Without them having to come back before the planning commission. Mr. Cupples stated that the ordinance says that basically you have your approval for a year unless you ask for a continuation for extenuating circumstances. The hazard from going out too far is that you may have different neighboring property owners adjacent to the subject property. He thinks that you have a lot of leeway. If the planning commission says this is a phase of the development and that's part of the approved use and so long as they start on that and they meet whatever timeline that the planning commission prescribes then that should be ok. If you want to say that phase 2 won't start until 2018 or July of 2018, he thinks if the planning commission sets those parameters and you will have one year from that date to obtain permits. He thinks that's a condition that makes sense. Chair Romine stated that he would like to see phase one started in 2017 and phase two completed by December 31, 2019. Mark Mead stated that putting a time limit on when the project needs to be completed isn't a very good idea because getting all the State requirements done takes a lot of time. It took over a year to get the State's approval for the one in Warrenton. Mark stated that saying you have to have the first phase done by a certain time probably isn't a very good idea either because of the State requirements. Then for the phase two the building permits need to be in place before 2019 not the project completed by the end of 2019 because of how long it takes the State to approve everything. Mr. Radulescu stated that once the building is done there are still several inspections that the State needs to do and in Warrenton that took two months for the inspection. Chair Romine stated that he understands and he wants to allow the tenants to find alternate housing.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Chair Romine made a motion to approve the conditional use under the guidelines that staff has presented with two exceptions - one is to give the tenants a 90 day notice prior to eviction and two would be phase two not to start until 2018 and permits to be applied for some time in 2019. Commissioner Carpenter seconded and the motion was carried unanimously.

**D.) 16-068HOZ** is a Highway Overlay Zone request by **Dustin Johnson & CIDA Architects** to establish a new single story commercial building (approximately 1,950 sq. ft.) located at 420 S Roosevelt (T6 R10 S21AD TL: 16300). The property is zoned general commercial (C-3) and the new building will house a Starbucks with a drive through.

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. Seth King, Land Use Attorney, 1120 NW Couch St. Portland. They concur with the staff report and hope that you will approve the application with the conditions in the staff report.

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. Chair Romine stated that there was lots of information for the planning commission to go over for this. He asked Mr. King what he feels the impact would be. Mr. King stated that he is an attorney not a traffic engineer. The TIA was prepared by Kittleson & Associates who are traffic engineers - they worked with ODOT and the city to establish the scope of the study. They determined that the site would generate 166 net new week day trips. They reviewed the traffic study for 2017 which is when they plan on opening, and then for 2022 which is 5 years out. They looked at the background conditions as well as the proposed new trips generated by this new development and they found that all the intersections would operate acceptably under existing and future conditions. ODOT also requested that the applicant install a center turn lane on Highway 101. The engineers have looked at that and found there is adequate space for that. Commissioner Ridout asked if ODOT is requiring a turn lane, will they be using more of the right-of-way on the west or the east side of the road. His concern is that he comes to the highway on Avenue G quite frequently and the visibility is terrible there because of the curvature of the highway in that area. On the west side it is even going to be harder to see the traffic. Commissioner Hoth stated that he understands and feels the same way and the highway is a mess already and this won't help the

situation but the traffic is bad all the way through Seaside especially in the summer time. Vice Chair Carpenter stated that in the near future the highway will be widened to at least to where the Y is. Commissioner Hoth asked how long the turn lane would be. Mr. Cupples stated that in the report he thought it said it would be two car lengths. Mr. King stated that ODOT looked at five years of crash data and it was well below the ODOT critical crash rate and the kind of crashes that happen there is someone running into the back of someone else. So there is no safety concern from the traffic engineers. Commissioner Ridout stated that there hasn't been a business in that building for at least 5 years.

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

**E.) 16-070PCR:** A request by Tube Art Group to install a new reader board sign (approximately 86.30 sq. ft.) along the Highway 101 frontage. The property is located at 1901 N Holladay Dr. (T6, R10, 15BC TL: 2900) and the 8.91 acre parcel is zoned medium density residential (R-2). The Seaside Sign Ordinance allows the Planning Commission to authorize additional signage exclusive of zoning for conditionally permitted uses.

Kevin Cupples, City Planning Director, presented a memo, reviewing the request.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Bill Montero, 2471 Sunset Blvd, Seaside. The current sign was blown down in a wind storm. This new sign is temporary until the new school is built and then will be moved to the new location.

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. Chair Romine asked if the sign was engineered to the winds speeds of the Oregon Coast. Mr. Montero stated that yes it was. Commissioner Hoth asked if there was going to be any flashing with the sign. Mr. Cupples stated that what our sign ordinance allows you to put up a screen that can be up for 1.5 seconds and then it can bring up another screen. With electronic reader boards you can do all kinds of stuff. Commissioner Ridout stated that this is going to be quite a bit bigger than the previous sign probably 3 times larger. Mr. Cupples stated that yes it is.

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

**ORDINANCE ADMINISTRATION:** We are scheduled to have a work session on 12-20-16. Commissioner Hoth would rather have a full panel before discussing any changes to the ordinances.

**COMMENTS FROM THE PUBLIC:** None.

**COMMENTS FROM COMMISSION/STAFF:** Vice Chair Romine asked if there was anything that the commission could do now to make the transition easier for the schools move up on the hill. Mr. Cupples stated that the school has hired someone to help with that. He also had a short talk with the DLSD, and Patrick stated that there may be some preliminary amendments to the ordinance or to the comp plan that could be made prior to the final push for the UGB expansion and this would make it easier and/or cleaner rather than make those amendments at the same time we are extending the boundary. Let's make the amendments ahead of time. He hasn't talked to the consultants yet but it is on his to do list. Commission Hoth asked what was it that was approved that last time they came before the Planning Commission. Mr. Cupples stated that it was Goal 14 issues. There are other things that need to be brought forward before the school can move up on the hill.

Commissioner Ridout asked if there was any news on when the commission would be able to fill the two vacancies on the Planning Commission. Mr. Cupples stated that when we get applicants in, but probably not until January at the earliest and if you know someone please refer them.

Commissioner Romine asked if there was an upcoming joint work session. Mr. Cupples stated that the next 5<sup>th</sup> Monday is in January. Vice Chair Carpenter stated that would be essential for that happen.

**ADJOURNMENT:** Adjourned at 8:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant