

MINUTES SEASIDE PLANNING COMMISSION
February 2, 2016

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

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Vice Chair Carpenter 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. Vice Chair Carpenter 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: January 5, 2016;
Commissioner Wright 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 Vice Chair Carpenter:

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.) 15-051CU: A conditional use request by **John & Laura Fairless** to replace the non-conforming structure at **310 4th Avenue** (6-10-16DD TL10101) with a new dwelling that will be more compliant with the development standards in the Seaside Zoning Ordinance. The subject property is zoned High Density Residential (R-3).

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

Vice Chair Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Laura and John Fairless 1176 Avenue B, Seaside OR. They do not want to be slum lords and this home was a slum. They purchased this home because they already own a vacation home right next door and the tenants of this property were literally terrorizing the renters in their vacation rental. Two weeks of renters left early because of the neighbor terrorizing them. Mr. Fairless stated that this home has always been a problem in the neighborhood so when the opportunity came along to purchase this home they did.

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

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

Vice Chair Carpenter indicated the issue was opened for Commission discussion. Commissioner Ridout asked if they planned on using it as a vacation rental. Mr. Fairless stated that at this time they

are undecided. Originally they were thinking of moving into it, but with the size it may be too constrained. Commissioner Ridout stated that if they are doing this in anticipation of doing a vacation rental, it could be a little sketchy. Mr. Fairless stated that there are currently 3 vacation rentals very close to this property. Mrs. Fairless asked Commissioner Ridout to explain sketchy. Commissioner Ridout stated that it would be iffy and you would still need to come before the planning commission just like the current VRD that they have.

Commissioner Wright asked if Mr. Cupples could explain the setbacks on the plot plan. Mr. Cupples stated the conditional use process for replacing a nonconforming use is open ended on what you can allow. You are not granting variances to vary from the ordinance, but based on their proposed replacement, modifying what is needed. Aside from the rear yard being maintained with a 3 foot setback they plan on having the structure moved back far enough so that they have a compliant front yard, a compliant side yard, another side yard that is more compliant with the ordinance, and the rear yard is staying the same. By allowing the replacement; you are improving the front yard setback, a side yard that is compliant, another side yard that is more compliant, and a rear yard that is staying the same. You are dropping the dwelling unit density from having a duplex on a postage stamp sized lot to a single family dwelling. They are going up to a 2 story structure, but a two story structure is the only way to get everything to fit on the lot with the parking. With this request, we want to see what is in the win column versus what is in your loss column or what is staying the same. In this case everything is a benefit over and above what is currently there. Commissioner Hoth asked if this was a duplex. Mr. Cupples stated the existing structure is currently a duplex.

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

B.) 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.

Kevin Cupples, City Planning Director, is still getting information regarding the UGB in the Cove area. He also did not have an opportunity to meet with the Fire Chief or the Public Works Director to evaluate potential issues associated with the Cove area and compare them with the other 3 areas.

Vice Chair Carpenter stated one of the things he would like to have discussed at the next work session is the letter from 1000 Friends of Oregon. Mr. Cupples stated that he could do that and any formal discussion regarding any action as a follow up to that letter should be held for the March 1st meeting.

Vice Chair Carpenter would like to open up the discussion to the public regarding the UGB. John Dunzer, 2964 Keepsake Dr. Seaside. Mr. Dunzer stated that he appreciated Mr. Hanson and Mr. Cupples for coming out and looking at the Cove area with him. He thinks the Cove area is a fantastic area for expansion. We have a situation now that the city doesn't know where the current UGB line is. Mr. Dunzer thinks that there is at least 30 acres of developable land there. There is also a lot of public property back there. Did the consultant know this when he did the study, Johnson Reed, included all this Cove area in the UGB study. So if now we say it's not all in, then this whole thing goes to pot because he's already put it all in. It's beautiful land and a real plus. Mr. Hanson told him that he has two actions items for this area - the first is to design a street that will go up from 70 feet elevation on Sunset to 200 feet in elevation to create a circulation system with a 6.5% grade. The owner of this property already has 30 acres of R2 which should fit 150 homes. All he is proposing is that it should be changed to R1 zoning. These should be nice ½ acre lots. There could be two resort hotels. The big problem that people keep bringing up is the access road. Sunset is a little tight. Mr. Dunzer stated Jay Barber put a bunch of rock in the right-of-way. That rock needs to be removed. We have to put the road in there the right way and we'll do just fine. The road could be safe and well designed and planned well. He included a message from the Oregon Coastal Zone Management Association when they last looked at the coast. This is where you should start before you start with expanding the city. You start with somebody who has looked at the economics of what's happened on the coast and what is going to happen on the coast. You notice that they say that over 50% of the economic activity is because of retirees and it's going to continue and even get stronger. Mr. Dunzer thinks that the people (Johnson & Reed) that did the studies had local input in the study. He doesn't think that anybody told these people that the schools were going to move out of the tsunami zone. He doesn't think that anyone told them that the City of Warrenton is sucking up all the commercial development. All the studies that talk about

the demand for people in Seaside as though you are going to have stores in Seaside for these people to work. It's malarkey. The Johnson & Reed studies rely on local input and Mr. Dunzer feels as though the city never gave them any input. Tim Mancill wanted Mr. Dunzer to know that the rocks have been along the road there way before the Jay Barber bought the house.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Thomas Kinney, 491 Fairway Ct. Seaside. There is supposed to be a bunch of people from Fairway Ct here tonight but they didn't show up. The concern from the neighborhood is that years ago the owners of that property were going to develop it. If there are 150 homes back there and you put the traffic from those homes via the two streets that Mr. Dunzer suggests, you will still need to upgrade those roads. They're still going to go to Sunset and Edgewood and that would be at least an additional 300 more cars on that road. The neighborhood feels like it will only cause a traffic jam, unless there is an access to Highway 101 from the development. He's not against the development, just all the extra traffic.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Buzz Ottem, 86081 S Wahanna, Seaside. It is just a matter of reason that whatever population growth that Seaside experiences in the future, it is not going to be kids, it is not going to be workers and it is not going to be people who are looking for a profession. Seaside is done because of Warrenton. Warrenton has the key, and the land, and they are not going to give it up. Buzz has not seen the study that Mr. Dunzer is talking about but he knows that the people that will come to Seaside are the retirees. These people are going to want a restaurant and shopping. He understands Mr. Kinney's concerns because they all have those same concerns. They want to shove all the traffic down his throat and run a road to Beerman Creek. Certain things make certain sense.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. John Dunzer stated that he doesn't think that the schools will move out of the tsunami zone. That is still going to dump all the cars on Wahanna, from all the kids. The surfers are a real problem in the Cove area and the property owner that has all that rock in the road.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Maria Pincetich, 86273 Wahanna. She is very grateful that the commission is going to review and discuss the 1000 Friends of Oregon letter. Maria stated that she has read all the documentation and she wanted to reiterate that the commission still has the authority to decline this proposal. Although most of the discussion has assumed that the city will go forward with it, she would like to remind everyone that it is possible to decline it. In the spirit of being prudent and being protective of our city and ensuring that we don't expose ourselves to any potential litigation; we should wait until these new population estimates come out. The new rules provide a lot more safety and security and are much more defensible from a legal standpoint for the City of Seaside. Maria would like to encourage the commission to postpone any decision.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Kay Kemhus, 1920 Huckleberry Dr. Seaside. Kay's main concern is traffic. There is going to be problem. Sunset Hills only has one access, Seaside Heights only has one access. In case of a tsunami, how are all these people going to get out? The population in 1961 was 3600. The city really hasn't grown that much in the past 50 years.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Maria Pincetich. Don't you find it ironic that all the letters that came in say they don't want it here or here or here? Each of the four sites have their own consternation toward it. Perhaps no matter where the city wants to expand there will be opposition to it, so maybe we should rethink the math and the facts behind it.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Buzz Ottem. Someone said something about spending money. He stated that Seaside was not a friendly town to the people who live here or to the people who visit here. He has almost rear ended people trying to get across traffic in front of Safeway and has almost been rear ended. That's because it's not a friendly town. In other beach towns, they have pedestrian overpasses and turn lanes because that's the way it should be. The only crosswalk is on Broadway. If someone is five blocks down - are you going to walk up five blocks or are you going to take your chances. Everyone is taking chances. On Maria's note of why don't we just postpone this; Seaside's money would be better spent making this a friendly town first.

Green space has been talked about. Intersections should be improved, for example Avenue S and the highway. That's a horrible intersection.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. Ann Pilger, 1585 S Wahanna, Seaside. She didn't like the last comment that Seaside wasn't a friendly town. She has lived all over the world. They chose to move here with their kids, who at the time were in Jr. High, because it was a very friendly and very nice place to raise kids. The city takes care of the tourists because it is a tourist town and they take care of the locals. We have some crime and some problems but nothing like the big cities. She loves Seaside.

Vice Chair Carpenter asked if there was anyone else that would like to have some input. There was no response. He closed the public comment for this agenda item for tonight's meeting.

At the end of the Commissioners discussion, Commissioner Ridout made a motion to continue this to the next scheduled planning commission meeting on March 1st, 2016 at 7pm at City Hall with public comments. Commissioner Horning seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Tim Mancill, 755 N Wahanna, Seaside. Mr. Mancill stated in his area he has a lot of problems with some of Bauske's properties which are turning his neighborhood into a slum. Mr. Mancill has been to the City Council meetings several times about several issues. Tim included a copy of a letter that he distributed tonight. About a year and a half ago at 600 N Wahanna Mr. Bauske put in two illegal septic systems and Mr. Mancill took photos of them, called the DEQ and nothing has been done. That property is in the county and no one wants to take responsibility for it. This property has all kinds of illegal activities going on and the county will do nothing and that is why Bauske gets away with it. The reason Mr. Mancill is here tonight is regarding 498 N Wahanna. It has three separate dwellings on it. Mr. Bauske bought the property in 2008, Tim believes. In 2009 Bauske put at least 20 dump truck loads of fill on that property, but of course he did it on a weekend when nobody is around to do anything. Mr. Mancill went into the office and spoke with Kevin regarding the issue and Kevin called Mr. Bauske and Mr. Bauske told Kevin that he was only storing the dirt there. About a year later the dirt was spread out. On April 6th and May 4th of 2010 there were planning commission meetings regarding this planned development. In those meetings were discussions regarding access, and in the minutes it states that you wanted one access to the property. In the minutes it states that Mr. Bauske's representative stated that most of Mr. Bauske tenants do not have driver licenses so cars will not be an issue. If any of you have driven by there you will notice that at times there are at least 7 cars parked in there. There are three distinct driveways there now. In the May 4th meeting it says that there will only be one driveway, and the plan showed smaller buildings. One of the buildings was supposed to be 1 story. Right now there are three large homes with three separate driveways. The problem is they were allowed to be built in non-compliance. Mr. Mancill has put over \$100,000 into his home to make it a nice neighborhood. Now he has to deal with bad tenants around him. Now the problem we have is there are three driveways to those new homes. The people in the new homes are now backing out onto the street. There are no sidewalks on North Wahanna. He cannot even have a dog because people drive so fast on Wahanna. The question is why were they allowed to build that way even after the planning commission told them they had to be built a certain way and they did not follow what the planning commission told them to do.

Vice Chair Carpenter asked if Mr. Cupples had anything to say about this complaint. Mr. Cupples stated that he is preparing a memo to Mark Winstanley to respond to all the items that we can respond to. As far as the building permits go, although the last thing the Building Official wants is to have more inspection responsibility, the city may be able to take on building permits for that area. Currently if someone comes in they bring in the planning information to the City of Seaside and we give them planning approval. They have to go to the county for permits. We may want to do an amendment to the UGB agreement just to get building responsibilities there. Commissioner Hoth asked what happened to the 498 N Wahanna property and why wasn't it built to the standards that the planning commission had asked for. Mr. Cupples stated that he will forward the memo to the planning commission and to Mr. Mancill once the memo is done.

Vice Chair Carpenter asked if the Building Permits and inspection issue is something that will need to go to council. Mr. Cupples stated that it would first go to the Planning Commission and then be forwarded to the City Council and then the Council and Board of Commissioners would vote to adopt that.

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 8:00 pm.

Bill Carpenter, Chairperson

Debbie Kenyon, Admin. Assistant