

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
February 2, 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:** January, 5 2016
6. **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).
 - 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.
7. **ORDINANCE ADMINISTRATION:**
8. **PUBLIC COMMENTS:** Not related to specific agenda items:
9. **PLANNING COMMISSION & STAFF COMMENTS:**
10. **ADJOURNMENT**

MINUTES SEASIDE PLANNING COMMISSION
January 5, 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: Ray Romine, Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, Tom Horning and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

Absent: none

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: December 1, 2015;

Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Wright 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.) 15-044CU: 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. Patrick Duhachek, 407 S Holladay, Seaside. Patrick stated that he needed this conditional use in order to run the little train.

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. Vice Chair Carpenter asked Mr. Cupples about the condition regarding the clear vision corner? Mr. Cupples stated that in most commercial zones we tend to follow street curb lines as the clear vision. Mr. Duhachek's awning may be over but other than that he seems to be OK. Commissioner Hoth stated that in the drawing it looks

Commissioner Hoth stated that the building looks like it has a drive thru. Patrick stated yes, it does have a drive thru and that is to drop off and pick up the bicycles and other rentals. Commissioner Hoth also asked if people will be able to access the building when the train is running. Patrick stated yes, because it will have railroad crossings. Commissioner Perkel stated that this will greatly improve the area.

At the end of the Commissioners discussion, Chair Romine closed the public hearing. Commissioner Perkel 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.

B.) 15-048HOZ is a request by Marci Utti to demolish the convenience store associated with the Chevron gas station and rebuild a new building within the Highway 101 Overlay Zone. The new convenience 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).

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. David Vonada, P.O. Box 648, Tolovanna Park, OR. Mr. Vonada is representing Marci Utti. When the project first came to him he advised Marci to get ODOT's blessing before they go forward with the project even before they design the building. They hired Kittleston Associates who are traffic consultants out of Portland and asked them to contact ODOT. They pretty much signed off on the project. The Utti's had some concerns regarding the frontage along Highway 101 and along Holladay. The traffic flow works quite well with the two fuel islands. Fortunately, ODOT saw it the same way and agreed that they could build a new building leaving the fuel lanes where they are. The project involves removing the existing building. The original building was built in 1963. In 2008 they converted the two bays into the convenience store that it is there now. With a building that old it's just time to be replaced. Fortunately, the lot has enough space, to build the new building and then demolish the old building once the new one is finished. Logistically it's going to work out really well. They will be extending the sidewalks along both accesses. The parking is definitely going to be adequate and an enhancement of what is there now. The building will have a coastal feel with wood siding, and shingles on the lower portion and lap siding on the upper. It will have a stone base as well. It will be a major improvement to what is there and a welcome introduction to the city. Commissioner Hoth asked if there are actual entrances on the East, North and South. Mr. Vonada answered yes. Commission Hoth also commented that it looks like the trash container in the back is located on the sidewalk. Mr. Vonada stated that they actually see that as a loading area and that it is the best functional location for that. If it's a concern for pedestrian access we can definitely change that. The idea of course was to pull off the right of way for deliveries. Commissioner Hoth stated that he wasn't sure how much pedestrian traffic goes there but the idea of a sidewalk is for pedestrians. Mr. Vonada stated that they could widen the sidewalk so that pedestrians still have room to walk and then still have room for the refuse. Vice Chair Carpenter stated that he likes the look of this but he would really like to see something done with the propane tank but he understands why not much can be done with it. Mr. Vonada stated it's something they looked at but that is maybe for another time. Commissioner Hoth stated that he likes the setbacks, it gives a better view for people turning on and off the Highway and along Avenue M. Mr. Cupples stated the he felt that it was well justified but wanted to see what the planning commissioners thought. The sidewalk along Avenue M will have to be put along the property line. It's one of the findings in the report. Commissioner Wright asked if the back side of the building will be finished like the front of the building. Mr. Vonada stated that yes it will, Marci was very concerned about that. We are going to have an actual canopy over the loading doors. It's going to be a very attractive building once it's complete. Mr. Cupples asked if Mr. Vonada brought in the cut sheets for the lighting. Mr. Vonada stated that he did, and the wall packs are dark sky compliant. Mr. Vonada stated that not very long ago Marci had the lights changed out above the fueling stations and they are also dark sky compliant. Commissioner Horning asked how high off the ground will these sconces be? Mr. Vonada stated that he really doesn't have an answer but somewhere between 10' and 12' feet in order to provide good lighting around 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.

Commissioner Horning asked about the traffic impact analysis, under finding 1, it stated that it will not generate more than 600 daily trips or 100 hourly trips, how did you determine this. Mr. Cupples stated that there is actually a trip generation book that is put out and it's part of the traffic manual that's looking at additional trips above and beyond what they have now. They could have torn down the existing building, moved it back and kept the same square footage, there wouldn't be any review.

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 with a particular importance placed on the lighting. He would also like a condition that the sidewalk running, east to west along the back not have anything impeding on the sidewalk. Commissioner Carpenter seconded and the motion was carried unanimously.

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.

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. Kendall Higgs- Crown Chimney Sweeps, 724 Avenue S, Seaside. Mr. Higgs stated that they want to build a residence on top of 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. Commissioner Horning stated that this looks compatible with the neighborhood and the use.

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 Perkel seconded and the motion was carried unanimously.

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.

Mr. Cupples stated that at the last planning commission work session, the commissioners asked us to send additional notices to the property owners that abut the additional areas being considered for the Urban Growth Boundary expansion. For anyone who hasn't been here, for a number of months the planning commission has been looking at where the city might be able to expand its UGB. The urban growth boundaries encompass areas that are potential growth areas for the city. This was originally expected to be a needed expansion for a 20 year land supply, which is based on statewide planning goals. The planning commission has recognized that in the future that may change to a 14 year land supply. They have backed down the numbers for expansion both for residential and commercial development. The numbers have been backed down to a 14 year need. If the DLCD is going to make that happen then maybe we won't need as much land for our UGB expansion. We are attempting to spread the growth out. So that we will have three areas of expansion and not just the area along south Wahanna Rd. Mr. Hanson wanted to make a quick summary. After the last work session we modified the report and have lowered the number by 4.2 acres to accommodate land that is inside the UGB in the Cove area. So moving forward we are going to be using 70% of the 200 acres. Vice Chair Carpenter

asked Mr. Hanson if there was developable land in the Cove area. Mr. Hanson stated that the 4.2 acres does not require crossing any drainage ways. If the city did go into the area where we could cross drainages there is about 14 acres. The fact that there is only one way in and one way out and crossing over drainages kind of swayed him not to considerate it further.

Chair Romine asked if there was anyone else who would like to offer testimony regarding the UGB expansion.

Larry Grenon 2325 Royal View Dr., Seaside. Mr. Grenon stated that the back of his property currently is on the North East Boundary of Seaside. He bought the property in 2012 with a forest in the back. One week after it closed they cut it all down. Since then he has received two requests for development of that property. One was from Clatsop County Community Group on behalf of the Campbell Group LLC and the owner of the property is Lewis and Clark Timber LLC. Their request was to build a forest service building on that site to have about 12 offices and would be about 800 feet behind his property and would not affect the character of his property. Late last month he got a letter that showed the 20 acre section referred to as the Lewis and Clark Hills section which comes right up against his back fence. That was the first notice that was sent to him, he's retired so he doesn't pay much attention to the notices that are in the paper. He is concerned about the effect that it will have on his property. When he talked with Kevin earlier Kevin stated that the development would probably be high density. He lives in an area where he feels is a high end property area and his concern is if a low end property development goes in there then it may lower the value of his home. The other thing that concerns him is that it says final report and this is the 5th of January and the first that he's heard of it.

John Dunzer 2964 Keepsake Dr., Seaside, The map that was at last month's meeting he laid out what he thought the development area could be. He stated that there are two ways in one off of Sunset and the other Edgewood. Mr. Dunzer comes up with 12 acres plus another 8 acres that are not in the inundation zone. He doesn't have anything to review. He thinks that the Cove area would be extremely desirable. That would be the area for retirees. Low income people would have to live in the old school sites. That would be perfect for those types of people. We should be looking for properties that meet the needs of people that we expect to come here. The state has kindly told us who those people are. There is at least 100 acres of developable land here. You may not think that the golf course is developable but it is. There is 35 acres off of Highland, which we have already decided is a perfectly good street. Somebody back in the olden days said that this area would be a wonderful place for a development. That is why the access is there, for further development. He wants to look at the original report for this area. The other areas just do not meet the needs of the people who are expected to move here. That's his opinion. It's a great spot. The right of way already exists, people have encroached on it over the years (on South Edgewood and Ocean Vista). It's a dangerous road now, it was totally done incorrectly. It's just wrong. Bad design, bad engineering, it's just BAD! If you look at all the real estate literature it says that that is the most desirable place to live in Seaside. You may not agree with that but that is what the real estate people say, that's what the numbers say, that's what the state says in coming here and so that is what we should have available to them. If you want to build up on hills then have at it, he doesn't think it's the right thing to do. He would like to respond to something, but he doesn't know what goal 14 is and he would love to get a copy of it. Commissioner Horning stated that he would like the planning commission members to go out there and take a look at the site. Chair Romine asked if the commission feels comfortable with the site being disregarded, because there is a significant difference of opinion between our consultant and our resident. As the discussion progressed maybe we should meet with Mr. Dunzer on site so that he can show the commissioners what it is that he sees that our consultant doesn't. Mr. Dunzer stated that he doesn't want to take anything away from our consultant. Chair Romine stated it's not about the consultant versus Mr. Dunzer, it's just that we want to take a hard look at this property for the citizens and see what's there. Commissioner Perkel asked that if Mr. Hanson would come out to the site with Mr. Cupples and Mr. Dunzer. Chair Romine stated that there could only be three commissioners that could go out there at a time.

Buzz Ottem 86081 S Wahanna, Seaside, OR. Mr. Ottem stated that the Cove area has only one way in and one way out and that is a negative aspect to that property. Well the same thing goes for south hills, unless you continue down to Beerman Creek then you have two ways in and two ways out and he knows diagrammatically that is the case. If it is in print then it is proposed and if it is proposed then it will more than likely happen. So it's either a negative aspect of one way in and one way out or a negative aspect of continuing Wahanna to Beerman Creek Rd. Everybody that is affected by this UGB or possibly affected by the UGB needs to be here, they are all affected. These people need to be here. You cannot just drop this in people's laps. The gentleman to the North said that this is the first he's heard about it, how many more should know about this.

Kay Kemhus, 1920 Huckleberry, Seaside, OR. If the proposed expansion goes through the road will be shining lights into everyone's windows. For that reason she is not fond of it, she likes her privacy. This expansion will affect her quality of life. More road traffic, more noise, more crimes and more congestion will affect her quality of life. The natural environment will be disturbed. Country living will disappear along with her Grandparents heritage and her peace of mind. Seaside's can drive a short way out of town to feel the wonder and beauty of a time gone by. The loss of the Clatsop Indians who lived and hunted on this land and the found arrowheads will be forgotten. Big Cities are now trying to find their lost heritage, not destroy it. The population of the school is exactly as it was in 1961 so where is our big growth. Do we have the money in the City to hire developers, traffic consultants, road workers, police and new water and sewer lines? What is the tax impact on the citizens? What about the people on Wahanna that have a farming status will their taxes be higher or lower? Please listen to the people who are being affected by this. Know the plan by heart before you implement it. Why impact an established neighborhood to get to the property you want when you can go up and around by Lewis and Clark. Look at what you can do to update the town instead.

Janet Ottem, 86081 S Wahanna, Seaside. She has been hiking up in that forest with her dogs, it is very beautiful. She goes as high as she can and looks over the city and it is just breath taking. She thinks of driving on the south end of Seaside and how dilapidated it is. We should be focusing on cleaning up those areas. We should be focusing on Tsunami evacuations instead of expanding a city that doesn't grow. There are no corporations here and it has grown so little in the past 25 years. There are 6500 people here and we do not need to expand. Another of her concerns is how are people going to get up to a new subdivision.

Mary Kemhus, 86183 S Wahanna, Seaside. She has to say when she saw the new map she was disappointed because it still shows the diagrammatic extension of Wahanna and the extension of Avenue S which goes right through Maria's bedroom. Maybe the commission is unaware how rural the area is and this is the last piece of rural Seaside. We have people walk along the road and enjoy the beauty of the area. Seaside is already a destination for people looking for the peace and serenity of country. Maintaining this area is what needs to be done, not destroy this park like atmosphere.

Maria Pincetich, 86273 S Wahanna, Seaside. There is no law that we are required to do this because we are under the 25,000 population size that would require us to do this. Is it a good idea to plan - absolutely it's a good idea to plan. However there is no penalty. 1000 Friends of Oregon sent a six page document over and in that document it states that the current numbers do not justify the expansion, when can that be discussed? She feels like she is in the movie Ground Hog Day, because we are exactly in the same place as we were 6 months ago. There doesn't seem to be any acknowledgement, even though she is the land owner, you would need her approval to go through her land and she is not going to do that. It would be good planning to choose another route. One last thing that she would like to bring up is the notification area, they are a little different than what she thought. In ORS 197.763 the notice for Land Use hearings is the following: within 100 feet of the property which is subject to the notice where the subject property or within the UGB is, if the subject property is outside the UGB then it is 250 feet. Which is all of this because it is all UGB. But if that land is designated at farm or forest then the notification is 500 feet. Which would expand dramatically the notification process. She recognizes that this would greatly expand the notification area, we need everyone to be involved.

Jerry Meyers 86058 S Wahanna (at the very end). She has not received any notice, except this last one. They are new to the area and are currently building another structure and it's disturbing to find out that the property behind them may become some sort of housing development. They bought the property thinking that this was going to be a beautiful private spot for her and her husband to retire. She does go up on the hill and go for walks and it is a beautiful area and it's sad to think that perhaps this may be taken away. The notices are very important.

Marie Hofman, 1699 S Wahanna Rd, Seaside. As far as the notification goes, she's been down this road before and the last time she realized people are busy. People just don't have time and the last time this happened she went down Wahanna door to door. When she did that the chamber was full and the doors were open. Marie has concerns about the police dept. being able to clean up Dodge in a sort of way. Every place has a crime rate and there are many issues that need to be taken care of. We need to update the infrastructure before we move forward. We can't look at one without seriously looking all the other things that will be involved in this expansion.

Paul Knock, 2082 Cooper, Seaside. They moved here from Cannon Beach about a month ago. They look out at the beautiful woods from their home and appreciate it. Safe schools should be a top priority. Go visit some neighborhoods in Bellevue and Seattle and see how expansion can outpace the ability for the roads to handle the traffic.

Chair Romine asked if there was anyone who would like to speak in favor of this request. There was no response.

Maria Pincetich stated that in her basic research on affordable housing there seems to be toolkits to incent people to rent their homes. We have a 37% vacancy rate, is the commission open to investigating those type of remedies to deal with some of the concerns about workforce housing and affordable housing.

Mary Kemhus asked if there will be new notifications going out to all the affected people. These are the rules and we should follow the rules. Mr. Cupples stated that the notice provisions that he thinks Maria is quoting is actually for quazi judicial land use decisions and this is actually a legislative process. Which the notice requirement is a notice in the newspaper. We did try to contact every person that was affected by the proposed expansion area that was early on in process. He's not sure on how we missed Jerry, but we can research that. Even if you follow that provision the information she said is sound, and that is if we notified people with in the city limits you would be notifying them with a 100 feet. If we notified all of the property owners that were in that area whether if we did it at 250 or 500 feet, we wouldn't add more people because there are no other people out there. Maybe we would have caught one more land owner to the south, but there really are not more people out that way. Maria stated that if you missed one person that is one person to many. It would be sad for people to come in on the 11th hour and say they didn't know about this. Maria asked does it hurt to send out another notification only if it's only picking up another 10 houses.

Mr. Grenon stated that this was the first notice that he received and he spoke with Will Caplinger and Will stated that they didn't get notice either. Mr. Cupples looked up the notification list and noted that we did send notice to Lewis and Clark Timber, but we sent it to the Portland office. We get our information off of the county website and the address for Lewis and Clark Timber is in Portland. Mr. Grenon also stated that he is 0 feet from the expansion area. Mr. Cupples noted that additional notices were sent to everyone within 100 feet of the proposed expansion.

Chair Romine stated that being as the latest notices went out we feel that we are in compliance with the regulations. We have sent more than one notice. Mr. Cupples stated that Will Caplinger was involved in the initial proposal. Mr. Grenon stated that Will told him that he asked the city to provide sewer and water services to that land, but the city told him that he could not get it at that location.

Chair Romine asked if we are comfortable with moving forward. Commissioner Hoth stated that he feels we are ready for another continuance and then do more research on the Cove property.

Chair Romine asked if anyone would like to make a motion to continue this to the next planning commission meeting.

Vice Chair Carpenter made a motion to continue this to the next scheduled planning commission meeting on February 2, 2016 at 7pm at City Hall with public comments. Commissioner Hoth seconded and the motion was carried unanimously.

Mr. Cupples stated that in the meantime they would like staff to set up a time for Mr. Hanson and Mr. Cupples to meet with Mr. Dunzer regarding the Cove area UGB. Then come to the next work session and provide the commissioners with the information that they come up with. Mr. Hanson stated that if the Cove is one more area that will be going into the UGB then that neighborhood needs to be notified. Commissioner Hoth asked who owns the land behind the south hills site. Mr. Hanson stated that is Weyerhaeuser owns most of it. Commissioner Hoth asked if they had a schedule when they will log the property? Mr. Hanson stated they haven't shared that information with him. Commissioner Hoth stated so they could clear cut that anytime. Mr. Hanson stated yes they could. Chair Romine stated that the interesting thing that he's heard a few times is that everyone is enjoying the wildlife and the views and the privacy. That all seems great but you are enjoying somebody else's property that you don't own. Mr. Hanson stated that the Weyerhaeuser land is a tree farm intended to be harvested.

Mr. Cupples stated that the work session will be on January 19, 2016. At City Hall at 7pm.

Chair Romine stated that the commission as a group has decided that the notices to the affected areas excluding the potential expansion of the Cove area which is not an area of interest until the issues with that have been resolved so the notices that have been sent has been done appropriately. Mr. Cupples stated that staff will go back over and review the bubbles to make sure everyone was notified. Mr.

Hanson asked if this was the first notice that Mr. Grenon received and he stated yes. Mr. Cupples

stated that we sent out the first notice to the people who are properties owners of the effected UGB. There was not an adjacent properties notification. Jerry Meyers stated that she may have received the first notice to her home in Portland and that's maybe why she didn't get the notice.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

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: February 2, 2016
**Applicant/
Owner:** John & Laura Fairless, 1176 Avenue B, Seaside, OR 97138
Location: 310 4th Avenue; Seaside, OR 97138; (T6, R10, 16DD TL 10101)
Subject: Conditional Use Request 15-051, Modified Replacement of a Non-Conforming Structure

REQUEST:

The applicants are requesting a conditional use that will allow the replacement of a non-conforming structure at 310 4th Avenue (6-10-16DD TL10101). They plan to build 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) and the zoning ordinance permits modified replacement of a non-conforming structure in accordance with Section 8.060,1B. These requests require Planning Commission review as a conditional use.

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 compatibility with the surrounding area or 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.

DECISION CRITERIA # 1: Pursuant to Section 6.031 of the Seaside Zoning Ordinance, all conditional use requests must comply with the specific standards in the zone and other applicable supplementary provisions in Article 4. In permitting a new conditional use or alteration of an existing conditional use; the Planning Commission may impose additional conditions considered necessary to protect the best interests of the surrounding area of the city as a whole. These conditions may include the following:

- 1. Increasing the required lot size or yard dimension.**
- 2. Limiting the height of buildings.**
- 3. Controlling the location and number of vehicle access points.**

4. **Increasing the street width.**
5. **Increasing the number of required off-street parking spaces.**
6. **Limiting the number, size, location and lighting of signs.**
7. **Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.**
8. **Designating sites for open space.**

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's submitted justification, site plan and example elevation drawing are adopted by reference. The applicant's proposal is summarized as follows:
 - The applicant plans to replace the existing non-compliant structure with a new code compliant home that will provide two parking spaces in the driveway.
 - The new two-story, single family dwelling will replace the small duplex that is currently built on the subject property.
 - The existing structure **has a non-compliant** front yard, east side yard, west side yard, rear yard, unit density, lot coverage, & parking.
 - The proposed home **will conform** to the front yard, west side yard, dwelling unit density, lot coverage, & off street parking requirements.
 - It **will improve** the east side yard and maintain the current rear yard setback.
 - The subject property is a narrow, non-conforming lot that is 25' wide in the rear 27' wide in the front.
 - The elevation drawing is an example of what they would like to build; however, the applicant has indicated they plan to modify the windows, siding, & decks. The example elevation drawing shows a two story dwelling with a west side entryway.
 - The applicants believe this will be a vast improvement over the prior use since it is currently in poor condition and they will have control over the tenants.
2. The applicable ordinance section (Section 8.060,1B) addressing the modified replacement of non-conforming structures states:

The use and/or structure may be modified in an effort to more closely conform to the development standards and/or use provision in the ordinance if the Planning Commission approves a conditional use permit for the proposed modification. The conditional use must be applied for within 6 months from the date of the damage or destruction and the reconstruction must be completed within a time frame established by the Planning Commission. (ORD. 2001-14, effective 12-12-2001)
3. The existing structure has a long list of non-conformances and the proposal will significantly improve the properties compliance with the ordinance. Aside maintaining the rear yard setback, almost all of the non-conformances will be

eliminated or significantly reduced. Although a three foot rear or east side yard will not meet the zoning ordinance standards, a three foot setback will not require any special firewall provision under the building code.

4. Although small house development has recently gained much notoriety, Seaside already has a number of small beach cabins that were developed decades ago. These structures are being popularized in the press and they are commonly seen as a more affordable approach to housing development. Many of the small houses in Seaside are found on small lots and they are usually single, one & a half, or a full two story structure. As such, they generally blend in with the development of the neighboring properties.
5. A fully compliant replacement structure would likely be developed as a three story structure in order to provide sufficient living space. Tall skinny structures tend to provide an awkward aesthetic appearance and they do not blend in well with the development of the neighboring properties.

CONCLUSION TO CRITERIA #1:

The proposed modified redevelopment plan will more closely conform to the development standards in the ordinance while remaining compatible with the appearance of the surrounding built environment provided the following conditions are attached to the approval.

Condition 1: The redevelopment plan will be limited to not more than two stories and closely follow the site plan and elevation drawings depicted in the applicant's submittal.

Condition 2: 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 any final approval.

FINAL STAFF RECOMMENDATION

Conditionally approve the modified redevelopment of the property at 310 4th Avenue. 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 list of reminders to applicant.

- The conditional use will become void one (1) year from the date of decision unless the permit is not utilized or an extension of time is approved in the manner prescribed under the Seaside Zoning Ordinance.
- As with any permit, the applicant must meet all applicable standards in the Seaside Zoning Ordinance 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 Submittal



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: John + Laura Fairless; ADDRESS: 1176 Ave B Seaside OR; ZIP CODE: 97138; STREET ADDRESS OR LOCATION OF PROPERTY: 310 4th Ave Seaside, OR 97138

Table with 6 columns: ZONE (R-3), OVERLAY ZONES (-), TOWNSHIP (6), RANGE (10), SECTION (16 PD), TAX LOT (10101)

PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Build a 15'x35' (1023 sqft.) two story house and provide 2 off street parking spaces. We are requesting a reduced 3 foot setback in rear (n. side) and a 3ft east side setback. The increased 7 foot setback on west side would allow space for 2ft entrance portico.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.)

IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH

Owner and Applicant information table including names, addresses, and phone numbers for John + Laura Fairless and the applicant.

PROJECT USE ONLY - DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- Checkboxes for: CONDITIONAL USE, LANDSCAPE/ACCESS REVIEW, MAJOR PARTITION, MINOR PARTITION, NON CONFORMING, PLANNED DEVELOPMENT, PROPERTY LINE ADJUSTMENT, SETBACK REDUCTION, SUBDIVISION, TEMPORARY USE, VACATION RENTAL, VARIANCE, ZONING CODE AMENDMENT, ZONING MAP AMENDMENT, APPEAL.

PLANNING DEPARTMENT USE: DATE ACCEPTED AS COMPLETE, CASE NUMBER (S) 15-051CU, HEARING DATE 2-2-16, P.C. ACTION

OFFICE USE: FEE \$675.00, DATE FILED 12-23-15, BY RC, 15-051CU

CONDITIONAL USE - ARTICLE 6

TYPE 2 - PLANNING COMMISSION DECISION

FEE: \$ 675.00

In certain districts, conditional uses may be permitted subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, or special characteristics of the area in which they are to be located, conditional uses require special considerations so they may be properly located with respect to the Comprehensive Plan and to the objectives of this Ordinance.

The Planning Commission shall have the authority to approve, approve with conditions, or disapprove Conditional Use Permits in accordance with the provisions in Article 6 of the Seaside Zoning Ordinance.

In addition to those standards and requirements expressly specified by the Ordinance, the Planning Commission may impose conditions, which are necessary to protect the best interests of the surrounding area or the city as a whole. These conditions may include the following:

1. Increasing the required lot size or yard dimension.
2. Limiting the height of buildings.
3. Controlling the location and number of vehicle access points.
4. Increasing the street width.
5. Increasing the number of required off-street parking spaces.
6. Limiting the number, size, location and lighting of signs.
7. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
8. Designating sites for open space.

The Planning Commission will make a determination concerning a conditional use based on the applicant's justification of the following statements:

1. What is the proposed use in the zone?

2 story, 15' x 35' single
family residence with 2 parking spaces off
the street.

2. How will the development conform to the general development standards in Ordinance and the specific standards in the zone?

It will be a drastic improvement especially
with single occupancy and 2 off street
parking spots.

3. How will the development meet any of the applicable standards in Article 6?

Does Not apply - See Section 8.060, 1, B See attached chart below - The footprint of new 15x35 structure will fill 35% of lot (old structure was 59%)

4. Describe any additional measures (if any) the applicant will take in order to protect the interests of the surrounding area or the city as a whole.

We will insure that tidy, responsible people are occupying the house!

5. Provide a site plan, drawn to scale, which indicates the following: the actual shape and dimensions of the lot, the sizes and locations of buildings and other structures (existing & proposed), the existing and intended use of each building (include floor plans), and other information need to determine conformance with the development standards in the ordinance (e.g. setbacks, parking spaces, fences, accesses, landscaping, neighboring buildings, or uses, etc.)

ATTACH EXTRA SHEETS IF NEEDED

	Required	Current	Proposed	
Front	15'	18 inches	18'	
Side, East	5'	1-1.5'	3'	
Side, west	5'	4-6'	7'	
Rear	5'	3'	3'	
Dwellings	1	2	1	
Parking	2	0	2	

Over the past 40 years, the previous tenants have by their raucous behavior, time & again caused distress to the surrounding neighbors. Just this past June & July we filed several complaints with SPD about a certain tenant at 310 4th Avenue terrorizing (in all seriousness) our renters at 403 N Downing (adjacent vacay rental). We lost 2 weeks of income & were under much stress wondering if more of our vacay renters would be terrorized by the 310 4th Ave tenant. In order to protect our renters & our investment we purchased 310 4th Ave, (for more than it is worth) so that we could choose better tenants or do something else with the property. After receiving a scathing inspection report we determined repairs to the current structure would be a waste of resources.

CLIENT INFORMATION

Client's: First name: JOHN
Last name: FAIRLESS JR
Client's: First name: LAURA
Last name: FAIRLESS
Client's company name:



STRUCTURE INFORMATION

Address: 308 & 310 N. 4TH AVENUE

City: SEASIDE
State: OREGON
Zip code: 97138

Number of kitchens: 2
Number of bathrooms: 2
Number of bedrooms: 4

Garage and/or shop: NO garage or off street parking.

Scope of Inspection: For Scope of Inspection see the Pre-Inspection Agreement and the Oregon Construction Contractors Board, CCB Standards of Practice for Home Inspectors.

INSPECTOR & COMPANY INFORMATION

Northstar Home Inspections
PO Box 697
Seaside, OR 97138

Aric N. Barnes, Pest Control Applicator
email: CarpenterAnts@hotmail.com
email: nealon7@msn.com
503-956-1969 iPhone & text
503-738-7488 Seaside Office
503-963-1786 Portland Office
Oregon Certified Home Inspector # 35
Residential General Contractor,
Construction Contractors Board, CCB # 135931
Department of Agriculture Structural Pest Control Specialist,
Pest Control Operator # 151245
Pest Control Applicator # 120134

Type of Inspection: Home Inspection report with separate Wood Destroying Organism, WDO report.

Orientation: The front of the home is considered facing SOUTH.

Inspection Fee: \$425.00

Weather Conditions: Sunny

Attendance: Client Tenants
 Realtor
 Owner

Structure Style: Single story structure with an INACCESSIBLE crawl space.

LEGEND The Report Legend: Designated letters, phrases, and/or radio buttons are defined as follows:

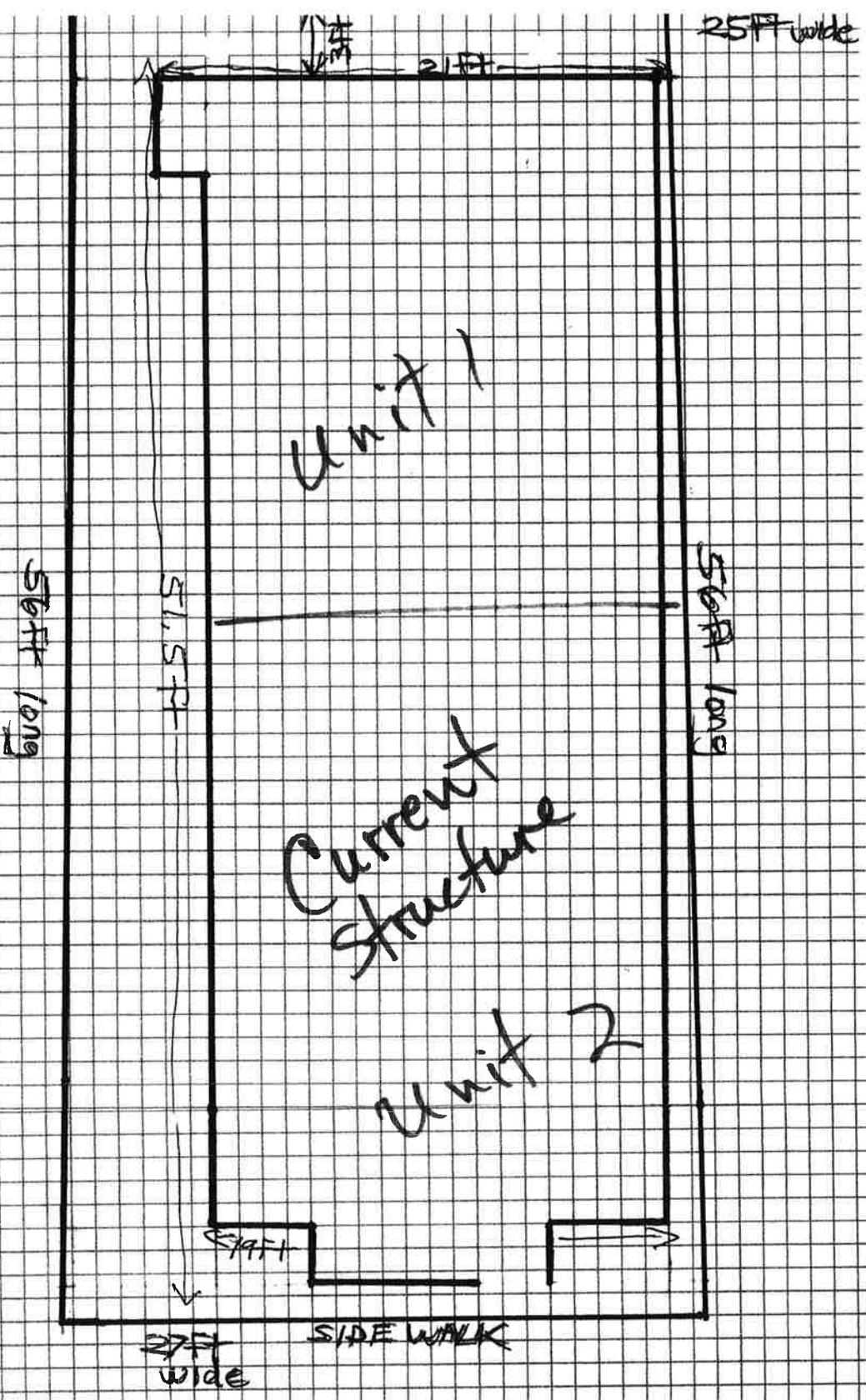
S C NA IA

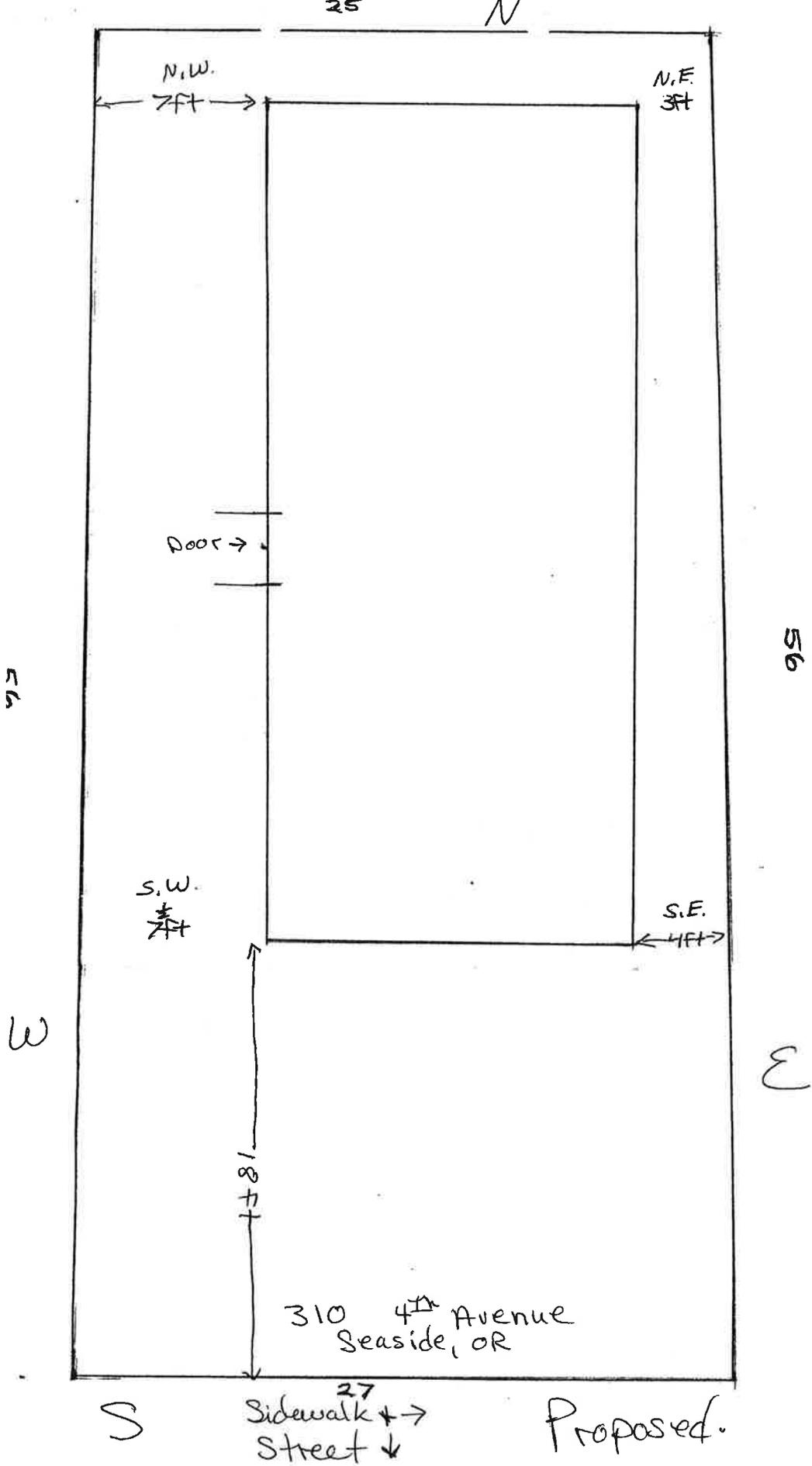
Y N NA IA

SI

The letter "S" means "Serviceable" (aka, Items or systems have Basic Function).
The letter "C" means "Conditional" (aka, Items or systems may or may not have basic function however the client needs to be advised of problematic conditions and/or concerns).
The letters "NA" mean "Not Applicable".
The letter "Y" means "Yes".
The letter "N" means "No".
The acronym "SI" means "Safety Issue" and the client is advised of problematic safety conditions and/or concerns that may possibly cause personal harm to ones health and/or well being.
The acronym "IA" means "Inaccessible Area".

Current building.





25

N

N.W.

7ft

N.E.

3ft

Door →

S.W.

18ft

S.E.

4ft

310 4th Avenue
Seaside, OR

27
Sidewalk →
Street ↓

Proposed.

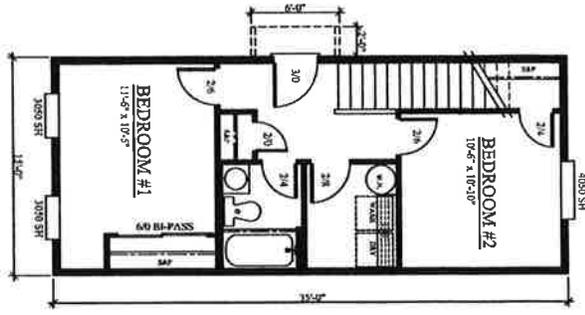
W

W

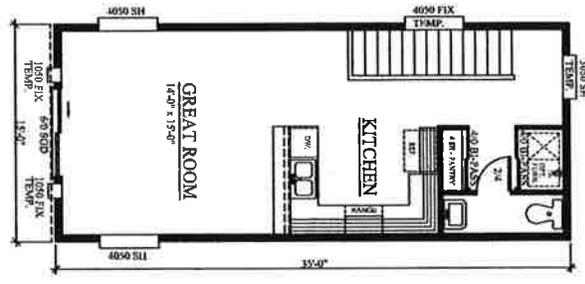
56

E

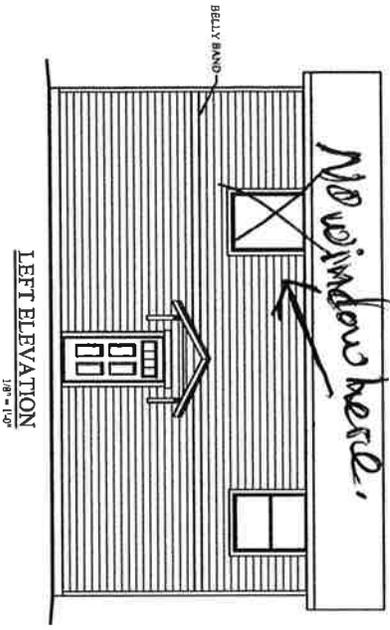
S



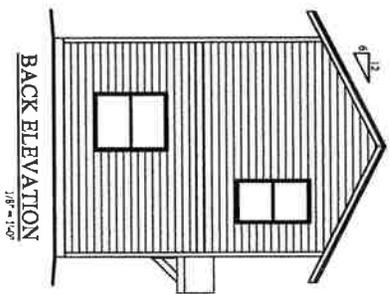
LOWER FLOOR
525 SQ FT
1/8" = 1'-0"



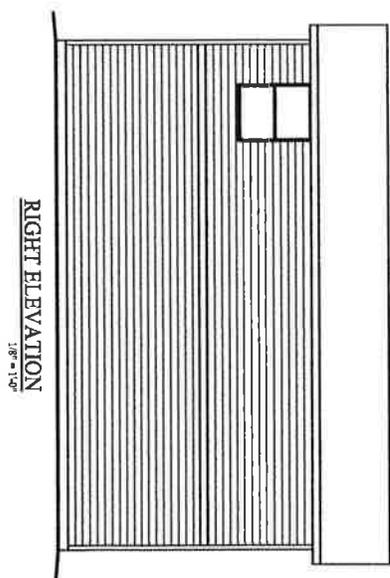
MAIN FLOOR
498 SQ FT
1/8" = 1'-0"



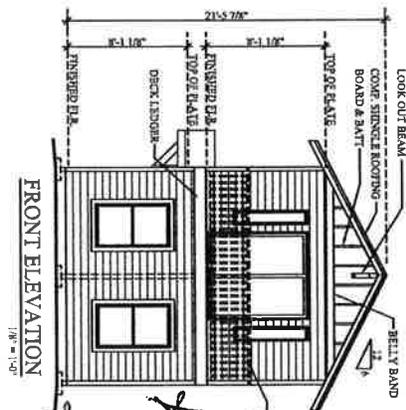
LEFT ELEVATION
1/8" = 1'-0"



BACK ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



FRONT ELEVATION
1/8" = 1'-0"

** No deck!*
** Siding will be different!*
** Siding will be different!*
** Upper windows same as lower!*

APPROVED :
OWNER _____
OWNER _____
OFFICER, ADAIR HOMES

12/21/2015

Proposed house.

Memo

To: Planning Commissioners
From: Planning Director, Kevin S. Cupples
Date: February 2, 2016
Re: UGB Update

As stated during the last work session, staff would probably not have sufficient time to fully discuss the UGB line discrepancy in the Cove Area with DLCD & the County prior to our February 2nd meeting. Staff will also need to review some of our old land use files to see if they can provide any pertinent information concerning the location of the line beyond what may be shown on our zoning map.

Likewise, staff did not have an opportunity to meet with the Fire Chief & the Public Works Director to fully evaluate potential issues associated with the Cove area and compare them with the other three areas (SE Hills, NE Hills, & Lewis & Clark) that were originally under consideration for potential expansion. Staff will try to gather that information sometime next week and it will be presented during the meeting if it is available.

We have received additional letters commenting on the proposed UGB expansion. The letters are attached for your review prior to the meeting.

January 7, 2016

Seaside Planning Commission
Community Development Department
989 Broadway
Seaside, Oregon 97138

Dear Planning Commissioners:

As the owner of property adjacent to land proposed for inclusion in the City of Seaside under the Comprehensive Plan, I attended this week's hearing and very much appreciated the opportunity provided to learn more about the proposals and to hear public reaction to them. Because I was new to the process and the proposals, I did not offer public comment during the meeting, choosing rather to listen and learn what I could about the issue. I do, however, have some questions and concerns that came to mind during and after the hearing.

My property is adjacent to the northern, "L-shaped" portion of the South Hills area, at the end of Cooper Drive. As I understand the current proposals, access to this area would be by an extension of Avenue S to the east of its current terminus at Wahanna Drive. I also was told last night that Weyerhaeuser had expressed an interest in buying a lot along Cooper, across from the eastern end of Huckleberry, in order to widen the currently platted utility easement that exists at this location. This would provide additional access to the proposed new development area from Cooper or Huckleberry.

My personal concern is related to traffic flow into the proposed South Hills area from either Avenue S or Cooper.

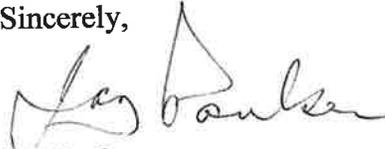
Increased traffic on Avenue S due to the proposed development would involve the intersection of Avenue S and Roosevelt Drive (U.S. Highway 101), which currently presents significant hazards to drivers attempting to turn either north or, particularly, south on Roosevelt Drive. This is due both to the frequently very heavy traffic passing this point as well as the limited sight lines that can result from vehicles parking at the businesses at the southeast corner of Avenue S and Roosevelt Drive. Will any development in the South Hills area include traffic modifications at this intersection (e.g., a traffic light, turn lanes, etc.)? Will Avenue S and the Avenue S bridge be improved to handle the increased traffic that would result from any such development?

If traffic into the proposed development was through an extension of the east end of Huckleberry, it would have to pass through two problem areas on Cooper. First, the tight "jog" in Cooper near Reef Street effectively makes this section a single lane road, which is particularly obvious when two vehicles approach this point from opposite directions. Second, because parking is allowed on both sides of Cooper, the street can effectively become a single lane road right where Cooper has a noticeable rise at the western junction of Cooper and Huckleberry. This rise in the road makes it very difficult to see on-coming vehicles with safety and is particularly hazardous when the road is narrowed due to parked cars. Increased traffic on Cooper Drive that would result from further development in this portion of the proposed South

Hills area would exacerbate these traffic hazards. What changes to Cooper are proposed to address these issues?

While I enjoy having the forest adjacent to my property, I recognize that this land belongs to someone else and I accept that the forest land we enjoy may have to disappear in order to provide land for other homeowners like me. However, I do hope that the City will address the infrastructure and property-impact issues that have been raised through this hearing process to make sure that Seaside continues to be the kind of place that attracted so many of us to the area in the first place.

Sincerely,

A handwritten signature in cursive script that reads "Jay Paulsen". The signature is written in dark ink and is positioned above the printed name.

Jay Paulsen
2085 Cooper Drive
Seaside, Oregon 97138

January 5, 2016

Kevin Cupples, Seaside Planning Director
C/O Community Development Department
1387 Avenue U
Seaside, OR 97138

01-12-16 08:37 RCVD

RE: Seaside Planning Commission Public Hearing 1/5/2016, 15-032ACP

Dear Mr. Cupples:

Per my telephone conversation with you on the afternoon of January 5, 2016, I am a disabled individual and wish to testify opposing 15-032ACP. I am physically unable to attend the meeting at 7:00 pm this evening and received the meeting flyer too late to submit my opposition in writing. My son is also struggling with health issues that do not allow him to attend a meeting at this time. Thank you for offering to include our written opposition submission to the Planning Commission for consideration.

We oppose the North Hills 33.8 acres potential UGB expansion area. Mike Pihl, dba Mike Pihl Logging Co. Inc., recently purchased this land and clear cut the timber last summer, 2015. This hillside is now more prone to landslides and geologic hazards. It was noted in an article in the Daily Astorian a few months ago that Seaside geologist Tom Horning stated at a Planning Commission meeting that this area was not suitable for building development when Mike Pihl suggested north hills acreage was available for consideration.

The proposed North Hills Acreage is already in a high traffic zone in the heart of Seaside between Broadway, 12th Avenue and Wahanna. Lewis & Clark Hills and South Hills present better traffic and highway development potential to ease traffic congestion year round. The north hills proposed acreage is within 100 feet of an existing established hillside development: Sunset View Estates. South Hills also has more open land and is closer to Highway 26 for potential ease of access without Highway 101 flooding problems and traffic congestion.

Further development of the north hills would negatively impact traffic patterns, infrastructure and lifestyles. This neighborhood has serious concerns about landslides and mudslides that excavation work could cause within 100 feet of their homes.

We respectfully submit our opposition to the proposed UGB expansion into the North Hills Acreage due to the potential hardship and danger to our lives and property. Please feel free to contact us with questions or further exposition of our opposition to this plan.

Sincerely,

Vicki Mattila and Gerald Mattila
1230 Elkridge Court
Seaside, OR 97138
503-738-4260

cc: Seaside Planning Commission
Sunset View Estates

To: Seaside Planning Commission

01-27-16 13:57 RCVD *

City of Seaside

From: William Barnes

2070 Cooper St & 1281 Beach Dr

Seaside, OR 97138

RE: Urban Growth Expansion

I am currently building our family's dream house at 2070 Cooper St in which the lot backs up to forested area. Even though we do not want growth behind us, we know growth is inevitable. As I'm embracing the future growth I feel there are two areas which need addressing sooner than later. By this, if we do not address these issues now, our City will have problems later.

These two areas are the road infrastructure and green space.

On our east side we only have one main road, Wahanna, and three connecting roads; Broadway, Lewis & Clark and Ave S. There are times of the day, and times of the year these roads are already overly taxed. I agree we need to move our schools, but our current road system cannot handle the extra traffic. I encourage everyone on the planning commission to go to each of the schools during times of dropping off and picking up students. Then imagine all of that traffic on Spruce and Cooper twice a day. I also encourage you to look at this traffic maneuvering around the two choke points on Cooper between Wahanna and Alder, and then imagine three times the traffic on this road.

Currently there are no traffic lights at Ave S or Lewis & Clark. During peak traffic flow times it is not uncommon to wait behind multiple cars making left turns at these intersections. Increased growth will make this unbearable. Broadway is already overtaxed with backed up traffic waiting for one of the State's worst engineered intersections at Roosevelt.

My suggestion is to figure out a density line to the east, and put in a road system from Lewis & Clark to a southern point; either the east end of Beerman Creek or Hwy 26. Now you have a density point with which to move future growth to without overtaxing our current road systems.

A side note on this east road system which will be needed. This will also be used after the tsunami as a way in and out of the City when addressing our emergency needs after the disaster.

Seaside is land poor. This statement came from our City Manager about 10 years ago when I sat down with him to discuss possible future sports fields. We currently do not have enough green space for our children. In the Stillwater Heights neighborhood where I am building there is not one park. The only green spaces is the grade school and timber land.

I'm still appalled with the lack of usable green space at the base of Thompson Falls. There are no sports fields, no playgrounds, and no nature paths. There is a nice water fall which seems taboo to enjoy as there is no easy access to it. The Reserve in Gearhart was well laid out with green spaces in the development. All over the Portland Metro area, there are nature paths, sports fields and playgrounds. Just this last week my wife and I enjoyed part of the Rock Creek Trail in Hillsboro. Why can't Seaside do this? With the urban density growth I feel we need a City Ordinance outlining a percentage of these areas to go to green space, including sports fields, play grounds and nature trails.

Thank you for taking the time to read my concerns

A handwritten signature in black ink, appearing to read 'William Barnes', written in a cursive style.

William Barnes

503-739-2118

Debbie Kenyon

From: Kevin Cupples <kcupples@cityofseaside.us>
Sent: Wednesday, January 27, 2016 5:16 PM
To: Debbie Kenyon
Subject: FW: Urban Growth Boundary Discussions

This is for the record.

Kevin S. Cupples
Seaside Planning Director
Ph: 503-738-7100
Fx: 503-738-8765

From: Wayne and Barb Riggs [mailto:thebgriggs@q.com]
Sent: Monday, January 25, 2016 5:18 PM
To: kcupples@cityofseaside.us
Cc: Barbara & Randy Riggs
Subject: Urban Growth Boundary Discussions

Dear Mr. Cupples:

Subject: Request that no additional acreage in the Cove Area of Seaside be included into the City's Urban Growth Boundary Updates/Revisions

My husband and I own a home at 2315 S. Edgewood Street, Seaside, OR 97138.

We were concerned to read in the January 22, 2016 Seaside Signal about a suggestion by Seaside Resident, John Dunzer to "consider incorporating additional acres around the Cove area into the urban growth boundary".

Edgewood Street is the main entrance from Avenue U to the Cove area and there is already a great deal of traffic on that road. Further approvals and construction would generate even more traffic. Some drivers go at a high rate of speed as well. The other major concern is that there is only one access point (ingress or egress) to the Cove area which is a valid concern in the event of an accident or major happening and residents need to get out to Avenue U and Highway 101 or other areas of town.

Thank you for adding/sharing our concerns at the Planning Commission Meeting on February 2, 2016. We are not able to attend that meeting.

Barbara & Wayne Riggs
2315 S. Edgewood Street
Seaside, OR 97138

360 909-3109