

SEASIDE PLANNING COMMISSION AGENDA
989 Broadway - City Hall Council Chambers
February 20, 2018
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. **MEETING:**

Continuance from the Meeting on 2-6-18 following the close of the Public Hearing

17-054SUB: A subdivision request by Nordoff Pacific Capitol, LLC. The subject property is located at the northwest corner of Wahanna Road and Avenue S (T6, R10, S22C, TL# 800 & 801) and it is zoned Medium Density Residential (R2) and Aquatic Natural (A1). The applicant altered the proposed plat and is now seeking a tentative plat approval for a two phase residential subdivision that would ultimately create 59 lots.

6. **OTHER BUSINESS: None**
7. **PUBLIC COMMENTS:** Not related to specific agenda items:
8. **PLANNING COMMISSION & STAFF COMMENTS:**
9. **ADJOURNMENT**

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: February 21, 2018
To: Applicant, Parties, and Previously Notified Individuals
From: Kevin Cupples, Planning Director
RE: **17-054SUB:** A subdivision request by Nordoff Pacific Capitol, LLC. The subject property is located at the northwest corner of Wahanna Road and Avenue S (T6, R10, S22C, TL# 800 & 801) and it is zoned Medium Density Residential (R2) and Aquatic Natural (A1). The applicant altered the proposed plat and is now seeking a tentative plat approval for a two phase residential subdivision that would ultimately create 59 lots. A 58 lot preliminary plat was previously approved for this site (06-005SUB); and although it was partially constructed, the infrastructure was never completed.

PLANNING COMMISSION DECISION:

On February 6, 2018, the Seaside Planning Commission verbally approved the above referenced request subject to the preparation of an appropriate final order that would include all of the conditions of approval and justification for the above referenced request in accordance with the City of Seaside Land Division Ordinance.

The Commission's decision was based on the oral and written testimony provided during the hearings, the information submitted by the applicant, staff reports & memos applicable to the request.

In addition to the Commission's adopted findings, justification statements, and conclusions; the request is subject to the applicant satisfying the following conditions and incorporating all the changes in 1-8 on an updated preliminary plat:

1. **Bike Lane:** The owner has noted a bike lane on one side of the streets that would run from the intersection of Cooper & Wahanna all the way through to the south entrance at Cooper and Avenue S. As suggested by the applicant, a temporary bike lane (gray line) would be provided on the westerly and northerly side of the roadway that leads through the partially completed portion of Phase 2. Once the housing and sidewalks are developed in Phase 1, use of that bike lane would be abandoned and the 6' wide bike lane (green line) would be striped along the southerly and easterly boundary of the roads in Phase 1. No parking would be allowed on the bike lane side of the street. Shown on Sheet 1 of 3.
2. **Alternative Drainage:** The drainage from Phase 1 that flows under Avenue S via a culvert in the vicinity of lot 7 would be rerouted down Avenue S and tied into their storm system near the Cooper Access. Shown on Sheet 3 of 3.
3. **Restricting Direct Access to Wahanna Road & Avenue S:** Although the applicant has noted restricted access for lots 6-22 by adding note G, those numbers refer to a prior

lot configuration; therefore, it would be revised to reference lots 2-17. Shown on Sheet 2 of 3.

4. Sidewalk Construction for Bus Stop: Site plan note H addresses the construction of sidewalk on Avenue S along lot 18. Shown on Sheet 2 of 3.
5. Reconfiguration of Phases: The lots along the west side of Cooper have been added into Phase 2 to limit potential conflicts with pedestrian and bike traffic being routed around Phase 1 during housing construction. Shown on Sheet 1 of 3.
6. Wider Street Right of Way Replacing Alley: The 40' wide street right of way (sidewalks, 6' bike lane, & 24' travel lane) will connect Benjamin Court to Cooper Street & Avenue S. This is only shown on Sheet 1 of 3; however, an amended plat would need to show the revised street on all sheets and remove the right angle corner at the northwest corner of lot 5. Shown on Sheet 1 of 3.
7. Easement for Future Pedestrian Improvements: An additional easement for walkway and slope is provided in note E so that future improvements to the street would allow for construction of new pedestrian facilities. Shown on Sheet 2 of 3.
8. The method of addressing the unit of land located southeast of the Avenue S & Wahanna Road corner (e.g. appropriate exclusion, designation as an undeveloped Tract, or other acceptable method) must be approved by the County Surveyor.
9. The applicant's representative stipulated they would "cleanup" the undeveloped unit of land located southeast of the Avenue S & Wahanna Road corner) in conjunction with the improvements to Phase 1 of the subdivision. The term "cleanup" was specifically aimed at clearing any brush and weeds off the property and planting grass.
- ~~10. The applicant's representative stipulated Lots 1-17 in Phase 1 would be developed first in order to help ensure a continuous sidewalk would be completed in the initial phase of the development. The representative for the developer asked that three of the interior lots (unspecified but ranging from lots 19-28) also be allowed to be developed in order to provide some limited model home development. Please note, the timing for the development of lot 18 is not restricted by this condition, aside from the sidewalk improvement noted in condition 4 above.~~
11. The applicant's representative stipulated all Phase 1 sidewalks would be developed prior to beginning Phase 2.
12. Street name for former alley: The applicant must submit a street to the Community Development Department. If the name is acceptable, it will be forwarded to the Commission for review and approval during a regular Commission meeting. Final street names must be approved by the County Surveyor to ensure the proposed names are not similar or pronounced the same as the name of other development within the County. This would need to be noted on the final plat.
13. Utility & Street Improvements: Plans to identify and correct all of the deficiencies in the water, sewer, storm drainage, streets sidewalks, & street lighting improvements must be approved by the Public Works Director in conjunction with the new preliminary plat. The Public Works Director has indicated that sewer, water, & storm throughout Phase

2 will likely need to be repaired at the same time Phase 1 is corrected in order to ensure all the lines will function and avoid damage to the improvements in Phase 1.

14. Updated engineered plans for the water, storm sewer, sanitary sewer, and streets must be submitted for review and approval by the City Public Works and Community Development Departments pursuant to the preliminary plat. Public Works has indicated the sewer & water lines will still need to be inspected & certified by a professional engineer in accordance with DEQ & the Oregon Health Authority's applicable OARs.
15. The proposed designs, development, and improvements to the public infrastructure associated with the development must be approved by Public Works. The developer and the Public Works Director will be responsible for establishing any agreements associated with the improvements in Phase 1 & 2.
16. Emergency vehicle access, hydrants & fire flow throughout Phase 1 would need to be approved by the Fire Chief in conjunction with the new phasing. Some vehicle access, hydrant, or fire flow improvement within Phase 2 could be required in order to meet code requirements associated with the development of Phase 1. The Fire Chief has indicated that no parking signs and/or colored curbs may be required at street intersections to ensure emergency vehicle turning radiuses are not obstructed by on street parking.
17. The final design standards for fire hydrants, their locations, and required flow must be approved by the Seaside Fire Marshal
18. In the case of Conditions 13-17 above, Phase 1 must be designed so it can function as a completed project independent of Phase 2, while still recognizing the demands that would be incumbent upon the Phase 1 improvements when Phase 2 is completed. Please note: A list of the prior deficiencies was previously prepared by the Public Works Department and that list may need to be revised and updated in order to address the new phasing, reconfiguration, & improvements identified on the new preliminary plat.
19. The applicant must prepare an updated Hazard Mitigation & Erosion Control Plan (HM&ECP) for review and approval by the Planning Director. The applicant may also need to update their DEQ 1200C permit in conjunction with the updated HM&ECP.

Although they are not conditions of approval, the following is a list of reminders to the applicant:

- This approval will become void one (1) year from the date of the appeal deadline; however, the Planning Commission may grant an extension of time for a period of one year based on the standards in Ordinance 74-36, Section 5, 11.
- The owner must reimburse the City for the cost of inspection, engineering review, and incidental expenses associated with the public improvement plan review.
- Submittal of the final plat must be in accordance with all of the applicable provisions in Ordinance 74-36; and any other applicable City of Seaside Ordinances, before the plat can be reviewed and approved by the Planning Commission. This approval is required prior to recording the final plat.

APPEAL PROVISIONS:

The Planning Commission's decisions may be appealed in accordance with Section 10.068 of the Seaside Zoning Ordinance which states:

Any action or ruling of the Planning Commission pursuant to this Ordinance may be appealed to the City Council within fifteen (15) days after Notice of Decision is provided pursuant to Section 10.066. Written notice of the appeal shall be filed with the City Auditor. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the City Council shall receive a report and recommendation on it from the Planning Commission and shall hold a public hearing on the appeal.

If an appeal is not filed by 5:00 p.m. on the last day of the appeal period, the decision will be final. The appeal must be filed at the Planning Department (located at 1387 Ave. U) or mailed to 989 Broadway, Seaside, OR 97138. The appeal must be filed along with the applicable fee of \$625.00.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at 738-7100. The Notice of Decision date and last day to appeal are listed below.

Notice of Decision Date: **Wednesday, February 21, 2018**

Last Day to Appeal: **Thursday, March 8, 2018**

DECISION CRITERIA, FINDINGS, AND CONCLUSIONS:

The following is a list of the 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 statements may be adopted by the Planning Commission to support their conclusions along with conditions which are necessary to ensure compliance with the City's Subdivision & Land Partition 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.

REVIEW CRITERIA #1: Section 7, the tentative plan shall contain the following information:

- 1. Proposed name, date, north point and scale of drawing.**
- 2. Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.**
- 3. Name and address of the subdivider.**
- 4. Appropriate identification of the drawing as a tentative plan.**
- 5. Name, business address and number of the registered engineer or licensed surveyor who prepared the plan of the proposed subdivision.**
- 6. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision.**
- 7. Names of the record owners of all contiguous land.**
- 8. The approximate location and character of all existing and proposed easements and public utility facilities except water and sewer lines in the subdivision or adjacent thereto.**
- 9. The location and approximate dimensions of each lot and each to be numbered**
- 10. Setback lines, if any, proposed by the subdivider.**
- 11. The outline of any existing buildings and their use, showing those which will remain**
- 12. Contour lines where the data is made available by the City.**
- 13. The location of at least one temporary benchmark within the subdivision boundaries.**
- 14. City boundary lines crossing or bounding the subdivision.**
- 15. Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.**
- 16. Any areas proposed to be cut or filled or otherwise graded or protected from flooding.**
- 17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads & water courses.**

18. Streets to be held for private use shall be so indicated and all reservations or restrictions relating to such private streets are fully described.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant's request summarized as follows: **17-054SUB:** A subdivision request by Nordoff Pacific Capitol, LLC. The subject property is located at the northwest corner of Wahanna Road and Avenue S (T6, R10, S22C, TL# 800 & 801) and it is zoned Medium Density Residential (R2) and Aquatic Natural (A1). The applicant altered the proposed plat and is now seeking a tentative plat approval for a two phase residential subdivision that would ultimately create 59 lots. A 58 lot preliminary plat was previously approved for this site (06-005SUB); and although it was partially constructed, the infrastructure was never completed.
2. The applicant's revised preliminary plan, reviewed during the Commission's meeting on February 6, 2018; substantially satisfied the requirements for the preliminary plat subject to a list of items noted in a staff memo dated the same.
3. Items that need to be clarified or corrected on the preliminary plat can be incorporated into a revised preliminary plat submittal that will address any conditions established by the Planning Commission. The revised preliminary plat would be reviewed by the Planning Director to ensure the plat addresses each of the conditions of approval.
4. This subdivision is intended to revise and allow for the completion of a prior subdivision plat that was approved by the Commission in 2006.
5. The current plan has been modified and revised a number of times throughout the review process in order to address concerns that were raised by neighboring property owners, staff, & the Planning Commission.
6. The applicant's representative previously stipulated to a number of issues that were raised during the review process. These items have been incorporated into the list of conditions applicable to the final decision on the preliminary plat.
7. A number of neighboring property owners raised concerns about traffic increases on the public streets outside of the subdivision. As with any development, traffic volumes will increase on the existing public streets; however, it will not be sufficient to require the applicant to make improvements to the existing public streets.
8. The streets within the applicant's development will be adequate to handle the traffic generated by the development within the subdivision and the applicant has agreed to provide a bike lane, in addition to the pedestrian sidewalks within the subdivision, in an effort to alleviate concerns over access on the existing public streets adjacent to the subdivision.
9. Plans to correct all of the prior deficiencies in the water, sewer, storm drainage, streets sidewalks, & street lighting improvements are not part of the preliminary plat review. These would be addressed by the applicant subject to review and approval by the Public Works Director prior to the preparation of a final plat.

PLANNING COMMISSION CONCLUSIONG & FINAL DECISION:

The applicant's draft preliminary plat substantially satisfied the requirements for the preliminary plat subject to the adoption of the Conditions identified in the notice of decision. The Commission approves the Blue Heron Pointe Subdivision (17-054SUB) at 1320 Avenue S based on the above findings and conclusions subject to conditions in the final notice of decision.