

**MINUTES SEASIDE PLANNING COMMISSION**  
**August 19, 2014**

**CALL TO ORDER:** Chair Ray Romine called the special meeting of the Seaside Planning Commission to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

**ATTENDANCE:** Commissioners present: Ray Romine, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Kevin Cupples, Planning Director. Commissioner Tom Horning was absent.

**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. Commissioner Ridout stated that he has property within the notification area of item B on the agenda and he feels it best not to participate in the decision making process.

**APPROVAL OF MINUTES:** Motion to approve the July 1, 2014 minutes;  
Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Perkel 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.

**PROJECT UPDATE:**

Don Hanson, OTAK will provide a brief update concerning the land evaluation that is being performed in order to find suitable land for UGB expansion.

Mr. Hanson has four items that he would like to discuss tonight.

- 1.) The study area refinements.
- 2.) The utility expansions needed.
- 3.) The comprehensive plan designations.
- 4.) Next steps

The study area refinements:

At first we have the north hills, south hills, the Lewis and Clark hills and the east hills. Mr. Hanson simplified the hills, now we just have the Lewis and Clark hills, and then he merged the south and the east hills into one. We have a place holder site for the school expansion. The first will be the Lewis & Clark hills map which has lots of red on it. That red indicates slopes in excess of 30%. That is what really shapes these site areas. When looking at this we have approximately 15 to 17 acres of buildable area. We still have concerns regarding safe access to this property because of the speeds on the Lewis & Clark Rd. Mr. Hanson walked the area and there seems to be one access that would work due to the visibility along the road. The other thing is utilities. This site is close to the city reservoir and the only way a development would work up there is with a pump station because the reservoir sits to low. You would also have to upgrade a sewer pump down below and extend the water and sewer lines up the Lewis & Clark Rd. It's teetering on the edge of being feasible. Commissioner Ridout asked how many homes could you get on that site if only 15 to 17 acres are usable. Mr. Hanson stated you could put 5 homes per acre. Which is about 60 to 80 homes. If you take the utility improvements, Neal Wallace the public works director and Mr. Hanson figured the cost would roughly be about \$160,000. If you amortized that over the number of units, it could be feasible.

This part of the expansion seems remote and it is. It probably will not grow beyond that because of the slopes and restraints of the area. It's on the outer edge but yet a quick drive down to highway 101.

The southeast hills on the map you can see where the area is red and that has the slopes in excess of 30% but it also is next to it and you can see it's really close to Huckleberry lane, Wahanna is close too. This site in regards to a utility perspective would need a new reservoir at the south end. The reservoir should be at an elevation of 400 ft. and then it would gravity feed that whole area. That would be pretty sufficient and then it would also service the surrounding area. When you get a reservoir that high, the pressure will be very good so people may need to have some pressure reducer valves. The other thing is that the sewer lines will have gravity down to the Wahanna right of way and we would have to build a small pump station in the wetland area. We would also have to replace or upgrade the pump station near the hospital. Commissioner Ridout asked if they were talking about a reservoir tank or a pond. Mr. Hanson stated he meant a reservoir tank. Mr. Hanson stated that we are only extending the Urban Growth Boundary with this expansion and not the city limits.

The red dashes on the next map shows where the streets might go. They tried to minimize the number of stream crossings and still have good and duplicate access to a number of areas. They have also color coated the proposed land use designations. In essence, the yellow on the map shows the least amount of density. Logically, if you think about it, in the next 20 year plan there may be a connection to Beerman Creek Rd. In doing that there would be two stream crossings which means two bridges, it is something to think about. Mr. Hanson stated as he refines these maps, another meeting with Public Works Department will be in order. Then we can talk about reservoir locations but the key is to get it up to the right elevation. Mr. Cupples stated you wouldn't have to necessarily annex the site where the tank was going and you wouldn't put the tank in until you were looking at annexing the land for development. Mr. Hanson stated you can put tanks in the urban growth boundary and outside the city limits. Commissioner Carpenter asked if the city had to buy the land that the tank was sitting on. Mr. Hanson and Mr. Cupples both stated that they could have an easement onto the land. Mr. Hanson stated that right now it is on timber land and is owned by people who would certainly want the water tank there. Right now the cost of a water tank is approximately \$1.50 per gallon and if you're looking at a million gallon tank then that turns out to be pretty pricey. Commissioner Romine asked how many acres are there all together. Mr. Hanson stated that right now we are looking at approximately 150 acres. Commissioner Perkel asked if 200 acres was the number that they came up with that would be needed for the expansion. Mr. Hanson stated that the 150 acres that he is speaking of now is just the residential need. When he comes back he will have a better breakdown of what all the designation will be. Mr. Hanson also stated that if you have land addition of this size you will also need to put in parks.

**Next Step:**

Mr. Hanson met with the state and they seem to like what we have come up with so far. September 8<sup>th</sup> Mr. Hanson will be meeting with the city council. He was also hoping that anything that was given to the city council would be then given to the planning commission. He plans to meet up again at the work session on September 16<sup>th</sup>. Then on September 22<sup>nd</sup> he will meet with the City Council for draft recommendations. Mr. Cupples will also have to notify the state of what is going on and there is a 35 day notification time.

October is when Mr. Hanson will be back to the planning commission with a final recommendation. Then the planning commission can do what they feel the next steps should be.

The planning department has sent out notifications to all the property owners in this area and as of yet we have not heard anything from those property owners. Mr. Hanson suggests that we should send out another letter informing those property owners of the next steps and the meetings that we have scheduled. This way we will have more accurate information. We just want to make sure that someone doesn't come in late and say that they haven't heard about it. There will be a public notice of the public hearing but we still should send them another letter to make sure that the property owners are aware of what we are hoping to accomplish.

**PUBLIC HEARING:**

**A.) 14-028ZC** – A request by Sunquest, LLC and Seaside Golf Inc. for a zone change at 451 Avenue U (T6 R10 28 AC TL: 300) and 580 Avenue U (T6 R10 28AB 11300). The proposal will re-designate Commercial Neighborhood (C-1) zoned portions of the subject properties Residential Commercial (R-C) in order to permit more mixed use development.

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. Donn Bauske, 320 S Holladay, Seaside.

Mr. Bauske stated the staff report basically covers everything. He has looked at the C1 zone and there are only two areas in Seaside with this designation. The C1 zone is on Avenue U and 12<sup>th</sup> Avenue. The reason we need this change is because under the C1 there is nothing that you could build that could be feasible or logical. For example on 12<sup>th</sup> Avenue, where the grocery store was, the C1 Zone is just too restrictive to build anything on it and that lot has been vacant for 2 to 2 ½ years. Mr. Bauske stated he would like to see the C1 zone gone completely because the RC zone covers all those things in addition to residential. The C1 for the golf course and the medical facility doesn't fit into that particular zone. When they were grandfathered in they didn't fit into that particular zone. If you have read the zoning requirements for the C1 zone you know how restrictive it is. Mr. Bauske would like to see the elimination of the C1 zone all together.

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 Hoth had some confusion over the zoning map. Mr. Cupples stated that the zoning map had some errors on it and that's why the only correct map is in our office. Commissioner Ridout asked if these were the only properties left in the C1 zone on the south end of town. Mr. Cupples stated that there are a few properties that are zoned C1 to the west of these two parcels. Mr. Bauske stated that he is only here to change the zoning on these two properties. If the other people in the C1 wanted to hire him, he could help them with their zone change.

Chair Romine stated that when he read the zoning information on C1 and the RC zone there is really not a significant difference between the two zones except one says that residential structures are prohibited and the other one doesn't.

Commissioner Carpenter asked if the planning commission can only make a recommendation to allow the change and the City Council will make the decision. Mr. Cupples stated that is correct. Mr. Cupples stated for a zone change the planning commission can only recommend to the city council. Then the city council will make the decision. Commissioner Hoth stated that being as this is an up zone you have to be careful of not taking away abilities to develop the property. Mr. Cupples stated that it is not really an up zone it's a sideways zone change. It is allowing more uses because it does allow residential uses in the RC zone. The one thing that the RC zone allows is professional offices. They are an outright permitted use; therefore, the O'Donovan clinic would be permitted outright. Under the C1 zone it could be a different commercial use but you would have to go to the planning commission to allow the medical office. Commissioner Hoth stated that the zone change makes sense. Commissioner Ridout stated that it's an interesting thing. He was on the council when the RC zone became effective. It was with the concept that it was residential and moving towards commercial and they did not want to put in a situation where all the residents were nonconforming uses in the zone. So this was created to have residential to be there as an outright use. This is the reverse of that if you believe the best use of that property is the RC zone. Mr. Cupples stated that all the rage right now is have mixed use zones and so the planning commission is actually being cutting edge when you created more available RC zone.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Carpenter made a motion to make a recommendation to City Council to approve the zone change from C1 to RC. Commissioner Perkel seconded and the motion was carried unanimously.

**B.) 14-039SU:** A conditional use request by Kathleen Bickers that would allow vacation rental of her single family dwelling. The subject property is located at 370 S Franklin (61021AC TL: 4501), and it is zoned Resort Commercial (C2). The zone does not permit vacation rental dwellings. Since the zone does permit motel/hotels, the applicant is requesting the use be allowed under the similar use provisions in the 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. Kathleen Bickers primary residence in Portland. In the C2 zone, vacation rentals are not specifically included in that zone. The purpose of the C2 zone is to provide for tourist oriented facilities and services. It seems fitting to allow this use for this tiny cottage and allowing the one bedroom cottage to welcome tourist to the city. That is in keeping with the idea that this is part of a mixed use zone and is very popular now. It's a cute historic cottage and the area is already commercial and is being impacted by the successful businesses that surround them. There are 5 primary residences near this home. The neighbors seem to be in favor of it. Ms. Bickers stated the staff report is well done because it has factors in it that ensure compliance within the C2 zone.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Matthew Denison owns the house across the street. Not only does Kathleen want to rent it out but she will be here more than not. Mr. Denison just loves Seaside. Kathleen takes pride in the property and has called it the Gull Cottage. The new hotel just went up and the new owner is taking care of things wonderfully. There is all sorts of parking in the area.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Paul Shaw lives directly behind this home. Kathleen has improved the home and the property.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Joanne Madison 356 S. Franklin and has lived there since 1985. The two previous people who spoke are new owners as of this year. When Matthew said that parking wasn't a problem, Mrs. Madison stated we have two vehicles and it's very difficult for her to park in front of her house. Dooger's and the other restaurants park their vehicles on the street and parking is always a premium in the summertime. Always! Mrs. Madison and her granddaughter own the home and she has two small grandchildren. Mrs. Madison does not want to have a vacation rental next door because there will be no control. She's sure Ms. Bickers would do a good job of screening people but sometimes mommy calls and makes the reservation and pays for the reservation and then Johnny shows up with 7 of his friends and trashes the place. There are only 4 homes in the neighborhood. Putting a vacation rental in that home is a big mistake.

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

Chair Romine stated that the applicant now has the opportunity for rebuttal. Ms. Bickers stated that Mrs. Madison has a lovely home right next door and her home is a twin to hers built at the same time and she understands that Mrs. Madison husband actually spent some time in the home. Mrs. Madison is a great neighbor and she understands her concerns regarding the vacation area and the area is changing. The brand new hotel that just went up before that it wasn't that great of a hotel and they had some pretty sketchy characters there. Ms. Bickers stated she wouldn't have embarked on this unless she had someone close by to keep an eye on the place. To knock on the door if there were any problems and that is why she enlisted Paul's help in that. She will make sure that Joanne has Paul's number and she will also be within reach. Hopefully this will work out based upon the testimony from the other witnesses and the other neighbors who have lived here much longer than a year. That speaks to her creditability and there is a process address it if it doesn't work out.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Carpenter asked Mr. Cupples if this is classified as a similar use/mini motel and not a vacation rental. There are two different funds that the money goes into regarding the taxes. Mr. Cupples stated that it is a

transient rental tax and they both go into the same funds. Commissioner Carpenter asked if the planning commission ever approved one of these mini motels before? Mr. Cupples stated no, but we have had people come in and ask about doing it. Mr. Cupples also stated it seems odd when you have a C2 zone that permits you to do a motel outright and yet to do what lots of people in residential zones do regularly in town you can't do that in a C2 zone. He tried to put some of that information in the staff report. The last one that asked for something similar to this was probably Kurt Sagner and he was looking at how it could be done. The planning commission can look at it as a similar use and if they go there then you are not changing the zone and there are similar uses in the zone and you can put it in. It's not a "VRD" from the zone stand point but from a practical stand point it's pretty much the same thing. But again it is in a commercial zone. Commissioner Hoth stated that essentially they are applying for a vacation rental but doing it as a similar use which is already allowed in the zone. Chair Romine noted that the similar use is something that is allowed in that zone. Commissioner Hoth stated that motels are allowed in that zone but it seems there is a lot of bending of things here. The house itself is nonconforming because of the zone it is similar but then it really isn't, and then they will abide by the VRD rules but they can't because they don't have the two parking spaces. But on the other hand the information they have presented to deal with those issues makes sense. On that hand he doesn't see a problem with it. Chair Romine stated there was comment in the packet regarding the use of the building residential versus commercial and how it may not be able to convert back. Mr. Cupples stated that as a finding, what he has in the report is that you are formally recognizing that since transient occupancy would be allowed in a residential zone you could permit it under this use as an allowance. Mr. Cupples put that in the report on purpose so that in the future no one can come back and say you couldn't do that. So it's covering that base if it comes up in the future. Commissioner Perkel asked if this would create a precedence? Mr. Cupples stated that it is probably saving the neighborhood because someone could buy that property and actually put a motel on it if they wanted to. Commissioner Hoth stated that these decisions are made on a case by case bases. Each case is fully discussed and then the decision is made. If there are problems with the home there are procedures in place to help solve them.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Perkel made a motion to approve the similar use under the guidelines that staff has presented. Chair Romine seconded and the motion was carried unanimously. Commissioner Ridout abstained because he owns property in the area.

C.) **14-040V** A variance request that will allow the City of Seaside to install a gas powered backup generator for Sewer Pump Station #6 within the front yard setback at 425 9<sup>th</sup> Avenue (6 10 16DD TL: 1000). The subject property is zoned High Density Residential (R-3) and it is located behind the Carlyle Apartments.

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. Geoff Liljenwal, City Engineer. Basically the city is updating the pump stations. The last time they were updated was in 1985 and probably with 1975 technology. Right now they have a Wisconsin 4 cylinder natural gas fired engines. When we lose power there is an electric clutch on them, the electric clutch engages and will operate 1 pump while we have power outages. This new generator will supply power to two pumps. These generators have a high efficiency sound enclosure around them. The sidewalks in that area are very spotty. Commissioner Ridout asked why would we want to block the sidewalks in that area? Mr. Liljenwal stated that we really don't have any other place to put it and we really need a generator in case of emergencies. Commissioner Ridout stated that he feels sidewalks are very important and if there's any way we can avoid putting it in the sidewalk area that's what we need to do. Chair Romine stated that there are other options but they are more costly, for example putting the generator on top of the small building that is there. But that would cost a lot more money and based on the tax dollars, we really don't have that option. Mr. Cupples stated that we could move the no parking on the other side of the street to this side of the street with a little bump out for the sidewalk, that is another option. Commissioner Hoth asked what is the anticipate distance between the edge of the curb and the installation of the generator. Mr. Liljenwal stated that it's approximately 33 inches or 3 ft. Mr. Cupples stated you could actually put in a 3 foot sidewalk. Commissioner Hoth stated that would still give people room to walk by. Mr. Liljenwal stated yes. Mr. Liljenwal stated for ADA purposes you still need 42 inches. Commissioner Carpenter stated he walks down that street quite a bit. He actually walks down a lot in that area because he lives around there. He actually walks in the street a lot because if you don't you find yourself falling down because the sidewalks have bumps. Mr. Liljenwal stated that when they redid the city sidewalks on 12<sup>th</sup> Avenue the sidewalks were stamped 1914, so most of the sidewalks are over 100 years old.

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

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 8:25 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant