

MINUTES SEASIDE PLANNING COMMISSION
August 2, 2011

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

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning 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 Horning then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. Chair Horning stated that he would recuse himself for the second agenda item. **(11-025MLP)**

APPROVAL OF MINUTES: Motion to approve the June 7, 2011;
Commissioner Carpenter made a motion to approve June 7, 2011 minutes as submitted. Commissioner Hoth seconded the motion was carried unanimously.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

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.) 11-004LAR- A landscape and access review requested by Jeff Stavert, representing McDonalds. The request will allow the expansion of the existing dining area by approximately 216 square feet. The expansion will enclose additional patio area located west of the building at 225 S Roosevelt (T6 R10 21AD TL# 12600). The subject property is zoned General Commercial (C-3) and the use is permitted outright in the zone.

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

Chair Horning asked if there was anyone who would like to offer testimony in favor of the request. Sherri Grueneis, 5209 Lake Washington Blvd NE #200, Kirkland Wa 98033. McDonalds is going through a global rebranding effort and as part of that they are going through and remodeling their existing restaurants. One of the comments from the owner of this restaurant is that the exterior seating area is not used as often as the interior seating. The owner is hoping that they will be able to expand the indoor seating area. One of the changes we are going to do is eliminate the exterior seating area altogether. There will be changes to meet all ADA accessibility and they will be restriping the parking lot. The only thing that will change at the drive through will be the signage. The access points will remain the same. Exterior lighting will remain the same, all lights will have shields.

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

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

Chair Horning closed the public hearing and the issue was opened for Commission discussion.

Commissioner Hoth asked when the outside seating is removed and then expand the building are you going to leave the paved portion there? Sherri stated yes they need to keep that open so that people can still park there while waiting for their order.

Commissioner Carpenter asked if the outside aesthetics of the building will remain the same. Sherri stated that the building will be updated. It have a more modern look.

Commissioner Carpenter made a motion to accept this application as written. Commissioner Winters seconded the motion and the motion was carried unanimously.

Chair Horning stepped down for this agenda item and Commissioner Dideum volunteered to be in charge of this agenda item.

B.) 11-025MLP: A major land partition request by Rhonda Wills that will authorize dividing the subject property into two separate units of land. The subject property is located 80 Hilltop Dr. (6 10 22BD TL: 103) and it is zoned low density residential (R-1). The proposed division will separate the existing dwelling, located on the upper level of the property adjacent to Hilltop Drive, from an accessory building located on the lower portion of the property. The proposed division will upgrade the existing driveway access from Wahanna Road (owned by Mr. Borland, 145 N Wahanna Road & zoned R-3) so it can be formally recognize as a private road for the purpose of dividing the property. A prior request was denied by the Commission based in part on the road's failure to meet street standards. This proposal is intended to correct the prior deficiencies so the road will meet required street grades and allow the accessory building to be converted into a single family dwelling.

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

Commissioner Dideum asked if there was anyone who would like to offer testimony in favor of the request. Dean Kiernan, PO Box 309, Seaside OR 97138.

Mr. Kiernan asked for a continuance in order get the Hazard Mitigation report completed.

Mr. Cupples stated that being as there was a published notice, we need to allow people to give testimony now being as they are here and available. The continuance will be rescheduled for September 6, 2011 and will meet in the council chambers at 7 pm.

Commissioner Dideum asked if there was anyone else who would like to offer testimony in favor of this project. Kathleen Sanderson, 205 N Wahanna Rd, Seaside OR 97138.

Kathleen stated that she is not in favor of the request or against the request. She would eventually like to build a home at the top of the hill. There are two easements right now off of the driveway. They have agreed for an easement that will go to the top of the property and set up a 60 foot area for the turn around of emergency vehicles. She has had meetings with the fire marshal to make sure that it is still ok to build at the top of the hill. The property is zone R-3. There are some issues that could arise from this land division. That particular driveway has been used for over 40 years. With this division Kathleen sees a lot of issues. She hasn't seen any hydrology studies done on the property. The wetland issue is going to be difficult to deal with, it previously ran behind all the properties from the north and used to drain into a wetland area. In 2009 some non-professional workers did some work on the road and now it doesn't drain, it stays. Kathleen handed out photos of the wetlands now. The Kell's have no water issues that she is aware of. She would like to request that if there is going to be any work done on the road that it be required to keep the natural environment of the wetlands flowing the way it should be.

Commissioner Carpenter asked where the pictures were taken from. Kathleen stated that they were taken in her back yard by the 60 year old berry patch. The water used to just flow through, now it fills up. There has been a lot of fill that has been put in just south of her, that has created issues but is trying to deal with that on a person to person basis. The road will need to be engineered so that these issues can be addressed.

Commissioner Dideum asked if any of the commissioners had any questions for Ms. Sanderson. There was no response.

Commissioner Dideum asked if there was anyone else who would like to offer testimony in favor of this project. Amanda Borland 145 N Wahanna, Seaside, OR 97138. Donn isn't feeling well tonight so he

asked Amanda to speak for him. They have no problem with the Will's dividing there property and she hopes it goes through. The main thing is that they need a new road up there and wishes that would have been the issue here. All parties would have benefited, The Wills, Ms. Sanderson and some of the other people in the room tonight. Don built that road in 1970 and built it by himself. We need help, we need a road that is going to be passable. Last winter the roots were so bad in there it was dangerous for people to come up the road. This winter Don will be 90 years old and has been good to all his neighbors and it's time to get the road fixed so that Mr. Wills can get his position done. The road really needs to be fixed. Mrs. Borland hopes that the engineer can really help with the road, and hopes that the end result will be that the Wills get there land division. The Wills bought two pieces of property from Mr. Borland they put it together which was no problem for anybody and now they want to divide it again and give them two pieces so that they can live on one piece and sell the other. Mrs. Borland sees no problem with this. Mrs. Borland stated that she received a phone call form someone the other night and they told her there were going to be over 25 people here tonight talking about how people lied. Mrs. Borland stated that she would like everyone in the room tonight to stand up and say they have never told a lie in there life.

Commissioner Dideum asked if anyone had any questions for Mrs. Borland, there was no answer.

Commissioner Dideum asked if there was anyone else that would like to testify. Roger Whitman, 664 5th Avenue, Hammond, OR. His folks bought a piece of property from Mr. Borland and does not have any objection to the Will's dividing the property. The issue is the road, that is the problem and it should be addressed. At what point does the city feel that this goes from a private street to a city street? How many lots need to be served? Borland's still have potential for a couple of lots. Kathleen has the potential for a couple of lots. Will's have enough land to get an extra lot. How many lots can a private road serve? Clatsop County says none in their ordinances in an urban area. But it's up to the City Council and planning to decide how many people can be served on a private street. Most counties have a minimum amount. Clackamas County which he is very familiar with, allows one size street for three residences, potential, 5 residences, potential, and then full public street after 5 residences. He is not familiar with the local codes here but it appears Mrs. Borland is correct, we have a potential problem here that exceeds the capacity for a private street. He thinks that is the real issue here and that it needs to be addressed. The matter here that needs to be addressed is what kind of street is going to go in. We need one that will serve the fire department and 8 or 9 lots. One thing that needs to take place in the future is participation by the Wills. They should be required to participate in any improvements on that road no matter what happens with their land partition.

Commissioner Dideum asked if there was anyone else who would like to testify. There was no response.

Commissioner Dideum asked if there was anyone who would like to offer testimony in opposition. There was no response.

Commissioner Dideum asked if anyone would like to make a motion continue the hearing over to September 6th, 2001 here in the council chambers at 7 pm.

Commissioner Carpenter made a motion continue this agenda item until September 6th the public can still submit written testimony. Commissioner Hoth seconded the motion and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples wanted to let the commission know that he and Neal Wallace interviewed some R.A.R.E. candidates. R.A.R.E is resource assistance for rural environments; it's a program that is sponsored by the University of Oregon, they get students that come from outside the community to work in our community. It's like getting an intern and we have at least four different projects that we would like that person to work on. Some of the programs that they will be assisting with are updating of the foredune management program, parks planning, and maybe some Tsunami outreach. His name is Joe Ott. If anyone knows of a rental that will be available in September please let us know so that we can get him some housing. He will be here for about 11 months.

COMMENTS FROM THE PUBLIC: There was no comment.

COMMENTS FROM COMMISSION/STAFF: Commissioner Carpenter would like to have a copy of the land division ordinance. Mr. Cupples stated that most of the items that we have right now are rolled into the TSP. Commissioner Carpenter asked what is the status of the TSP? Mr. Cupples stated that it was

approved by the City Council now he has to get a final order done and then it goes to the DLCD and then we need to send out notice to all the participating property owners. If no one appeals that to L.U.B.A. then we have a full blown TSP and everything is fine. The TSP can be used as a guidance tool.

Kathleen Sanderson asked who is responsible for the expense of putting in roads? Mr. Cupples stated that right now in Venice Park at the north end of town the neighbors will have to form a L.I.D. (local improvement district) everyone involved gets together and pitches into help pay for the upgrade to the road.

Chair Horning asked if the R.A.R.E student would be helping with finalizing the 2020 Visioning Plan. Mr. Cupples stated he didn't speak specifically about that but left things very broad and didn't go into the specifics of the duties R.A.R.E student.

ADJOURNMENT: Adjourned at 8:00 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant