

MINUTES SEASIDE PLANNING COMMISSION

August 4, 2015

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, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director
Commissioner Absent: Chris Hoth

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: August 19, 2014 and September 2, 2014;

Commissioner Perkel stated that there were some grammatical errors that needed to be corrected. Commissioner Ridout stated that on page 2 it says the vote was unanimous but he abstained from voting on agenda item A. Vice Chair Carpenter made a motion to approve the minutes with the corrections noted. 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.

PUBLIC HEARING:

Continuance:

A.) 15-032ACP- Amendments to the Comprehensive Plan associated with the selection of lands for inclusion within the City of Seaside Urban Growth Boundary based on an evaluation under Goal 14 and the land needs previously identified under Goal 9 & 10. The lands under consideration are located south and east of Seaside City Limits and will include just over 200 acres of land suitable for development.

Kevin Cupples, City Planning Director, stated this agenda item is a continuance of the planning commission's meeting on July 7, 2015. Mr. Cupples stated he was going to be going over some information regarding institutional lands and updated information regarding the school district.

Chair Romine indicated the issue was opened for Commission discussion. Don Hanson with OTAK handed out a packet with an overview of tonight's agenda items. There is a revised comp plan map and a tsunami map; handouts were also presented to the audience members. The first item is an update of the comp plan map. The three changes that were made are: he cut a wedge along the eastern edge because that future potential development area cannot be shown within the UGB at this point. The second is at the northern end - he reduced the size of the institutional land which is envisioned for the future school site, from 50 acres to 40 acres. The third change is at the southern end, where Wahanna is extended to the southern edge of the UGB. We showed that as one zone, employment, the state has stipulated that we need to identify how much of that will be industrial or employment and how much will be institutional. Before we put them together it was about 34 acres. Now it shows 16.1 for industrial employment and 19.5 acres for institutional. Those are the basic changes to the map. The second

map, requested by Mr. Horning is a tsunami inundation map. We have labeled them with t-shirt sizes small through XXL. We have overlaid them on the UGB expansion area on the southeast hills. The line work that is red is the area that we are thinking of bringing into the UGB. The tsunami event area is shown color coded, plus they put some labels on the map as a cross reference. There is a lot of wash up in the ravines which we are holding back as open space and very little up on the ridges that we are showing as development. They went through the acreages by zone and by proposed land use in those areas and provided a summary. You can see what land uses end up in which "t-shirt size" tsunami event. Mr. Cupples stated one of the reasons he wanted Don to do this was so that people could see how much land we are getting out of the inundation zone with this proposal. Mr. Hanson stated that one of the things it doesn't show is the proposed future school site at the north end. If you look over the two maps you can see that the future expansion for the school is high and dry. Commissioner Horning asked why is the R-3 zone in the area with the large size tsunami wave is located. Mr. Hanson stated the reason he made that decision is because of the transportation. The denser land uses should be by Wahanna Road for transportation reasons and the people from the denser neighborhoods aren't driving through the less dense neighborhood to get to Wahanna Rd. Mr. Hanson stated it would still be a two lane road with a left hand turn pocket with bike lanes. He also stated that when the TSP was done, improvements were envisioned for Wahanna Road in particular for pedestrian safety. Mr. Cupples stated that with the TSP we noted that there is constrained right-a-way along Wahanna Road. The TSP calls for two travel lanes and a communal pedestrian and bike lane because it is so constrained. Next on the list is the school district site status. Mr. Cupples stated he had a conversation with the legal counsel for the school district about what we had done and what we had planned. They didn't seem to have any problem with leaving it as potential future institutional land provided that it is place-marked on the map outside of the UGB, but at least you are saying yes, there is land that is suitable for that type of development. They may be looking at a consideration on putting that into the city through annexation. When they try for a new bond, they may try to extend the city limits around that area, which means you still have to go through the step of incorporating it into the UGB. It's kind of like the story of the chicken and egg. Mr. Hanson stated the state requested that we separate the industrial land and institutional land, we will incorporate institutional language into the comp plan because it is not there now. Mr. Hanson gave a short handout and overview of what he is preparing to give to the state.

- Prioritizing the land
- Locational Factors
 - Positive Factors
 - Negative Factors
- Efficient Accommodations of Land Needs
- Compatibility with Uses Outside the UGB

This is the kind of data that the state is looking for to validate the decision.

If we bring in 200 acres or 10 acres we need to know how much of that (gross) is needed for one unit of housing. The south and east hills score pretty well.

Commissioner Horning asked how they came up with the gross unit of lands needed in order to build 1 home. Mr. Hanson stated they take out the slopes, creeks and other water ways in order to come up with the gross unit of land needed to build one dwelling unit.

Historically the south end of the city is where growth has been. This is really a continuation of that and has the best access.

Vice Chair Carpenter asked if the zones that are written on the map are flexible or written in stone. Mr. Hanson stated he thinks that this is flexible; we are diagrammatical on the street location. He thinks that we are also just diagrammatical on the configuration of the comp plan designations. We wouldn't want one zone to overwhelm another so that we would fall out of compliance with the directives of our needs analysis. Minor changes probably will happen but major changes no. Vice Chair Carpenter asked if someone owns a piece of land that is R1 can they ask to have that designation changed to R2. Mr. Hanson stated that there is flexibility here too. Mr. Cupples stated that if someone were to say this land is better served as a R1 versus R2, he thinks a change would go through an amendment process that would make the actually change. From what he understands, the DLCD is more interested in making sure that your balance sheet totals the right numbers when we're done. The way this is laid out, you are looking at sparser density as you go out. This is a classic planning model and that's what this pretty much follows. The nice thing is if you are in a higher density residential zone and you want to create larger lots, there is nothing in the comp plan that says no you shall make sure that you have this many residences on that piece of land. There is a minimum lot size but not a maximum lot size right now under our current zoning.

Commissioner Ridout asked if we were pinning down the zoning with this plan. Mr. Hanson stated that we are pinning down the comprehensive plan designation but not the actual zoning on the ground.

Commissioner Ridout stated are we pinning it down in affect to where if a developer goes up to someone and says that he wants to buy their property and develop it, they are going to have to adhere to these zones. Mr. Hanson stated that is right. Commissioner Ridout didn't realize we were at that point. He thought it was just a general area that had enough acreage to accomplish this. He didn't realize we were earmarking where those different zones would be. Mr. Hanson also mentioned that at the last meeting Commissioner Ridout handed him a printout that asked the question, can cities force you to annex in and that is being looked at by a land use attorney. Commissioner Ridout asked if a condo developer thinks the high ground is a beautiful place to put his development could he do that. Mr. Cupples stated that is where a planned development would come into play, but you would have to give up some of the potential somewhere else on the property in order to do that. The planned development section in the ordinance says that if you have a large piece of property and you see a better way of developing it than a standard cookie cutter subdivision, you can cluster your housing. That winds up providing more open space elsewhere on the property in order to have that higher density use in another location. These are reviewed by the planning commission.

Commissioner Horning asked about the R3 zoning that is proposed on the lower slopes, it results in larger numbers of people in the tsunami inundation zone. We should maybe put those higher on the hill above the XL zone. We should shift the R3 zone higher on the hill, so that we are not unnecessarily in the large tsunami zone. Mr. Hanson stated he understands that but do you put them closer to the transportation or do you put them further away from it, that's a tough call. Commissioner Horning stated that he would like it further up the hill. Chair Romine stated that we need to provide some sort of zoning and planning document to the state for review. This does potentially put the higher density at higher risk, the planned development process allows developers an opportunity to develop in the R1 zone. Mr. Cupples stated that he would talk with the state regarding this issue.

Commissioner Ridout asked if we have this big protrusion into this expansion area and if we zoned that agricultural or something and brought in more than 200 acres is that a problem. Mr. Cupples stated yes, it is a problem but he will talk to the state. Mr. Cupples stated he thinks that adding policies to the plan that indicate these designations were conceptual when the UGB was expanded, there may be future shifts in those actual designated lines. You want the comp plan to support any plans that you have in the future, and you can add policies that recognize you may want to move the higher densities outside of the hazard zones. We would hope that the state would understand moving those higher densities to higher ground. Commissioner Ridout stated if you have an area that you think is too dangerous to build in, then why would you designate for any building. Isn't now the time to say No that doesn't fit and we need to get everything to higher ground. Commissioner Horning stated this is something that needs to be explored. Mr. Cupples stated that if there is any city able to make that argument it's Seaside. Chair Romine stated that there is more acreage that is higher and drier. Mr. Hanson stated that we have institutional and industrial down low and maybe we could move residential higher. Mr. Cupples stated that Commissioner Horning knows the history of the inundation area more than anyone else. The medium is the most likely to occur again and then you start getting out into the realm of less likely once you get past the large. Commissioner Horning stated the state's modeling shows that the large is the most probable and medium and small being guaranteed to occur. The extra large and extra extra large being extremely unlikely. The field work that has been done on the coast shows that the medium is more likely. The problem is that tsunamis don't carry sand up the hills, they get them wet but it stops at the bottom of the hill. Commissioner Horning stated that he would recommend that we locate things out of the L zone. Mr. Hanson stated that would encompass quite a few of the properties along Wahanna. There could be a double benefit if we move things up. Mr. Hanson stated that Mr. Cupples and he would discuss this with the state.

Chair Romine stated that this is now open for public discussion.

Angela Fairless, 846 10th Avenue, Seaside. Her main question is if they have done an environment impact study and if not, she asked that the city do that. She also thinks that the commission should get input from the Necanicum Watershed Council and the North Coast Land Conservancy. She also wanted to thank Commissioner Horning for his concerns regarding the tsunami inundation zone.

Mike Pihl, Vernonia. Mr. Pihl owns the 40 acres on the north hills.

- It's above the tsunami inundation zone.
- It's compatible with the neighborhood. (He brought in photos)
- It has a neighborhood already there.
- There's easy access, 12th Avenue already has a stop light.
- Ground is very similar to the ground that is already being developed to the north.
- Doesn't see any negatives.

Kathleen Peterson stated that she has talked to some of the residents and they have a fear that some of the proposed roads would go against the back of their property. They were told there would be very little room between the road and their property. She was wondering if that was true. Is this going to be a gateway to a bypass? She doesn't see any proposals for low income housing. She works for several of the businesses and they cannot get employees because there is no housing for low income families. They all live and work in Warrenton. She understands that you don't want to put them in the tsunami area, but that is where they need to be because they don't have cars and they walk to work. There are lots of buildings downtown that could be converted to housing for low income people. Vice Chair Carpenter stated that doesn't pertain to the UGB. Chair Romine stated that would be up to the developer if and when a piece of property was purchased and then he chose to develop it as low income housing but that is many steps down the road from where we are.

Mary Kemus, 86183 S Wahanna. She is curious about the school district and it's not included in the UGB. Since there has been discussion about the schools why is that not included in the UGB? Looking at the map it seems that Spruce Drive would be a great punch through street. It's already a wider street. Why would you go through Avenue S because the topography and environment is difficult. She keeps hearing the word diagrammatic a lot tonight. She is concerned that if we don't change it now it will remain as it is and we won't be able to change it once it is passed.

Buzz Ottem 86081 S Wahanna Rd. He has a lot of problems with this plan and the thing that worries him the most is that this plan will make Wahanna Road extend to Beerman Creek and then become a bypass. He is thinking of the 100's of residences that will be impacted by this from 12th Avenue to the end of Wahanna Road. If you want to go up somewhere go up Spruce Drive. This leaves him to wonder who were the people notified, he wants a copy of the people that were notified. Mr. Ottem wants to know if the people on Beerman Creek were notified. Mr. Cupples said no they were not notified because they are not the property owners of the UGB expansion. Mr. Ottem stated that when Wahanna Road connects to Beerman creek, this will impact these people, they should have been notified. Chair Romine stated that is not part of the discussion at this time, only the UGB. Mr. Ottem stated someone has put ink on the map and that means that the Beerman creek residences should be notified. Mr. Cupples state the road from Wahanna to Beerman creek is out past the 20 year time frame.

Rachel Cortez 86273 S Wahanna Rd, She has an organic farm on Wahanna Rd and they raise chickens and are organic gardening. The North end of Wahanna has some development potential that should really be looked at, even if the slopes are steeper. She also has concerns regarding the other residences on the property that have no voice, like the chickens, the deer, the elk and the hawks. If this land were developed, what would happen to them? This property floods every year. She is really just starting the farm to table kind of business so local restaurants can serve organic food to their customers. Chair Romine stated we are not currently changing the zone, even in the SR zone you can have chickens. Rachel also stated that there should be more sidewalks on the east side of Wahanna.

Maureen Hoffman, 1699 S Wahanna. She has many concerns and has been down this road before with all the development up on Cooper. The track record is not good. With the plan behind her home, it came in for a development of 150 apartments. They showed it has a big baseball field looking thing. At that time she told them that is not what it is. There are artesian wells there, there are 11 foot cuts with creeks going through them year round. At that time she told them it was not feasible. She felt like they patted her on the head and sent her home to bake cookies. The state guy came in and ribboned off everything immediately behind her house and south of that. Some of the homes are built on 10 feet of fill and all that water is now on her property. Chair Romine stated there are many regulations and that shouldn't have been done. Ms. Hoffman stated that she is only going off of her experience and it did happen and probably will happen again. The ordinances and the state laws were not followed. Chair Romine stated that this discussion is on whether this area should be developed. Ms. Hoffman stated that there are access points all over, are they all really necessary? Mr. Hanson stated that the map is just diagrammatic. It's not written in stone where these access points will be. Mr. Hanson also stated that there should be nothing developed behind her property. Ms. Hoffman was also wondering about infrastructure regarding this. Does the city have enough police force? Water? Sewer? Mr. Hanson stated that is why we develop things incrementally. As the landowners choose to develop their property they must show the city that they have the necessary infrastructure to serve the development they plan on building. Ms. Hoffman asked who is paying for the road. Mr. Hanson stated that the developer would need to pay for the infrastructure of the development and right now it is diagrammatic.

Maria Pincetich, 86273 S Wahanna Rd. Ms. Pincetich stated that diagrammatic becomes real. This will impact the value of their property, the tax they will pay, and how they will vote in the future. She understands the need for roads, and has concerns about emergency access. Past history is the best predictor for future performance. Chair Romine stated that Maureen has the floor. Maureen Hoffman stated that is all she really wanted to say.

Chair Romine stated that this is just a proposed urban growth boundary expansion for some future growth to occur. We are not saying that it will, we are saying that it can. All of the supporting network of roads and the infrastructure will be determined by the size and scope of the development that occurs in the area. Maureen asked if the UGB had to be contiguous. Mr. Hanson stated that no it does not have to be continuous, it could be in a number of locations..

Buzz Ottem asked why the R3 in the tsunami zone? Mr. Hanson stated that we put the R3 closest to Wahanna Road because it's closest to transportation, then the further you go up the hill the less dense the housing is. Mr. Hanson stated that the road will go up hill and that is where people should go in case of a tsunami, uphill.

Maria Pincetich 86273 S Wahanna. If history is any predictor of future performance then the concern has a lot more sensitivity and urgency than a normal planning conversation would have. We talk about diagrammatic roads once this is on paper can we change it. Mr. Hanson stated that the state criteria is in Goal 14 and he gave her a copy. She asked if it was state mandated. Mr. Hanson stated yes goal 14 is state mandated. Maria asked if the Wahanna Road expansion has been discussed. Chair Romine stated that we discussed in great detail the expansion of Wahanna Road during the TSP a few years ago and we went through that process which took several years. Maria asked that within the TSP was Wahanna used as an alternate for 101. Vice Chair Carpenter stated that no, there is no plan to have a bypass to go around Seaside and that includes Wahanna Rd. Maria asked if the city plans on having a stop light on Avenue S and Highway 101? Vice Chair Carpenter stated that No, that is in the TSP as a discussion point, but there are no plans for that. Mr. Hanson stated that as he said in the last meeting that as properties are annexed into the city, the developer will have to demonstrate there are adequate public facilities and that includes traffic. He explained to Maria that if she chooses to annex into the city, then it would be her responsibility to have the traffic impact analysis done and also she would need to talk with City Planning and Public Works to get the infrastructure in place before the development could proceed. Maria wanted to know if she can pick her zone. Mr. Cupples stated that is what we are doing now. Maria asked if there is a penalty if she decided not to develop her land. Mr. Cupples stated that the penalty is that we run out of development land in 20 years. Maria stated that there are several areas in Oregon that have decided not to develop their land. She would prefer smart growth. If there is no penalty then why do we have to do this.

At the end of the Commissioners discussion, Commissioner Carpenter made a motion to continue this to the next scheduled planning commission meeting on September 1st at 7pm at City Hall. Commissioner Perkel seconded and the motion was carried unanimously.

Commissioner Horning stated that we are at a moment in time where we are changing a neighborhood from rural to potentially suburban and highly urbanized and this is a culture shock to these people. Is it possible that we could devise a plan for this development in such a way that Wahanna Rd not be connected to these developments? Also, there are people who are buying these lands with the potential to develop it. Mr. Hanson stated if we consider that, if we don't connect to Wahanna, then where do we connect the development? Up the hill more? Spruce is a nice wide street but keep in mind that Spruce Street ends at the school district property. If it did go that way we would have to go across two drainages up there. We are always weighing one thing against another. One thing with the hillside road that moves in a north south direction is that it will take some of the traffic off of Wahanna and it gets more development area out of the tsunami zone. Today we don't have the right to go through the school district property.

Commissioner Ridout asked about the property on the north hills, Mr. Pihl's property and we pretty much dismissed that in the past because of access. Is there anything that has changed so that we can access. Mr. Hanson stated that they will look at it again. Can you get access to that property that can be built to city standards? The issue is the slope, if we do get in there, there wouldn't be much density and wouldn't be a second way out for emergency vehicles. Commissioner Ridout stated we have a willing property owner that would provide 40 acres of development. Mr. Hanson stated that about 10 to 15 acres is developable.

Chair Romine stated that he has employees who do not drive so if they could have housing closer to transportation that would be best for them. They don't have cars so they can't afford to live up the hill because there is no transportation. Mr. Hanson stated we are trying to balance the tsunami and the transportation needs of the people.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC:

Rachel Cortez stated that we need a light or round about on Avenue S and the highway. Vice Chair Carpenter stated at the present time, and with the right-of-way that is there, it is highly unlikely that we can really fit in a round-about. Mr. Cupples stated that the City has actually pursued getting grant funding from transportation growth management to help look at Avenue S and Wahanna. Outside of what was written in the TSP, is there a refinement plan that can be developed? We are seeking grant funding for that. There may not be a plan in place but the city is looking for better solutions for what's going on at that location.

Maureen Hoffman asked what is happening with the development on Avenue S and Wahanna. Mr. Cupples stated that the property owner or the property owner's engineer has talked to the City's engineer about what would be necessary in order to make the repairs that are necessary to the infrastructure and finish that out. Time wise, we have no idea how long it will take the property owner to finish it up.

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 9:05 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant