

MINUTES SEASIDE PLANNING COMMISSION

September 20, 2011

CALL TO ORDER: Commissioner Romine 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, Ray Romine, Chris Hoth, Bill Carpenter, and Dick Ridout, Tom Horning was a member of the audience and did not participate in the public hearing. Staff Present: Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Vice 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. Vice Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or exparte contact. There was no response.

APPROVAL OF MINUTES:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice 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.) Continuance 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.

Vice Chair Romine stated that now is the time for the Planning Commissions deliberation.

Commissioner Carpenter asked about the staff report dated August 2nd regarding item #2 he thinks that the sidewalks are superfluous under these circumstances. If we approve this then we should allow a variance for the sidewalks or waive the sidewalks. Commissioner Hoth asked if the fire department would still fight the fire from Broadway and not use this new street and is that because they don't approve of the street being adequate to get the fire trucks close enough to the structure? Mr. Cupples stated it was because it was the easiest way to fight the fire and it doesn't require them to back in anywhere. Commissioner Hoth asked does the fire department approve the road or do they approve dwelling? Mr. Cupples stated they will need to approve the dwelling. Commissioner Hoth asked about the road and where are we now on that road, how wide does it have to be? Mr. Cupples stated that the applicants have proposed that the road be 20ft and the standard road is 24 ft the Commission can change that under the land partition allowances which the applicant has addressed in their submittal.

The road grade up to the point of access to the parcel is part of another condition saying that it is the only part that is being recognized for the purpose of this land division and it does meet the 12% grade.

Vice Chair Romine stated that the comments by Mr. Peyser regarding the road issue and the size of the land partition have been addressed and there really have been no other objections to the land division.

Commissioner Carpenter stated that the Planning Commission is making variances for the width of the road and the incline of the road based upon this proposed private street drawn by CKI and they are requesting us to change from the 24 ft street width to a 20ft. street width, because of the amount of traffic on the road he doesn't think that is an issue. He asked Mr. Cupples that at a later date if the property were to be developed up the hill from this location would they have to come back and discuss the width of the road? Mr. Cupples stated that you would come back and discuss the width of the road but it is not saying that you would be trapped into keeping it at 20 ft wide no matter what is being developed up the road. If you do look at further development up the road based on land divisions then it will be back before the Commission and then you would make a decision at that time.

Commissioner Carpenter made a motion to approve the land partition as requested including all of the conditions that are in the staff report items 1-4 and modifying condition #2 to a 20 ft. width and no sidewalks and the 5th item was a hazard mitigation plan that was submitted.

Commissioner Ridout wanted to take a second look at the 20ft roadway and now that there will be no sidewalk, will the road be paved? Vice Chair Romine stated that was his understanding. Commissioner Ridout stated that something has to happen regarding the shoulder you can't have a 20 ft wide road with no shoulder. Commissioner Winters stated that they are already proposing changing the grade, the other thing is, what we can look at is the further development of the property. Vice Chair Romine stated that if and when future development to the property happens the road development will be reviewed again at that time. Anticipating future development should include easements for placement of the utilities and other developmental issues, but that is not for the Planning Commission to decide. Mr. Cupples stated that you could contemplate future development or improvement to the roadway if you were looking at how it was going to function for a future division. Mr. Cupples wants to be careful regarding future development versus future land division. Future land division would come back before the Planning Commission for extending the roadway, future land development for example if Ms. Sanderson wants to build a new house up on the hill that would just be a building permit issue and meeting the fire code. That would not come before the Planning Commission that is just building and that is not a land division. If she were to build a home and then divide that piece of property off the main parcel then it would need to come before the Planning Commission.

Commissioner Winters stated that once you build that road and limit the width then in the future there is another home built at the top then there will be more use on the road. Maybe we should look further at this road development. Mr. Cupples stated that Ms. Sanderson could build a home up there right now and it wouldn't go before the Planning Commission. It would only go before the Planning Commission if they decided to do a land division. If the fire department stated that they couldn't fight a fire to this new home then they could say that the road needs to be wider and/or the house needs to have a sprinkler system there is a lot of different things that come into play. Tom Horning did state in his report that there needed to be some shoulder in order to deal with the run off, not really sure if it was in his recommendation or if it was in the drainage section of his report but it was mentioned.

Vice Chair Romine asked Mr. Horning about the width of the road and about the shoulder? Mr. Horning stated that there are a couple of things you could do there. One is to build an overly wide shoulder and compact it, then peeling off the outer loose parts so that you have a relatively narrow shoulder. But if it's compacted and strong you could leave it with excess width so that you don't have to go through the final grooming. That is something that is driven by what is going on at the base of the slope. There are other options that if the client chooses to build into the hill more, they would be creating a road into solid bedrock. Then the relevancy of having a shoulder is relatively small. Mr. Horning left it up to the Engineer of Record on how the Engineer would like to build the road it could be on the bedrock or on the compacted fill material. There are several ways to do this but it is up to the Engineer of Record. If you look at the drawings there is a 2 feet of shoulder. Commissioner Hoth stated that on the map it shows a 15% grade. Mr. Horning stated look closer to the document and there is a 50 foot private street easement and it shows a 20 foot wide road with 10 ft travel lanes, grading is 2% off the shoulder plus it varies depending on the width. There is room for different circumstances. Commissioner Hoth stated

that it shows a 15% grade. Mr. Horning stated that those percentages are the slopes on the land next to the road.

Vice Chair Romine stated that there is a motion on the floor and is there any further discussion or revisions to the motion. Commissioner Carpenter asked does he need to make any revisions? Commissioner Dideum stated that on the second condition under review criteria, Mr. Cupples put the road surface must be widened to 24' and 5' wide sidewalks. Now we don't need sidewalks but then there needs to be a 3' shoulder. Commissioner Dideum thinks that we do not need something from the Public Works Director we are the Planning Commission so let's plan for the future. Ms. Sanderson said that she plans on building up on the hill sometime in the future. It seems that we should have the 24' wide street and a 3' shoulder. Commissioner Carpenter stated that what is before us is a major land division for this specific request with the exceptions of the 20' wide road with 3' shoulders. Mr. Cupples stated they need to have a 3ft shoulder on the side of the road no matter what the size of the road unless the public works department says otherwise. Commissioner Carpenter reiterated what Mr. Cupples is saying and that is the shoulder will be 3ft unless the Public Works Director or the Engineer of Record changes it.

Vice Chair Romine asked if Commissioner Carpenter had any changes to his motion. Commissioner Carpenter stated that it stays the same and that was to approve the land partition as requested including all of the conditions that are in the staff report items 1-4 and modifying condition #2 to a 20 ft. width and no sidewalks with a minimum of 3 ft. shoulder unless the Public Works Department says otherwise and the 5th item was a hazard mitigation plan that was submitted. Commissioner Ridout seconded the motion and the motion was carried with a 4 to 2 vote in favor. Commissioner Dideum and Commissioner Hoth voted no.

ORDINANCE ADMINISTRATION: Mr. Cupples just got back from an Oregon Planning Institute training that happens annually. One of the individuals that was there is on the Department of Land Conservation Development Board he said while he was on a Planning Commission one of the things that he thought was good was when a Planning Commission didn't make every decision unanimously. Commissioner Carpenter asked what would have happened if there was a tie vote and it was 3 to 3. Mr. Cupples stated that he would have suggested that if the Commission reaches a tie they should try to massage things to come to some sort of agreement. But you can also be a tie and stay a tie; you don't have to give up something that you believe in. It is kind of like being on a jury. The Judge wants a decision and will have the jurors go back into deliberations to try to come up with a decision. If that doesn't work then it will be a denial. If there is a denial then you want to make sure that it is clear for the record why it was a denial.

Mr. Cupples handed out a population stats page that he received from the City Manager.

There is a residence located at 921 S Prom that received a letter from the Building Official regarding the condition of the property. They have contacted the Fire Department to do a learn-to-burn. Mr. Cupples stated that Mr. Winstanley the City Manager mentioned that he thinks that this is the first time that the Fire Department has done a learn-to-burn on the Prom.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 7:36 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant