

ORDINANCE NO. 2017-11

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE COMPREHENSIVE PLAN, CODE OF SEASIDE ORDINANCE CHAPTER 151, FOR SEASIDE SCHOOL DISTRICT #10 PROPERTY.

WHEREAS, Weyerhaeuser donated land above the tsunami inundation zone to facilitate the Seaside School District efforts to develop a consolidated school campus on lands adjacent to the existing Seaside Heights Elementary School property, and

WHEREAS, City of Seaside voters overwhelmingly approved a bond measure to fund the development of a new consolidated school campus and relocate the District's existing facilities that are at high risk of being inundated by a tsunami resulting from a Cascadia Subduction Zone earthquake, and

WHEREAS, the District submitted justification for Comprehensive Plan, Zoning Code, and Zoning Map Amendments summarized as follows: 17-047CPA&ZCA & 17-048ZMA- A request by Seaside School District #10 to expand the Urban Growth Boundary by approximately 49 acres to provide a suitable site for a Consolidated School District Campus above the tsunami inundation zone. The subject property is located at 2000 Spruce Dr. and includes the residential portion of the existing elementary school site (T6, R10, S22, TL#900) outside the Coastal Lake & Freshwater Wetland Zone (A-3) and the proposed UGB expansion area (T6, R10, S22, TL#2102). The proposal would change a portion of the Clatsop County Conservation Forest Land (F-80) designation of the property to City Institutional Campus and adopt new policies and text to support the proposed Comprehensive Plan map changes. The Seaside Zoning Ordinance would also be changed to create a new Institutional Campus (I-C) zoning district and amend the conditional use provision in Article 6 and other sections to recognize the I-C zone and keep it consistent with the Ordinance. The school campus would be rezoned from Low Density Residential (approximately 40 acres of R-1) & County Conservation Forest (49 acres of F-80) to Institutional Campus (IC); and

WHEREAS, the Planning Commission conducted a public hearing regarding the proposed Comprehensive Plan Amendments that would include additional land in the urban growth boundary that could be used for a consolidated school campus and create a land use category under Public Semi-Public so a new institutional campus (IC) zone could be established for specific Seaside School District #10 property at 2000 Spruce Drive, and

WHEREAS, the Commission heard lengthy public testimony during their public hearing on August 1, 2017, and following the close of public comment and consideration of the proposed request, the Planning Commission recommended the City Council approve the District's proposed amendments, based on their submitted justification document and their presented information that supports their proposed amendments; and

WHEREAS, the City Council held their own public hearing and reviewed the Commission's recommendation on the proposed Comprehensive Plan Amendments (file reference 17-047CPA&ZCA & 17-048ZMA) during their meeting on September 11, 2017, and after considering the additional testimony and submitted information, the Council approved the District's proposed amendments based on the Commission's recommendation and the Council's Final Order which is attached hereto.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. The Public, Semi-Public provisions in Section 3.1 LAND USE of the Seaside Comprehensive Plan shall be amended as follows:

Public, Semi-Public is divided into two categories: Open Space and Institutional.

Open Space: These areas are designated for public park and recreational uses.

Institutional Campus: These areas are intended for large-scale (20 acres or greater) institutional uses such as hospital and school campuses. Master planning for Large scale institutional campus use is encouraged.

SECTION 2. The outdated Schools information in Section 6.0 COMMUNITY FACILITIES of the Seaside Comprehensive Plan shall be amended as follows:

Schools: In 2016 the voters approved a 99.7 million dollar bond measure to relocate deteriorating schools and the district administration building to a large (approximately 49 acre) site southeast of Providence Seaside Hospital. The consolidated school campus will include an expanded Seaside Heights Elementary School, new middle and high schools, administration facilities, athletic, parking and related facilities. All new school buildings will be located in the East Hills above the tsunami inundation zone.

SECTION 3. The outdated Forest Lands information in Section 10.0 FOREST LANDS of the Seaside Comprehensive Plan shall be amended as follows:

10.0 FORESTLANDS

Statewide Planning Goal 4 (Forest Lands) does not apply within the Seaside Urban Growth Boundary. However, Goal 4 does apply to commercial forest lands that border the UGB near Tillamook Head and the East Hills. The propagation and harvesting of forest products is allowed in the City's Exclusive Farm Use Zone, which applies outside the UGB but within the City Limits.

The Forest Practices Act applies to commercial timber harvests on lands outside the UGB, including land that is outside the UGB and inside the City Limits. The FPA also applies to commercial timber harvest inside the UGB unless commercial timber harvests are expressly prohibited by the Seaside Zoning Ordinance.

The northeast portion of the City, including the golf course, the North Coast Land Conservancy property to the south, and Seaside Cove has forested areas that provide urban forest uses such as open space, outdoor recreation, soil and slope stabilization and fish and wildlife habitat. Such urban forest uses will be retained by application of open space zoning and by retaining vegetation in hazardous, riparian and shoreland areas. All land proposed for clearing must obtain a clearing and erosion control permit pursuant to Section 4.200 of the Zoning Ordinance.

If the proposed ground disturbance area is one acre or more, a Department of Environmental Quality (DEQ) Section 1200c permit is also required

Non-commercial forest uses will be retained by the application of open space zoning and by retaining vegetation in hazardous, riparian, and shoreland areas. Selective harvesting may be allowed within the Freshwater Wetland (A-3) Zone through the conditional use process.

SECTION 4. The information in Section 14.0 URBAN GROWTH BOUNDARY of the Seaside Comprehensive Plan shall be amended to include the following:

In 2017, the Urban Growth Boundary was expanded by approximately 49 acres to accommodate a new school campus above the tsunami inundation zone (at approximately the 80 foot contour line), served by South Wahanna Road and Spruce Drive. The property had been in commercial forest use but has the site characteristics required for a school campus identified in Section 14 Policy 10 of this plan (Ordinance 2010-03). Policy 10 includes criteria for expansion of the UGB for hospitals and schools, as authorized by ORS 197.298. The school campus site will be zoned IC – Institutional Campus.

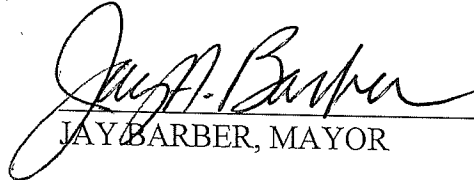
SECTION 5. The Seaside City Council did hold a public hearing on September 11, 2017, during which the public was given an opportunity to testify in favor and in opposition to the amendments to the Seaside Comprehensive Plan.

SECTION 6. The City Council hereby find there is sufficient justification to approve the amendments to the Seaside Comprehensive Plan (file reference 17-047CPA&ZCA & 17-048ZMA) based on the Commission's recommendation and the Council's Final Order. As a coordinated decision, this approval is subject to subsequent concurrence by the Clatsop County Board of Commissioners and takes effect upon approval by the Board.

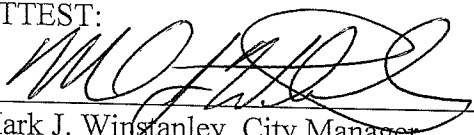
ADOPTED by the City Council of the City of Seaside on this 9 day of October, 2017, by the following roll call vote:

YEAS: BARBER, MONTERO, WRIGHT, PHILLIPS
NAYS: NONE
ABSTAIN: NONE
ABSENT: MORRISEY, HORNING, FRANK

SUBMITTED to and **APPROVED** by the Mayor on this 10 day of October, 2017.



JAY BARBER, MAYOR

ATTEST:


Mark J. Winstanley, City Manager

**SEASIDE CITY COUNCIL FINAL ORDER AND
FINDINGS IN SUPPORT OF DECISION
TO APPROVE SEASIDE SCHOOL DISTRICT
APPLICATION NOS. 17-047CPA&ZCA & 17-048ZMA**

Date: September 28, 2017
To: Seaside City Council
From: Kevin Cupples, Planning Director
RE: 17-047CPA&ZCA & 17-048ZMA- A request by Seaside School District #10 to:

Amend the **Seaside Comprehensive Plan** to: (a) Expand the Urban Growth Boundary (UGB) by about 49 acres to provide a suitable site for the proposed District campus; (b) Change the designation of the UGB expansion area from Clatsop County Conservation Forest Lands (F-80) to City Institutional Campus; and (c) Adopt new policies and text to support the proposed Comprehensive Plan map changes.

Amend the **Seaside Zoning Ordinance** (Zoning Ordinance) to: (a) Adopt a new Institutional Campus (I-C) plan designation and zoning district; (b) Amend Article 6 (Conditional Use) and other sections of the Zoning Ordinance to recognize and to ensure consistency with the new I-C zone; and (c) Rezone the developable portion of the District site (approximately 89 total acres) from County Forest-80 (49 acres) *and* Seaside Low Density Residential R-1 (approximately 40 acres) to Institutional Campus (I-C).

CITY COUNCIL DECISION AND FINDINGS:

On September 11, 2017, the Seaside City Council approved the above referenced request in accordance with applicable Statewide Planning Goals and Rules, applicable provisions of the City of Seaside Zoning Ordinance and Comprehensive Plan, and applicable provisions of the Clatsop County Zoning Ordinance and Comprehensive Plan.

The Council's decision is supported by the following findings and analysis provided by the Seaside School District, which the Council adopts as its own:

1. The *Seaside School District Comprehensive Plan and Zoning Map and Text Amendment Request* (Winterbrook Planning, June 8, 2017), including Appendices A through G.
2. The Seaside School District's oral and written testimony, as presented to the Planning Commission on August 1, 2017 and to the City Council on September 11, 2017.
3. The Seaside School District's August 1, 2017 PowerPoint presentation, including KPFF Engineering's evaluation of four options for providing another access from

Wahanna Road, through protected wetlands, to the proposed Seaside School Campus.

4. The Seaside School District's Memorandum dated September 5, 2017 and entitled "District Response to Public Comments Received before 8/25/17".

In making its decision, the City Council also relied on the Planning Commission's unanimous recommendation in favor of the District's proposal, and the Seaside Planning Director's staff reports to the Planning Commission and City Council.

In addition, the City Council found the following testimony persuasive and relied upon this testimony in making its decision to approve the District's application, subject to coadoption by the Clatsop County Board of Commissioners:

5. The Necanicum Watershed Council's oral and written testimony in support of the District's application, as presented to the Planning Commission on August 1, 2017 and to the City Council on September 11, 2017.
6. The Department of Land Conservation and Development's written testimony in support of the District's application, dated July 7, 2017.

Response to Mr. Dunzer's September 11, 2017 Material

Finally, the City Council has reviewed the materials provided by John Dunzer at the August 1, 2017 Planning Commission hearing and the evening of the September 11, 2017 City Council hearing. Mr. Dunzer's August 1, 2017 comments were addressed in the District's September 5, 2017 memorandum.

At the September 11, 2017, City Council hearing on the above-referenced applications, Mr. Dunzer submitted a stack of additional documents. The documents do not contain any specific testimony or focused argument. Instead, the documents appear to be support for Mr. Dunzer's previously submitted comments in which he set forth ten errors he believes the above-referenced applications suffer from.

The 9/11/17 documents do contain a site plan of the existing Seaside Heights Elementary school property, however, in which Mr. Dunzer has sketched in some additional facilities, including a three-story structure with teacher's parking on the ground floor, a middle school on the second floor, and a high school on the third floor. This plan is at odds with the District's conceptual plan prepared by an licensed architect registered in the state of Oregon, which separates the elementary school from the middle and high school building, and shows additional athletic fields necessary for Title IX compliance and parking areas sufficient to meet demand as identified in the Transportation Impact Analysis prepared by Lancaster Engineering.

Presumably, the marked-up site plan is intended to demonstrate that no UGB amendment is necessary, because all school facilities can be located on the existing Seaside Heights Elementary school property. The Council finds this proposed site plan unpersuasive for several reasons:

- First, the District has submitted substantial evidence in the record to demonstrate that the applicable requirements for its applications have been met.
- Second, the District's architects and professional engineers have demonstrated that the existing elementary school site must be expanded by 49 acres to fit the required schools, parking, and athletic fields onto one comprehensive campus.

- Third, Mr. Dunzer does not profess to be a practicing architect or an engineer. Mr. Dunzer did not provide evidence of licensure at either public hearing, nor did he provide evidence of specific expertise in school campus design, nor did he contend that the site plan he submitted is the product of either.
- Fourth, the submitted site plan suffers most obviously from a lack of parking for parents, visitors, and high school students and a lack of athletic fields and playgrounds required for physical education and to meet Title IX requirements. The proffered site plan also suffers from a lack of any evidence from a licensed professional that the buildings proposed by Mr. Dunzer would actually fit on the property, and be feasible, safe and functional.
- Fifth, the District's September 5, 2017 memorandum responding to comments that had been submitted to the record, the District did respond to Mr. Dunzer's contention that the District could construct all additional facilities needed over the Seaside Heights Elementary parking lot.
- Finally, Mr. Dunzer provides no credible evidence that the campus he proposes would cost \$45 million.

Conclusion

The findings and conclusions above demonstrate that the Council's adoption of Ordinances No. 2017-11 (amending the Comprehensive Plan and UGB) and Ordinance 2017-12 (amending the Zoning Ordinance & Zoning Map) comply with applicable Statewide Planning Goals and Rules, as well as applicable city and county review standards. The Council's decision will become final upon concurrence by the Clatsop County Board of Commissioners.