

**MINUTES SEASIDE PLANNING COMMISSION**  
**January 5, 2016**

**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, Chris Hoth, Bill Carpenter, Robert Perkel, Tom Horning and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director  
Absent: none

**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:** December 1, 2015;  
Commissioner Carpenter made a motion to approve the minutes as submitted. Commissioner Wright 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:**

**A.) 15-044CU:** A conditional use request by Broken Spoke Properties that will allow the redevelopment of a motorized vehicle rental facility and an outdoor amusement (miniature train) ride within the General Commercial (C-3) zone. The subject property is located at 303 & 325 S Holladay and 760 Avenue C (a compilation of tax lots 14000, 14400, & 14500 of T6, R10, 21AD). In addition to the conditionally permitted uses, the redevelopment will also provide some additional rental retail space.

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. Patrick Duhachek, 407 S Holladay, Seaside. Patrick stated that he needed this conditional use in order to run the little train.

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. Vice Chair Carpenter asked Mr. Cupples about the condition regarding the clear vision corner? Mr. Cupples stated that in most commercial zones we tend to follow street curb lines as the clear vision. Mr. Duhachek's awning may be over but other than that he seems to be OK. Commissioner Hoth stated that in the drawing it looks

as though the building is encroaching on the sidewalks. Patrick stated that is just the awnings. Commissioner Hoth stated that the building looks like it has a drive thru. Patrick stated yes, it does have a drive thru and that is to drop off and pick up the bicycles and other rentals. Commissioner Hoth also asked if people will be able to access the building when the train is running. Patrick stated yes, because it will have railroad crossings. Commissioner Perkel stated that this will greatly improve the area.

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

**B.) 15-048HOZ** is a request by Marci Utti to demolish the convenience store associated with the Chevron gas station and rebuild a new building within the Highway 101 Overlay Zone. The new convenience store will be rebuilt utilizing the old car lot north of the existing building. The building will be approximately 3700 sq. ft. on the first story and the second story, used as office & storage, will be approximately 1290 sq. ft. The property is located at 1215 S Holladay and it is zoned General Commercial (C-3).

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. David Vonada, P.O. Box 648, Tolovanna Park, OR. Mr. Vonada is representing Marci Utti. When the project first came to him he advised Marci to get ODOT's blessing before they go forward with the project even before they design the building. They hired Kittleson Associates who are traffic consultants out of Portland and asked them to contact ODOT. They pretty much signed off on the project. The Utti's had some concerns regarding the frontage along Highway 101 and along Holladay. The traffic flow works quite well with the two fuel islands. Fortunately, ODOT saw it the same way and agreed that they could build a new building leaving the fuel lanes where they are. The project involves removing the existing building. The original building was built in 1963. In 2008 they converted the two bays into the convenience store that it is there now. With a building that old it's just time to be replaced. Fortunately, the lot has enough space, to build the new building and then demolish the old building once the new one is finished. Logistically it's going to work out really well. They will be extending the sidewalks along both accesses. The parking is definitely going to be adequate and an enhancement of what is there now. The building will have a coastal feel with wood siding, and shingles on the lower portion and lap siding on the upper. It will have a stone base as well. It will be a major improvement to what is there and a welcome introduction to the city. Commissioner Hoth asked if there are actual entrances on the East, North and South. Mr. Vonada answered yes. Commission Hoth also commented that it looks like the trash container in the back is located on the sidewalk. Mr. Vonada stated that they actually see that as a loading area and that it is the best functional location for that. If it's a concern for pedestrian access we can definitely change that. The idea of course was to pull off the right of way for deliveries. Commissioner Hoth stated that he wasn't sure how much pedestrian traffic goes there but the idea of a sidewalk is for pedestrians. Mr. Vonada stated that they could widen the sidewalk so that pedestrians still have room to walk and then still have room for the refuse. Vice Chair Carpenter stated that he likes the look of this but he would really like to see something done with the propane tank but he understands why not much can be done with it. Mr. Vonada stated it's something they looked at but that is maybe for another time. Commissioner Hoth stated that he likes the setbacks, it gives a better view for people turning on and off the Highway and along Avenue M. Mr. Cupples stated the he felt that it was well justified but wanted to see what the planning commissioners thought. The sidewalk along Avenue M will have to be put along the property line. It's one of the findings in the report. Commissioner Wright asked if the back side of the building will be finished like the front of the building. Mr. Vonada stated that yes it will, Marci was very concerned about that. We are going to have an actual canopy over the loading doors. It's going to be a very attractive building once it's complete. Mr. Cupples asked if Mr. Vonada brought in the cut sheets for the lighting. Mr. Vonada stated that he did, and the wall packs are dark sky compliant. Mr. Vonada stated that not very long ago Marci had the lights changed out above the fueling stations and they are also dark sky compliant. Commissioner Horning asked how high off the ground will these sconces be? Mr. Vonada stated that he really doesn't have an answer but somewhere between 10' and 12' feet in order to provide good lighting around the building.

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.

Commissioner Horning asked about the traffic impact analysis, under finding 1, it stated that it will not generate more than 600 daily trips or 100 hourly trips, how did you determine this. Mr. Cupples stated that there is actually a trip generation book that is put out and it's part of the traffic manual that's looking at additional trips above and beyond what they have now. They could have torn down the existing building, moved it back and kept the same square footage, there wouldn't be any review.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Commissioner Hoth made a motion to approve the conditional use under the guidelines that staff has presented with a particular importance placed on the lighting. He would also like a condition that the sidewalk running, east to west along the back not have anything impeding on the sidewalk. Commissioner Carpenter seconded and the motion was carried unanimously.

**C.) 15-049CU:** A conditional use request by Kendall Higgs to expand his dwelling in conjunction with a commercial use on the second floor of his existing building. The subject property is located at 724 Ave S (6 10 61DD TL:2800) and it is zoned General Commercial (C-3) 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. Kendall Higgs- Crown Chimney Sweeps, 724 Avenue S, Seaside. Mr. Higgs stated that they want to build a residence on top of the building.

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 Horning stated that this looks compatible with the neighborhood and the use.

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

**D.) Continuance:**

**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.

Mr. Cupples stated that at the last planning commission work session, the commissioners asked us to send additional notices to the property owners that abut the additional areas being considered for the Urban Growth Boundary expansion. For anyone who hasn't been here, for a number of months the planning commission has been looking at where the city might be able to expand its UGB. The urban growth boundaries encompass areas that are potential growth areas for the city. This was originally expected to be a needed expansion for a 20 year land supply, which is based on statewide planning goals. The planning commission has recognized that in the future that may change to a 14 year land supply. They have backed down the numbers for expansion both for residential and commercial development. The numbers have been backed down to a 14 year need. If the DLCDC is going to make that happen then maybe we won't need as much land for our UGB expansion. We are attempting to spread the growth out. So that we will have three areas of expansion and not just the area along south Wahanna Rd. Mr. Hanson wanted to make a quick summary. After the last work session we modified the report and have lowered the number by 4.2 acres to accommodate land that is inside the UGB in the Cove area. So moving forward we are going to be using 70% of the 200 acres. Vice Chair Carpenter

asked Mr. Hanson if there was developable land in the Cove area. Mr. Hanson stated that the 4.2 acres does not require crossing any drainage ways. If the city did go into the area where we could cross drainages there is about 14 acres. The fact that there is only one way in and one way out and crossing over drainages kind of swayed him not to considerate it further.

Chair Romine asked if there was anyone else who would like to offer testimony regarding the UGB expansion.

Larry Grenon 2325 Royal View Dr., Seaside. Mr. Grenon stated that the back of his property currently is on the North East Boundary of Seaside. He bought the property in 2012 with a forest in the back. One week after it closed they cut it all down. Since then he has received two requests for development of that property. One was from Clatsop County Community Group on behalf of the Campbell Group LLC and the owner of the property is Lewis and Clark Timber LLC. Their request was to build a forest service building on that site to have about 12 offices and would be about 800 feet behind his property and would not affect the character of his property. Late last month he got a letter that showed the 20 acre section referred to as the Lewis and Clark Hills section which comes right up against his back fence. That was the first notice that was sent to him, he's retired so he doesn't pay much attention to the notices that are in the paper. He is concerned about the effect that it will have on his property. When he talked with Kevin earlier Kevin stated that the development would probably be high density. He lives in an area where he feels is a high end property area and his concern is if a low end property development goes in there then it may lower the value of his home. The other thing that concerns him is that it says final report and this is the 5<sup>th</sup> of January and the first that he's heard of it.

John Dunzer 2964 Keepsake Dr., Seaside, The map that was at last month's meeting he laid out what he thought the development area could be. He stated that there are two ways in one off of Sunset and the other Edgewood. Mr. Dunzer comes up with 12 acres plus another 8 acres that are not in the inundation zone. He doesn't have anything to review. He thinks that the Cove area would be extremely desirable. That would be the area for retirees. Low income people would have to live in the old school sites. That would be perfect for those types of people. We should be looking for properties that meet the needs of people that we expect to come here. The state has kindly told us who those people are. There is at least 100 acres of developable land here. You may not think that the golf course is developable but it is. There is 35 acres off of Highland, which we have already decided is a perfectly good street. Somebody back in the olden days said that this area would be a wonderful place for a development. That is why the access is there, for further development. He wants to look at the original report for this area. The other areas just do not meet the needs of the people who are expected to move here. That's his opinion. It's a great spot. The right of way already exists, people have encroached on it over the years (on South Edgewood and Ocean Vista). It's a dangerous road now, it was totally done incorrectly. It's just wrong. Bad design, bad engineering, it's just BAD! If you look at all the real estate literature it says that that is the most desirable place to live in Seaside. You may not agree with that but that is what the real estate people say, that's what the numbers say, that's what the state says in coming here and so that is what we should have available to them. If you want to build up on hills then have at it, he doesn't think it's the right thing to do. He would like to respond to something, but he doesn't know what goal 14 is and he would love to get a copy of it. Commissioner Horning stated that he would like the planning commission members to go out there and take a look at the site. Chair Romine asked if the commission feels comfortable with the site being disregarded, because there is a significant difference of opinion between our consultant and our resident. As the discussion progressed maybe we should meet with Mr. Dunzer on site so that he can show the commissioners what it is that he sees that our consultant doesn't. Mr. Dunzer stated that he doesn't want to take anything away from our consultant. Chair Romine stated it's not about the consultant versus Mr. Dunzer, it's just that we want to take a hard look at this property for the citizens and see what's there. Commissioner Perkel asked that if Mr. Hanson would come out to the site with Mr. Cupples and Mr. Dunzer. Chair Romine stated that there could only be three commissioners that could go out there at a time.

Buzz Ottem 86081 S Wahanna, Seaside, OR. Mr. Ottem stated that the Cove area has only one way in and one way out and that is a negative aspect to that property. Well the same thing goes for south hills, unless you continue down to Beerman Creek then you have two ways in and two ways out and he knows diagrammatically that is the case. If it is in print then it is proposed and if it is proposed then it will more than likely happen. So it's either a negative aspect of one way in and one way out or a negative aspect of continuing Wahanna to Beerman Creek Rd. Everybody that is affected by this UGB or possibly affected by the UGB needs to be here, they are all affected. These people need to be here. You cannot just drop this in people's laps. The gentleman to the North said that this is the first he's heard about it, how many more should know about this.

Kay Kemhus, 1920 Huckleberry, Seaside, OR. If the proposed expansion goes through the road will be shining lights into everyone's windows. For that reason she is not fond of it, she likes her privacy. This expansion will affect her quality of life. More road traffic, more noise, more crimes and more congestion will affect her quality of life. The natural environment will be disturbed. Country living will disappear along with her Grandparents heritage and her peace of mind. Seaside's can drive a short way out of town to feel the wonder and beauty of a time gone by. The loss of the Clatsop Indians who lived and hunted on this land and the found arrowheads will be forgotten. Big Cities are now trying to find their lost heritage, not destroy it. The population of the school is exactly as it was in 1961 so where is our big growth. Do we have the money in the City to hire developers, traffic consultants, road workers, police and new water and sewer lines? What is the tax impact on the citizens? What about the people on Wahanna that have a farming status will their taxes be higher or lower? Please listen to the people who are being affected by this. Know the plan by heart before you implement it. Why impact an established neighborhood to get to the property you want when you can go up and around by Lewis and Clark. Look at what you can do to update the town instead.

Janet Ottem, 86081 S Wahanna, Seaside. She has been hiking up in that forest with her dogs, it is very beautiful. She goes as high as she can and looks over the city and it is just breath taking. She thinks of driving on the south end of Seaside and how dilapidated it is. We should be focusing on cleaning up those areas. We should be focusing on Tsunami evacuations instead of expanding a city that doesn't grow. There are no corporations here and it has grown so little in the past 25 years. There are 6500 people here and we do not need to expand. Another of her concerns is how are people going to get up to a new subdivision.

Mary Kemhus, 86183 S Wahanna, Seaside. She has to say when she saw the new map she was disappointed because it still shows the diagrammatic extension of Wahanna and the extension of Avenue S which goes right through Maria's bedroom. Maybe the commission is unaware how rural the area is and this is the last piece of rural Seaside. We have people walk along the road and enjoy the beauty of the area. Seaside is already a destination for people looking for the peace and serenity of country. Maintaining this area is what needs to be done, not destroy this park like atmosphere.

Maria Pincetich, 86273 S Wahanna, Seaside. There is no law that we are required to do this because we are under the 25,000 population size that would require us to do this. Is it a good idea to plan - absolutely it's a good idea to plan. However there is no penalty. 1000 Friends of Oregon sent a six page document over and in that document it states that the current numbers do not justify the expansion, when can that be discussed? She feels like she is in the movie Ground Hog Day, because we are exactly in the same place as we were 6 months ago. There doesn't seem to be any acknowledgement, even though she is the land owner, you would need her approval to go through her land and she is not going to do that. It would be good planning to choose another route. One last thing that she would like to bring up is the notification area, they are a little different than what she thought. In ORS 197.763 the notice for Land Use hearings is the following: within 100 feet of the property which is subject to the notice where the subject property or within the UGB is, if the subject property is outside the UGB then it is 250 feet. Which is all of this because it is all UGB. But if that land is designated at farm or forest then the notification is 500 feet. Which would expand dramatically the notification process. She recognizes that this would greatly expand the notification area, we need everyone to be involved.

Jerry Meyers 86058 S Wahanna (at the very end). She has not received any notice, except this last one. They are new to the area and are currently building another structure and it's disturbing to find out that the property behind them may become some sort of housing development. They bought the property thinking that this was going to be a beautiful private spot for her and her husband to retire. She does go up on the hill and go for walks and it is a beautiful area and it's sad to think that perhaps this may be taken away. The notices are very important.

Marie Hofman, 1699 S Wahanna Rd, Seaside. As far as the notification goes, she's been down this road before and the last time she realized people are busy. People just don't have time and the last time this happened she went down Wahanna door to door. When she did that the chamber was full and the doors were open. Marie has concerns about the police dept. being able to clean up Dodge in a sort of way. Every place has a crime rate and there are many issues that need to be taken care of. We need to update the infrastructure before we move forward. We can't look at one without seriously looking all the other things that will be involved in this expansion.

Paul Knock, 2082 Cooper, Seaside. They moved here from Cannon Beach about a month ago. They look out at the beautiful woods from their home and appreciate it. Safe schools should be a top priority. Go visit some neighborhoods in Bellevue and Seattle and see how expansion can outpace the ability for the roads to handle the traffic.

Chair Romine asked if there was anyone who would like to speak in favor of this request. There was no response.

Maria Pincetich stated that in her basic research on affordable housing there seems to be toolkits to incent people to rent their homes. We have a 37% vacancy rate, is the commission open to investigating those type of remedies to deal with some of the concerns about workforce housing and affordable housing.

Mary Kemhus asked if there will be new notifications going out to all the affected people. These are the rules and we should follow the rules. Mr. Cupples stated that the notice provisions that he thinks Maria is quoting is actually for quazi judicial land use decisions and this is actually a legislative process. Which the notice requirement is a notice in the newspaper. We did try to contact every person that was affected by the proposed expansion area that was early on in process. He's not sure on how we missed Jerry, but we can research that. Even if you follow that provision the information she said is sound, and that is if we notified people with in the city limits you would be notifying them with a 100 feet. If we notified all of the property owners that were in that area whether if we did it at 250 or 500 feet, we wouldn't add more people because there are no other people out there. Maybe we would have caught one more land owner to the south, but there really are not more people out that way. Maria stated that if you missed one person that is one person to many. It would be sad for people to come in on the 11<sup>th</sup> hour and say they didn't know about this. Maria asked does it hurt to send out another notification only if it's only picking up another 10 houses.

Mr. Grenon stated that this was the first notice that he received and he spoke with Will Caplinger and Will stated that they didn't get notice either. Mr. Cupples looked up the notification list and noted that we did send notice to Lewis and Clark Timber, but we sent it to the Portland office. We get our information off of the county website and the address for Lewis and Clark Timber is in Portland. Mr. Grenon also stated that he is 0 feet from the expansion area. Mr. Cupples noted that additional notices were sent to everyone within 100 feet of the proposed expansion.

Chair Romine stated that being as the latest notices went out we feel that we are in compliance with the regulations. We have sent more than one notice. Mr. Cupples stated that Will Caplinger was involved in the initial proposal. Mr. Grenon stated that Will told him that he asked the city to provide sewer and water services to that land, but the city told him that he could not get it at that location.

Chair Romine asked if we are comfortable with moving forward. Commissioner Hoth stated that he feels we are ready for another continuance and then do more research on the Cove property.

Chair Romine asked if anyone would like to make a motion to continue this to the next planning commission meeting.

Vice Chair Carpenter made a motion to continue this to the next scheduled planning commission meeting on February 2, 2016 at 7pm at City Hall with public comments. Commissioner Hoth seconded and the motion was carried unanimously.

Mr. Cupples stated that in the meantime they would like staff to set up a time for Mr. Hanson and Mr. Cupples to meet with Mr. Dunzer regarding the Cove area UGB. Then come to the next work session and provide the commissioners with the information that they come up with. Mr. Hanson stated that if the Cove is one more area that will be going into the UGB then that neighborhood needs to be notified. Commissioner Hoth asked who owns the land behind the south hills site. Mr. Hanson stated that is Weyerhaeuser owns most of it. Commissioner Hoth asked if they had a schedule when they will log the property? Mr. Hanson stated they haven't shared that information with him. Commissioner Hoth stated so they could clear cut that anytime. Mr. Hanson stated yes they could. Chair Romine stated that the interesting thing that he's heard a few times is that everyone is enjoying the wildlife and the views and the privacy. That all seems great but you are enjoying somebody else's property that you don't own. Mr. Hanson stated that the Weyerhaeuser land is a tree farm intended to be harvested.

Mr. Cupples stated that the work session will be on January 19, 2016. At City Hall at 7pm.

Chair Romine stated that the commission as a group has decided that the notices to the affected areas excluding the potential expansion of the Cove area which is not an area of interest until the issues with that have been resolved so the notices that have been sent has been done appropriately. Mr. Cupples stated that staff will go back over and review the bubbles to make sure everyone was notified. Mr. Hanson asked if this was the first notice that Mr. Grenon received and he stated yes. Mr. Cupples

stated that we sent out the first notice to the people who are properties owners of the effected UGB. There was not an adjacent properties notification. Jerry Meyers stated that she may have received the first notice to her home in Portland and that's maybe why she didn't get the notice.

**ORDINANCE ADMINISTRATION: None**

**COMMENTS FROM THE PUBLIC: None**

**COMMENTS FROM COMMISSION/STAFF: None**

**ADJOURNMENT:** Adjourned at 8:45 pm.

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Ray Romine, Chairperson

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Debbie Kenyon, Admin. Assistant