

MINUTES SEASIDE PLANNING COMMISSION
July 7, 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, Tom Horning, Steve Wright, Chris Hoth, Bill Carpenter, Robert Perkel, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

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. Commissioner Ridout stated that on item A, he owns property very close to that so he will not be participating in the discussion and decision.

APPROVAL OF MINUTES: June 2, 2015;

Commissioner Ridout stated that on the second page of the minutes there is a confusing sentence that needs to be corrected. Vice Chair Carpenter made a motion to approve the minutes with the correction to the second page. Commissioner Wright seconded and 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.) 15-030SU: A conditional use request by Matthew Dennison that will allow transient rental of his single family dwelling. The subject property is located at 371 S Franklin (61021AC TL: 4100), and it is zoned Resort Commercial (C2). The zone does not permit vacation rental dwellings; but since the zone does permit motel/hotels, the applicant is requesting the use be allowed under the similar use provisions in the 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. Helen O'Brien 1815 SE 22nd Ave, Portland OR. The property is in the C2 zone, they would like the opportunity to rent it out as a vacation rental. They are here on weekends and would like to rent this out during the week. The property has been inspected and all recommendations have been made. The parking is on the north side of the house. It is on C Avenue and is compacted with gravel. Matthew Dennison, 1815 SE 22nd Ave, Portland, OR. They love it here and they will be screening the people. They really don't plan on renting it out that much but would like the option to do so.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Paul Shaw 428 Ave C, Seaside. Paul stated he will be the local contact for the property.

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 Perkel asked about the on street parking. Mr. Cupples stated that he has talked with the public works director regarding the off street parking for this property and if they pave the off street parking on their property they will also have to pave Avenue C. Right now it is an undeveloped right-of-way and this will be temporary. They do have plenty of parking on the property if and when the road becomes developed. This property will be a one room motel. They still need to meet all the criteria of a vacation rental but vacation rentals are not allowed in the zone that is why we are doing a similar use and not a vacation rental. Commissioner Hoth asked Mr. Shaw if he knew what he was getting into and Mr. Shaw stated that yes he does, he already takes care of Kathleen Bickers which is just across the street.

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, six commissioners voting yay and Dick Ridout abstained from voting.

B.) 15-031VRD is a conditional use request by **Bill & Shirley Roady** for a **three** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than nine (9) people over the age of three. The property is located at **1230 S Columbia (6 10 21DB TL 17304)** and it is zoned **Medium Density Residential (R-2)**.

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. Bill Roady, 34075 W. Campbell Loop, Seaside, OR. Mr. Roady stated that he has a vacation rental at 2420 Ocean Vista and there hasn't been any complaints so far. He will be the local contact and can handle complaints immediately.

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.

Erin Barker 800 N Roosevelt, Seaside isn't in favor or against, she just has a question regarding the flower boxes that sit on the north parking lot and if they are going to be removed or what is going to happen to them. Mr. Roady stated that they need to re-enforce the retaining wall and will use the soil in those to fill the retaining wall. Erin stated that she would like Mr. Roady's phone number and he could have hers because she is the property manager to the home next door and if there is ever any problems she would like to be able to get a hold of him.

Commissioner Ridout asked about the revision from a 4 bedroom to a 3 bedroom. Mr. Roady stated that they were going to convert or re-arrange the family room and put in another bedroom, but decided they would leave it the way it is and put the laundry room there instead and leave it as a 3 bedroom.

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 Wright seconded and the motion was carried unanimously.

C.) 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, summarized the information in the staff report and indicated that no recommendation to the Council is being recommended at this time.

Chair Romine asked if there was anyone who would like to offer testimony in response to this agenda item. Don Hanson – OTAK, he is working in collaboration with Kevin on this project and wanted to let people know that Weyerhaeuser is funding his efforts.

The city went through a goal 9 and goal 10 process in 2014. That work basically gauged the rate of growth in Seaside and evaluated how much land needs to come into the UGB for the 20 year supply as mandated by the state. Then they did a goal 10 needs analysis and during that analysis they inventoried the City of Seaside in a very thorough manner and determined how much land is available within the city to develop or re-develop to meet the needs of the city. They come up with a total from that, it's almost like a design program for the 200 acres that we're considering. That consisted of acreage by land use, various residential density zones, as well as employment, institutional zones etc. That is prescribed in goal 14, where they identified the lands most suitable. Should all the two hundred acres (just a round number) go in one place or in multiple sites? They went through a pretty thorough site analysis and looked at soil types, slope conditions, vegetation massing and stream corridors and the protective buffers needed for those. They also looked at infrastructure factors, access and can the city get to it. Can the city provide the extension of sewer and water? Can the city provide emergency services? These are the factors that are put into the decision process. They ended up combining the south and east hills. We laid out an approximate street system. We can have full access from Wahanna. There will be a way to get out of the neighborhood. There is also a new water tank that will be going in. Wahanna Road will be the main access. They wanted to lay this out so that someday they will be able to connect with Beerman Creek Rd. That is the least constrained area.

Next steps, Kevin has scheduled a planning commission work session on the July 21st. After the next work session this will go to the planning commission public hearing on August 4th. Then it should be recommended to the City Council. Then the City Council will have two public hearings. Another process that needs to be done is contact the county. The land is currently in the county and will stay in the county with these comprehensive plan designations. Which means we will need to amend the agreement between the city and the county to acknowledge that. At this time we are not proposing annexation into the city. We want the property owners to remain with the zone they have until the owners want to develop it. Then we would go to the County Planning Commission and then to the County Board of Commissioners. That's pretty much a lay out of where we are and where we are going. A few comments regarding the letter from the state. The state primarily requested that we reformat the report. Mr. Hanson put it in a format that focused on the land and the factors that were considered and Mr. Wingard, with the state, would like us to reformat that so it address the states criteria and Mr. Hanson will do so. One thing that he will mention is the content to the map is the future areas to the north and to the south is future institutional lands and is 51 acres which is an acknowledgement to the school district that they may want to build a foothills campus there. We want to acknowledge that in the future the school does want to grow up into that area. If they do that, they will need to request their own UGB expansion. If it's about 50 acres, it's an easier process and especially if it is used for public uses. One thing will need to change on the map to address a request by Mr. Wingard. Mr. Hanson showed an island on the map which has 41 acres and kept it off the map and showed it as future because it is difficult to get to. We will have to cross two pretty significant drainage ways to get over there. Mr. Wingard has requested that we eliminate that from the UGB request. That is basically the comments that Mr. Hanson has for tonight's meeting. Commissioner Ridout asked why the state would want that removed. Mr. Hanson stated the reason you would want that taken out is because it would be 41 acres more than what we have validated. It wouldn't be 200 acres it would be 241 and you can't over shoot it. The state is very sensitive about that.

Chair Romine asked if there was anyone who would like to offer testimony in response to this agenda item. Mike Pihl, Vernonia, OR. Mr. Pihl is purchasing the property from the Dillard's in the north hills area. People say there is poor access to this property. Mr. Pihl has talked with the owner of the mobile home park and it is possible that he will be able to access the property. Currently there is a 40 foot access road and he wanted to put in a positive toward the north hills site.

Chair Romine asked if there were other comments. Janet Ottem, 86081 S Wahanna Rd. Seaside. Ms. Ottem's question is why do we want Seaside to grow. She lives in a small town because she wants to live in a small town. Her kids were born and raised in the same home. They have been there almost 20 years. On the corner of Wahanna and Avenue S there is a development site with nothing built. It does not thrill her to have roads going by her home to have more homes going in. This is paving the way for her neighbors to start subdividing and building homes all for profit. There is land off of Lewis and Clark that they can develop. She doesn't understand why we want Seaside to grow. If she wanted to live in a city she would live in a City. Mr. Hanson asked her to point on the map where they lived.

Buzz Ottem 86081 S Wahanna Rd. Seaside. Lives at the same location. On the map he couldn't tell the difference between R2 and R3. He thinks the intended road goes through his living room. He needs a better map for clarification. He's very leery about this. Chair Romine stated the intent of the urban growth development is to abide by the state planning laws so that we have a plan in place just in case there is the need for additional development. This plan is out 20 years. It's a requirement as a city that we go through this process. We are fortunate to have a consultant who has been working with the city and state and major land owners that are adjacent to the city limits. With regards of going through your living room it may be unclear, but it is the intent of this process to identify general area with concepts of which zoning would go in each area and not literally subdivide someone's property. We are not subdividing and changing property lines, we are only changing the potential for growth. Mr. Hanson stated that he would get Buzz a larger map. The roads shown are conceptual not actual. Mr. Ottem stated that the sentence on the bottom of the page last sentence states that Land will be zoned and annexed into the city incrementally at the time land owners choose to develop. That just sounds like we are throwing the barn doors open.

Chair Romine asked if there were other comments. Maria Pincetich, 86273 S Wahanna. She is the largest land owner. She understands that this is planning. The first question is zoning. Is it still being determined on how this is going to work out? If she is R1 and R2 does that mean once the UGB goes through that facilitates the change in zoning. Does that mean her horses have to go? That would be very very sad and the property has been in her family for over 100 years. It was a dairy farm and we want to bring animals back because we have a lot of property and it would be nice to use it. There is a lot of wetland, which are excluded. The zoning question brings up the taxation of the new zone. What will happen to Wahanna? The homeowners along Wahanna have put in a lot of expense to put in the water and gas and that is a lot of personal money that would just get absorbed that doesn't seem fair that the homeowners bear all of that for the good of the city, only to be swallowed. How far down the line is this? Are there penalties for not doing this? The family used to own 80 acres which is divided among the family members. She is concerned that the older family members could get priced out of their property because the land around them now has a different value. Maria asked what is the next step in the process?

Chair Romine asked if there were other comments. Pierre Marshan, Box 800 Ilwaco, WA. He has 40 acres up on the north hills and it looks like half of it is included in the expansion. It looks like 1/2 of that will be affected. Does this mean he will be included within the UGB and can start developing his property or is he not going to be able to develop his property? His family has owned the property for 75 to 80 years. Mr. Marshan's family sold the land to the Dillard's who own the land that Mr. Pihl is purchasing.

Chair Romine asked if there were other comments. Mary Kemhus, 86183 S Wahanna. Seaside. Maria Pincetich is her cousin and she agrees with what Maria said.

Chair Romine asked Mr. Hanson if he would address the audience's questions. One thing Mr. Hanson wanted to confirm with Mr. Cupples was that we have sent out notices to the property owners in the previous meetings. Mr. Cupples stated that yes we did. Mr. Hanson will start with Mr. Pihl's land to the north. There are 40 acres, and the concern for that site is the access to the property. Mr. Hanson did not walk the property because the only access is through private property and he didn't want to trespass on some ones land. The topography is pretty severe. Regarding the Ottem's property and the road going through their living room. These roads are very diagrammatic, we wanted to show the ability to loop streets in the area and have connected roads. Mr. Hanson would like to send out larger maps. Mr. Hanson liked Buzz's comment about opening the barn door. We are opening it just a little bit. What we are proposing is a comprehensive plan designation for the property. We are not proposing to annex the properties into the city at this time. The UGB would just go out to encompass it. If people were to build on their sites they would need to go through several steps, A.) request an annexation into the City of Seaside, B.) request a Zone Change and then C.) the approval process, which would go through the public hearing process again. The barn door is open but just a little. There is still a lot more work to do when the property owners decide to go forward. There will be preliminary engineering and environmental evaluations before they can move ahead. Once the homeowner request annexations, they will request a zone change, during that zone change is when the taxation will change. The property owner is in control of when the annexation begins and is property owner driven. Then it will go to the city again for city council approval. Which again gives the surrounding land owners the chance to weigh in.

Commissioner Hoth asked if a homeowner can annex only part of the property or do they have to annex the whole thing. Mr. Hanson stated they can do portions of the property there are no restrictions on the size of annexation. Vice Chair Carpenter asked if the homeowners can be forced into being annexing into the city. Mr. Hanson stated that his answer is no. Obviously the city has the power of condemnation, but it has to be a life safety improvement by the city or the school district or whoever uses that condemnation. That is not the case here, it is the property owner's option. Commissioner Ridout stated that if the property owners around you annex in then you are captured and you go in too. Mr. Hanson stated that there can be an island. There are a lot of cities with these islands and you wouldn't be mandated in. Maria Pincetich asked for clarification for the annexation, on S. Wahanna they already have water. Would this accelerate the barn door opening? Mr. Hanson stated that the barn door will remain where it is. He would suggest ultimately the city would connect to that system and it would become part of Seaside's water system. Mr. Hanson stated he knows that S Wahanna has their own water system. Chair Romine stated that if the development were to go forward, he's not speaking for the public works dept. but the main line water would need to be updated because serving a few versus serving a few hundred the main line would need to be enlarged. Maria feels that S Wahanna is just further along than a regular annexation. Chair Romine stated in his opinion there is a substantial difference between serving several homes versus several hundred homes in the infrastructure that needs to be in place. Whether there is a line there or not if the property owner that is further south of you decided they wanted to develop 40 or 50 homes the line that is currently there would not be adequate to serve that number of homes and it would be replaced. Your service would still be intact, however it is not even close to service the additional homes. Maria understands that but if it's a small development, say 10 homes, then the line that is there would work. Mr. Hanson stated that if there were 10 homes you could develop a parcel of land that has ten homes on it, but when you do that, annexation and zone change, you need to demonstrate that there is adequate public facilities to serve those 10 new homes. Even if they dovetail into a larger concept in the end, you still need to meet that test. These tests include water, sanitary sewer and roads. A complete water system analysis will need to be done if and when it comes in. Maria asked if that was part of the study. Mr. Hanson stated yes, we looked at the current water system and that's what led us to locating the tank on the top of the hill. Water would be pumped up into the tank and then it would have a gravity flow down into the distribution area.

Commissioner Hoth stated that it sounds like the water and sewer would need to be able to service the whole and not just a new portion. Mr. Hanson stated that the tank is expensive you can't put in a tank that would only be able to serve 10 homes.

Mr. Marshan asked what about his property that is ½ in and ½ out of the UGB? Who will pay this? Mr. Hanson stated the developer. Mr. Marshan also asked about the ½ that is out of the UGB what will happen with that? Mr. Hanson stated that he will look into it.

Mr. Ottem asked about the tank on the North end of Wahanna by the airport, was that put there for the south expansion of the UGB. Mr. Hanson stated no we are talking about a completely different tank. Mr. Ottem stated he feels much better now. Mr. Hanson stated that if anyone would like a larger map just let him know and we will send it to them. Mr. Ottem stated that if there was a major error in the maps who can he come and talk to during the week. Mr. Cupples stated that Mr. Ottem can come to the office and talk with him.

Mr. Hanson asked if he has answered Maria Pincetich's questions. Ms. Pincetich said that she is still a little murky on part about the 10 homes versus the big development. Mr. Hanson stated that he put this in three basic steps but you could put in one application for the development sites. Mr. Hanson stated that we are doing these comprehensive plan designation's to illustrate to the state that we have a twenty year land supply in Seaside. This map would go through the Planning Commission and through the City Council and then it will be adopted. It is not zoning or an annexation. The intent from the beginning is that we don't want to strap people in these denser zones and higher taxation rates if they choose not to develop at all or if they want to defer development in the future. That's why we are taking this multi-step approach. Let's adopt the comprehensive plan and illustrate to the state that the City has a twenty year supply of land for future growth. We all have a concept of where we think that should go, there are a few question marks on that but the zoning and annexation do not happen along with that. Our hope is that the land will remain in the county until that happens and remains at the lower zone and lower tax rate. Maria Pincetich asked about Commissioner Ridout point about the island issue. If the gentleman to the north of her is not part of this. If she gets surrounded by the new zone changes will she still be able to keep her horses, cows and chickens. She doesn't see how that could work. Mr. Hanson stated that it works all the time. It is perfectly acceptable to have islands and he can give a prime example of that, Dunthorp in the Portland area is a prime example of that. Waverly Country Club is an island, they never annexed into the city of Portland. Mr. Hanson stated that islands are acceptable and no one should feel coerced to do something with their land that they don't want to do.

Mr. Marshan stated that property gets annexed and stolen all the time because the property owners can't do anything with it. Mr. Marshan stated ask the people in the Gorge. Mr. Hanson stated that was an extraordinary situation. Maria Pincetich stated that it does happen. Chair Romine stated that nothing will happen without owner request and this is only a guideline that we are providing to the state if the property owners should chose to make changes and provide growth to the area. No one is being changed or forced or otherwise coerced into making changes without consenting to do so.

Erin Barker asked what would be the negative impacts of not having a plan. Mr. Cupples stated that he would like to clarify that this isn't State of Oregon saying you have to have a twenty year land supply. The city recognized the fact that we do need a twenty year land supply. Yes, it is a state requirement that you keep up with your planning and that you keep a twenty year plans for a reason in Oregon. That's the window they give you but our city council is very interested in having that land if you wait until you run out and then you are trying to scramble in order to do that. That's not good planning. Mr. Marshan stated that the City is what the City is now, it doesn't have to have more. Mr. Cupples stated that it is planning for future growth, the cities plan does that. Right now there are people looking at what we have in buildable lands and we have to document that shows what we have in vacant buildable lands. For a twenty year period that vacant buildable land will be exhausted. Is it exhausted now? No, but will it be in the future? It could be. What we need to do now is plan for that growth. That's planning in the State of Oregon. Mr. Hanson stated that it is also a technical aspect in regarding infrastructure funding. If you want to go for grants and public funding that improves the infrastructure of the city with the current population and the forecasted population. It's really good to have this kind of document, comprehensive plan, for how growth would be guided in the future. It gives you a leg up on funding.

Commissioner Horning stated that he thinks the people on South Wahanna have a fear of being leap frogged by development, even though they may chose not to do anything with their own properties. They may be worried about the 40 to 60 acres down the road that someone else owns. Mr. Hanson stated that may occur. Not everybody on Wahanna will say let's develop our property. It will leap frog to a degree luckily there is a good east west circulation from Wahanna over to Highway 101 which is good. There will be impacts. Wahanna will have to be upgraded, intersections will have to be upgraded to keep it safe to accommodate the growth. When the parcels do develop and decide to come into the city they are going to have to do traffic studies as part of the application and to demonstrate that they do have adequate public facilities to develop their property. That includes an evaluation of the area around the property. Again that involves public notice, public hearing, and everybody will know about it. This is a big change. Mr. Ottem stated to Maria that she can be an island as long as she can stand the dump trucks going up and down the road. Maria Pincetich stated that this is driven by the city planner perspective. She realizes that Cannon Beach has a plan. Cannon Beach is artsy fartsy and Seaside struggles to define itself as simply as Cannon Beach or Rockway. What does Seaside want to be? Wouldn't that be a City Planning thing? Commissioner Horning stated the planning process has to try to figure out how all this is going to work to make sure that everyone is satisfied. Commissioner Horning stated that he suspects that some of these questions are going to live longer than us. There is going to be a lot of demand in the future and we have to develop in high elevations because of the threat of tsunamis. That's a very critical issue that we need to address. Mr. Marshan is concerned about the traffic going out the south end and if you leave the exit where it is today it will cause traffic issues on the highway and Avenue S. Mr. Hanson stated the one thing that is shown conceptually is a connection down to Beerman Rd. That is really the only access point that can be considered. Mr. Ottem stated that if Avenue S is the only exit from the south it will really be a rat's nest. It is right now even on a non-vacation day. Is this going to incorporate with the parkway plan that keeps getting shot down? This will not work, with exit on Lewis and Clark, 12th Avenue, Broadway and Avenue S. Commissioner Horning stated that is a public works issue and they have banged some ideas around but when they get to that point they will be compelled to do something. Vice Chair Carpenter stated that Transportation System Plan will address this, there were many things spelled out. As part of the transportation commission the advisory commission is looking at that to make revisions. Commissioner Hoth stated that growth is going to happen, fortunately or unfortunately and we are going to have to deal with it. Sometimes things get muddy, and the more questions that come up the more confused things seem to get. We need to do this in the right fashion and preserve as many rights for everybody. Which means everybody is not going to get what they want. It's hard, how is this going to work out, we just don't know. Someone in the audience asked how long we have been working on this project. Vice Chair Carpenter stated about 2 years and we have been working our way through. We have reached a point now where we are soliciting public testimony. That's the primary thing right now. There is a planning commission work session on July 21st and the next public hearing is going to be August 4th. The public is welcome to attend both but the work session is not a public hearing and no public comment will be taken at that time.

At the end of the Commissioners discussion, Commissioner Carpenter made a motion to continue this to the next schedule planning commission meeting on August 4th at 7pm at City Hall. Commissioner Perkel seconded and the motion was carried unanimously. Maria Pincetich asked if she forgot to bring something up how does she get her questions to the commission. Mr. Cupples stated that she or anyone could e-mail the questions to him at: kcupples@cityofseaside.us. Then it will be addressed at the next public hearing. Mr. Marhsan asked what if he doesn't want his property in the Urban Growth Boundary. Mr. Hanson stated that will be discussed at the next meeting.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Erin barker said thank you for getting the power back on before the fireworks were over.

COMMENTS FROM COMMISSION/STAFF: Commissioner Horning stated that there was a traffic jam and people coming into Seaside were stopped at Kloochy Creek and it would take 2 to 3 hours to get into town.

ADJOURNMENT: Adjourned at 8:45 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant