

Dear Seaside Planning Commission,

I am submitting written comment in regard to 21-061PUDSUB. I submit this written testimony as a Seaside resident, taxpayer, property owner, neighbor, and person that will be impacted by the proposed subdivision if it is allowed to go forward as is currently being proposed in the application submitted by Sunset Ridge LLC and Mark Mead. I am not submitting this written comment as a Seaside Planning Commissioner.

Previously I have spoken and submitted written comment in regard to the proposed subdivision made via application 21-061PUDSUB. I will outline again the concerns I have with the application and proposal as it stands.

- The Application was not complete when submitted and should not have been accepted without all of the required information. Required information according to Seaside City Zoning Ordinances Section 3.112 General Standards and Requirements:
 - **4. General Information:** The planning process for development shall include:
 - A. Plot plan of land in area to be developed indicating location of adjacent streets and **all private rights-of-way** existing and **proposed**.
 - B. A boundary survey performed by a surveyor licensed in the State of Oregon.
 - C. Existing and **proposed** finish grades of the property with all drainage features.
 - D. **Location of all proposed structures and associated uses with the, height, gross floor area and approximate location of all entrances of each structure.**
 - E. **Vehicular and pedestrian circulation features within the site and on adjacent streets and alleys.**
 - F. The extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.
 - G. The type, extent, location, arrangement and **proposed improvements of all open space, landscaping, fences and walls.**
 - H. **Architectural drawings and sketches demonstrating the planning and character of the proposed development.**
 - I. Number of units proposed.
 - J. **Contour lines at two-foot intervals**
- The Planning Commission has asked for more information; to date that request has not been completed. Some of the information submitted is incomplete or includes outdated information or inconsistencies within the data provided. (see above highlighted sections)
- The Planning Commission suggested the developer come back with a plan that includes buffer zones and plans that would integrate with the surrounding neighborhood. **Section 3.113 Development Standards:**
 - **Part 3. Density Guidelines:**
 - A. *The density of a planned development shall not exceed the density of the parent zone(s) except as provided below:*
 - *The Planning Commission may approve a density of up to 1.2 times the base density where the proposal results in the following:*
 - 1. *The site design uses progressive concepts of building and site layout such as zero lot line setbacks and pedestrian oriented systems. **–(DOES NOT APPLY)***
 - 2. *The site design provides for open spaces through the efficient design and layout of the land.*
 - 3. *The project provides compatible mixtures of **housing type and design.** (-No plans submitted)*
 - 4. *The project recognizes and **resolves distribution and circulation problems that could occur with increased density.***
 - 5. *The development **will be well integrated with its surroundings.** Where the proposed use is not consistent in character with the surrounding uses, the location and design of the development will adequately **reduce the impact to surrounding uses.***

Part 8. Buffering: *The development shall be provided with sufficient buffering such that the proposed use will be compatible with existing adjacent uses. Where buffering is not proposed, the development shall be designed to include features that are found on adjacent uses.*

- The developer has not listed contingencies if the terrain proves more challenging than they suggest in the outdated Geotech Report that specifies it only applies to Vista Ridge I. Nor have bonds been suggested to provide financial assurance to the City of Seaside if the proposal is not able to be completed or completed safely.
- The proposed development does not comply with existing neighborhood standards or with the R-1 zoning requirements. Of the 17 proposed lots 12 do not comply with the 10,000 square foot size requirement. The quantity of variances being requested make this proposal incompatible with the surrounding neighborhood. As stated in the Seaside Comprehensive Plan **3.1.2 RESIDENTIAL**
 - *Residential land use is divided into three levels of density.*
 - *Low Density: These areas are characterized by suburban residential qualities, such as single family units on individual lots, including other uses which are consistent with residential neighborhoods, such as churches, schools and community facilities. The maximum density should not exceed five dwelling units per net acre in low density areas.*
 - *Development plans for a planned unit development will provide for adequate open space to protect adjacent properties, and will give careful attention to good circulation, protection of environmental amenities, and avoidance of on and off site congestion.*
 - **Seaside Zoning Ordinance Section 3.025 Standards. In the R-1 Zone the following standards shall apply:** 1. Lot Size: Lot area shall be a minimum of 10,000 square feet. Average lot width shall be at least 70 feet at the building line. 2. Density: The overall density on any parcel shall not exceed five dwelling units per net acre. 3. Front Yard: A front yard shall be 20 feet. 4. Side Yard: A side yard shall be at least five feet except on corner lots, a side yard abutting the side street shall be at least 10 feet. 5. Rear Yard: A rear yard shall be at least 15 feet, except accessory buildings may extend to within five feet of a rear property line. 6. Height Restriction: Maximum height of a structure shall not exceed 35 feet. 7. Lot Coverage: Maximum area that may be covered by a permitted structure and accessory buildings shall not exceed 35 percent of the total area of the lot. 8. Off-Street Parking: As specified in Section 4.100. 9. All uses shall comply with other applicable supplementary provisions in Article 4
- The developer has not submitted accurate plans for how storm water, sewage or erosion will be handled. Stating that storm water will be “channeled to existing storm water run-off” and to the salmon bearing stream is not an acceptable plan. Current storm water drainage systems are poorly planned, maintained and over capacity. The proposal has 2 storm water drains at the bottom of Hemlock Court and no provisions for heavy overflow. The swale, as it is being called, has only the “depression” part of a swale and is not maintained nor planted with the water absorbing nor diverting plants that are the other part of a functioning swale. Water currently being directed to the “swale” area by the city storm water runoff regularly overwhelms the “creek” that runs over private property and has already caused serious erosion problems. The City of Seaside sewage capacity for the area that services Sunset Hills is currently over capacity. And adding potential pollutants to a salmon bearing riparian habitat is unconscionable and a violation of Fish and Wildlife principles and policies. The section in the Seaside Comprehensive Plan that applies to Planned Developments and Subdivisions: **3.1.7 AIR, WATER, AND LAND QUALITY POLICIES**
 - *New development proposals shall comply with all state and federal environmental quality statutes, rules and standards which are applicable to the proposed project.*
- Subdivision requirements are further addressed in section **7.3.1 STREET SYSTEM POLICIES**
 - *4. The city shall require new subdivisions and large developments to consider:*
 - *a. The slope of the street in relation to the storm water capacity of gutters or ditches;*
 - *b. The effected streets will have on storm water drainage;*
 - *c. The location and sizing of the street culverts, which may be designed to create temporary water storage areas;*

- *d. The location of streets in relation to natural streams, ponds, or drainage channels.*
- *5. Adequate storm drainage shall be provided in all street improvement projects, both public and private. The City Public Works Director or a Registered Engineer shall specify the appropriate placement and sizing of all drainage facilities on both public and private projects.*
- **As well as section 9.3 FISH AND WILDLIFE POLICIES**
 - *Seaside will cooperate with governmental agencies to conserve and protect identified fish and wildlife habitat.*
 - *2. The city recognizes the importance of riparian vegetation for fish and wildlife habitat, erosion, sediment, and runoff control, and will protect this resource through the Necanicum Estuary Plan and Implementation Ordinances.*
 - *3. Due to their value for fish and wildlife habitat, the marshes of the Necanicum Estuary and other identified significant freshwater wetlands shall be managed to protect their resource values. Uses in these areas shall be consistent with the protection of natural values.*
- The proposed roads are substandard to Seaside current requirements for new construction. The grade (13% or 10%-2% depending on which mention of street grade by the applicant is being referred to) of the substandard size of roads would create safety concerns for current neighborhood residents, future homeowners, as well as the City of Seaside as a whole. If a fire were to break out, sufficient emergency vehicles would be challenged to have access at the same time as evacuations could be necessary. Emergency situations, especially fire emergencies in the east hills, could put all of Seaside at risk. A variance on the size and grade requirements could create a high-risk situation, only to give the developer the economic advantage of building more than should be allowed based on conditions and terrain. A variance is not justified based on economic premises.
- The development will most certainly take place over an extended period of time. The developer has not presented any timeline or phased approach as required, to clearing, grading, filling, building and what form of responsibility they will maintain during the active portion of the development and the waiting portions of the development. Who will be responsible for maintaining “communal areas” as well the the incomplete public property areas as plans are “in progress”? What expectation of disruption can those living in the existing neighborhood expect? What health effects and financial impacts will the noise and vibration from the development process have on current residents? How long will the process be? The Seaside Zoning Ordinances address this here: Section 3.110 PD - PLANNED DEVELOPMENT
 - *Section 3.111 Purpose. It is the intent of the Planned Development Section of this ordinance to encourage appropriate and orderly development of tracts of land that are large enough to allow comprehensive planning and to provide a degree of flexibility in the application of certain regulations which cannot be obtained through traditional lot-by-lot subdivisions. In this manner, environmental amenities may be enhanced by promoting a harmonious variety of uses, the economy of shared service and facilities, compatibility of surrounding areas, and the creation of attractive, healthy, efficient, and stable environments for living, shopping or working.*
 - *Specifically, it is the purpose of this section to promote and encourage:*
 - *1. Comprehensive development **equal to or better** than that resulting from traditional lot by-lot land use development.*
 - *2. Compatible mixtures of housing type and design.*
 - *3. Compatible mixture of uses.*
 - *4. More attractive and usable open space.*
 - *5. **Advances in technology**, architectural design, and functional land use design.*
 - *6. Recognition of the problems associated with population density, distribution, and circulation and to allow a deviation from rigid established patterns of land uses, **but controlled by defined policies and objective.***
 - *7. Flexibility of design in the placement and uses of buildings and open spaces, circulation facilities and off-street parking areas. **It is not the intention of this section to be a bypass of regular zoning provisions solely to allow increased densities nor is it a means of maximizing densities on parcels of land which have unbuildable or unusable areas.***

- *8. Efficient use of sites characterized by special features of geography, topography, size or shape.*
- The status of the two proposed roads has not been clearly defined (just one of the many inconsistencies in the applicant information); is it public or private? If it is private, how is it then also considered the public access to the implied public open space of 1.88 or is it 1.93 acres? The inferred public nature of the open space is to justify a reduction of zoning requirements as being in the public interest. Is it public? What sort of public facilities will be provided for? Who will be responsible? Have neighboring properties been consulted about how the public accesses the open space? Not public, how are variances justified to exclude the public from pristine forest lands and riparian habitat? What controls will be in place to assure the protection and status of the riparian habitat are maintained if it is private property? As defined by the Seaside Comprehensive Plan **3.1 Land Use**:
 - *Open Space: These areas are designated for public park and recreational uses.*
- *Also as required by Seaside Zoning Ordinances: **Section 3.113 Development Standards**: In addition to, or as a greater requirement to the regulations normally found in the district, the following guidelines and requirements shall apply to all developments for which a Planned Development Permit is required.*
 - *1. Open space.*
 - *A. In all developments, 20 percent of the total area of the site shall be devoted to open space (1.326 acres are Required not OPTIONAL) as provided below:*
 - *1. Unimproved open space. Unimproved open space area(s) can include, but are not limited to: Water resources, streams, drainageways, ponds, lakes, fish habitat or wetlands, historically or culturally significant sites, ecologically or scientifically significant areas, land areas with slopes greater than 25%, geologic hazards, scenic views and landscapes, Federally listed threatened or endangered species habitat.*
- The current maps that the applicant has submitted are unclear and inconsistent and outdated. The terrain mapping is unclear and limited to the property line of the proposed development boundaries, and was done in 2014 for Vista Ridge I. This gives the illusion that the abutting properties are on level terrain. It does not give the complete picture of what erosion controls will be necessary and how storm water runoff will influence the stability or instability of the surrounding land. The maps do not satisfy the requirements for detail, as set out by the Seaside Planning and Development standards. (See Zoning Ordinance Above **Section 3.112 General Standards and Requirements, Part 4. General Information**)
- As stated in the Comprehensive Plan: **11.1 GEOLOGIC HAZARDS POLICIES**
 - *1. An HMP performed by a Certified Engineering Geologist registered in the State of Oregon or a registered Civil Engineer, registered in the State of Oregon, specializing in the area of Geotechnical Engineering, shall be prerequisite for development in the following areas:*
 - *a. Sites that are composed of areas with slopes of 15% or greater, sites that are situated adjacent to slopes of 15% or greater, or other sites as determined by the City Council, Planning Commission or Planning Director.*
 - *b. Areas upland from the Seaside Cove Area shown as landslide topography underlain by tertiary sedimentary rocks (TOMS) as shown in the maps accompanying the report, Environmental Geology of the Coastal Region of Tillamook and Clatsop County, by DOGMI. (Detailed soils mapping is not available for this area.)*
 - *c. Areas within an Active Dune Zone.*
 - *2. Development requirements for the areas listed above specifically, and the city generally, are:*
 - *a. Cut and fill methods of leveling lots shall be discouraged. Structures should be planned to preserve natural slopes as much as possible.*
 - *b. Access roads and driveways shall follow the slope contour whenever possible to reduce the need for grading and filling.*
 - *c. Removal of vegetation shall occur only for those areas to be improved by the proposed development.*
 - *d. No development shall be allowed to block stream drainage ways in any area or to increase the water level on adjacent property.*

- 3. Construction may take place in the above listed areas only where the HMP indicates that safeguards can be developed which are adequate to protect life and property. Siting and construction shall be in conformance with the HMP. The Building Official may require an architect's or engineer's stamp on the building plans in addition to a geotechnical report.
- 4. The SCS soils mapping of the Seaside Cove Area is complete and the city has incorporated this data into the Comprehensive Plan to determine areas of landslide hazard.
- **11.2 EROSION CONTROL POLICIES**
 - 1. The City finds it is necessary to control activities that lead to soil erosion and sedimentation into watercourses, wetlands, riparian areas, public and private roadways caused by development activities, including clearing, grading, stripping, excavating, and filling of land.
 - 2. The following activities are subject to erosion control protection measures as specified in the Seaside Zoning Ordinance: Any land disturbing activity (i.e. clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of 1000 square feet; Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 25 feet of a stream, watercourse, or wetland; or an excavation, fill, or any combination thereof that will exceed 20 cubic yards on a lot or parcel that is less than or equal to 5000 square feet or 50 cubic yards on a lot or parcel that is greater than 5000 square feet.
- The applicant has submitted a map indicating the "cut and fill" area. This map is incomplete as it is only the cut and fill areas that will be required initially for placement of the roads. In order for the development to proceed beyond the road status, cutting, grading and filling would also be necessary for the remaining phases of the development. This map does not indicate any further plans or restrictions for cutting, grading, or filling.
- The CC&Rs proposed have the developer as the decision maker and approving body for the building and development projects. Fox-Chicken house anyone?
- Requirements for dark sky lighting as well as protections from invasive lighting affects on neighboring properties are not spelled out.

For this Phase 2 of the Application Process as outlined in the Seaside Ordinances is highlighted for easy reference, as to where the application is lacking the required detail and information.

2. Preliminary Approval (stage two):

A. Applications for planned developments, preliminary approval, shall be made by the owner of all affected property or the authorized agent, and shall be filed on a form prescribed by the Planning Department and filed with said department. Applications shall by a fee prescribed in Section 10.050 and accompanied by the following information:

1. A minimum of ten copies of a preliminary development plan of the entire development showing streets, driveways, sidewalks, pedestrian ways, offstreet parking and loading areas; location and approximate dimensions of structures, utilization of structures, including activities and the number of living units; major landscaping features; relevant operational data, drawings and/or elevations clearly establishing the scale, character and relationship of buildings, streets and open space. The development plan shall include maps and information on the surrounding area within 400 feet of the development. Also, a contour information and boundary survey or a certified boundary description by a registered engineer or licensed surveyor, shall also be submitted. The elevations of all points used to determine contours shall be indicated on the preliminary plan and said points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data used shall be clearly indicated and shall be compatible to City datum, of bench marks are not adjacent. Two foot contour intervals are required.

All elements listed in this subsection shall be characterized as existing or proposed and sufficiently detailed to indicate intent and impact.

2. A tabulation of the land area to be devoted to various uses, and a calculation of the average residential density per net acre.

3. A stage development schedule demonstrating that the developer intends to commence construction within one year after the approval of the final

development plan and will proceed pursuant to an approved time schedule.

4. If it is proposed that the final development plan will be executed in stages, a schedule thereof will be required.

B. Within 30 days of the filing the plans for Preliminary Approval, the Planning Director shall forward such development plan and the original application to the Engineering and Public Works Departments for review of public improvements, including streets, sewers and drainage.

C. The Commission shall not act on a preliminary development plan until it has first received a report from the Planning, Engineering and Public Works Departments.

D. An application for Planned Development Permit shall be considered by the Planning Commission. A public hearing, as specified in Section 10.060, shall be held on each such application. After the hearing, the Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 3.115 and to the Planned Development Regulations in Section 3.110 through 3.113. They may grant preliminary approval, or deny the application and the accompanying preliminary development plan. The Commission may also require changes or impose conditions, with the preliminary approval, that are necessary to ensure conformity to the criteria and regulations. In so doing, the Commission may in its discretion authorize submission of the final development plan in stages corresponding to different units or elements of the development. It may do so only upon evidence assuring completion of the entire development in accordance with the preliminary development plan and stage development schedule.

I could go on listing the places this application falls short, however I will stop in order to say again the application is incomplete to the point it should be denied. The information provided is inconsistent, and incomplete with regard to the important numbers that are needed to base a decision on. Based on the inconsistencies of the “facts” being presented, the reports and application information exhibits a lack of attention to detail, or presents outdated information produced for a different project as valid for Vista Ridge II. The application should be denied on that basis. An application should not be given a pass on details and requirements based the person representing the application being a known person in the community.

Now is not the time that we as a coastal community with at risk habitat should be throwing up our hands saying, “there is nothing we can do”, and continue to base our future, on information in a Comprehensive Plan from the 1980’s. Now is when we need to stand up and do our absolute best to protect the natural areas that remain in our care for our future generations. We know better and need to do better. Please deny this application 21-061 PUDSUB for the good of Seaside.

Thank you,
Kathy Kleczek,
2080 Aldercrest St, Seaside OR 97138

*Footnote:

A Systems Development Charge has not been brought up. The traffic from the development of the proposed Subdivision will directly impact traffic on Wahanna. Reference from **Comprehensive Plan 13**. *The city and county shall develop a method to assess developments (i.e.), systems development charge that will not be adjacent to Wahanna Road but which will impact Wahanna Road. This policy applies as long as the impacted area of Wahanna Road remains a county road.*

Italicized sections directly copied from City of Seaside Comprehensive Plan and Zoning Ordinances