

## Jordan Sprague

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**From:** Jordan Sprague <jsprague@cityofseaside.us>  
**Sent:** Friday, September 3, 2021 8:32 AM  
**To:** 'Mark Mead'; 'steve.ackley55@gmail.com'  
**Subject:** FW: Sunset Ridge Subdivision  
**Attachments:** Dear Seaside Planning Commission.pdf; ccrs.pdf

Hello,

Below is an email that was submitted for the subdivision project. Their letter is attached.

If you have any questions, please let me know.

Thank you,

Jordan Sprague  
Community Development  
City of Seaside  
503.738.7100

**From:** Kathy Kleczek [mailto:kathy4seaside@gmail.com]  
**Sent:** Thursday, September 2, 2021 6:13 PM  
**To:** cdadmin@cityofseaside.us  
**Subject:** Sunset Ridge Subdivision

Dear Mr Cupples and Planning Commission,

Please find attached my letter in regards to the Sunset Ridge Subdivision. As an abutting property owner I have an actual conflict of interest and will not be participating in this discussion as a Planning Commissioner nor will I be voting. I will be participating solely as a citizen and property owner.











Dear Seaside Planning Commission,

As an abutting property owner at 2080 Aldercrest, I am adding my voice to those residents and neighbors that are opposed to the proposed Sunset Ridge development in its current form. The current proposal raises many concerns for me personally, and for the surrounding environment.

Some of my concerns, not listed in order of priority, as it is hard to prioritize the value of natural habitat and the success of a species, or life and property of those persons currently residing in homes, or life and wellbeing of those hoping to establish a home in the proposed area.

The proposed development area is currently habitat for many known species, coyote, deer, Heron, and Hawk to name a few. It is also a potential habitat for endangered species such as the spotted owl. The waterways within the area are riparian habitat, the larger being part of the salmon habitat directly and the smaller feeding into the larger waterways and wetlands directly. The proposed development as it stands suggests a 5 ft setback from the top of the ravine ridge which would impact the viability of the stream at least by eliminating trees that provide shade and regulate water temperature. Those same trees are part of what stabilizes and controls the water runoff on the extreme slope of the ridge. Please see the attached photos for examples of the wildlife that regularly is seen in the area. The time that has elapsed since there has been a significant wildlife survey of this area has been acknowledged by the County Commission. As part of the Clatsop County Vision 2030 specifically "Maintain and protect natural areas of all

Types for fish and wildlife habitat and corridors, as well as public access, enjoyment and recreation." As part of this goal the Commission is planning on updating maps and classifications, it would be a shame if this important habitat was destroyed and lost. Statewide we as people have learned so much about the importance and means to protect our natural environment over the last 15 years, now that we know better, we should do better. Standards grandfathered in solely due to lack of updating policies are a poor reason to explain to school children in the future, "there used to be salmon and spotted owls here" or "there was a time that the herons HAD a rookery here". WE know better, now we must do better. For reference here is the State of Oregon Land Conservation and Development Department Chapter 660 Division 23 Procedures and Requirements for complying with Goal 5, 660-023-0090 Riparian Corridors <https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=175718>

The proposed setbacks are concerning for the sake of wildlife and also for construction and stability of the area. The area the current houses in the Sunset Hills are built on and the proposed development is located is considered a historical slide zone. The road conditions in the area are the most visible example of the current status of the slide. It is still moving. The houses that are abutting the ridge have experienced loss of land in relatively short time frames. Several homeowners have had to invest in tying their foundations to the bedrock below. In the last 11 years of living at my address I have experienced flooding and loss of elevation in my backyard. The proposed development slope and elevation is extreme in many areas, which is not clearly called out in the maps provided by the developer or their representatives. The Geotechnical report is also full of errors in spelling, and grammar which calls out a lack of attention to detail. From a lay-person perspective it also appears lacking in detail and specificity. It is my belief and suggestion that a more thorough geotechnical report is required in order to make any sort of decision regarding building in the area called Sunset Ridge, or Vista Ridge phase II. As an example, the elevation markings are not complete or current, in regards to the entire area including the abutting properties. Again, we should take

from lessons both experienced close by in Astoria, and further away, Florida and proceed with extreme caution where slope, slide and water come together in the way we all are familiar with in this region.

The size of the lots taking into consideration the actual buildable area in relation to existing homes, slope, easement, and required environmental considerations is far smaller than that of the lots in the rest of the Sunset Hills neighborhood. The lot size for the development of the Sunset Hills was established by CC&Rs (see attached CCRs) the average lot size is .25 Acre compared with the much smaller lot size proposed for the new development. In order to fit with the nature and feel of the neighborhood, if the development is to go forward, lot sizes should be in alignment with the other lots in the Sunset Hills and the number of lots permitted reduced. Currently the lot sizes in the proposal are being compared to lots in the Vista Ridge development, along Forest Drive, to which this development has no actual connection as it is being proposed.

The proposed plan calls for the development to tie to current utilities and storm water run off. This is a major concern as the current utilities and services in the area are already taxed or insufficient. Water pressure has been mentioned by many as a concern. Adding additional households to the same line will exacerbate the water pressure issues. The city storm water run off "system" in the neighborhood needs an overhaul as it is completely insufficient and currently runs over private property into salmon habitat and wetlands. The plan calling for using the current "swale" to direct stormwater runoff is alarming. Being the property owner adjacent to the current "swale" I have experienced extreme water flows due to the runoff in the north side of the neighborhood being directed to what in actuality is a "depression" that absorbs little water. The water is absorbed by the adjacent land or flows downstream. Due to this "system" I have had to invest significant time and money into remediation. I have installed impermeable membrane to the east and south side of my residence, along with a French drain system to direct the water away from my foundation. I have also had large rocks placed along the edge of the "stream" to slow the erosion of my backyard. To see the gentle flow during this time of year is misleading. During the rainy portion of the year the volume of water is a force to be reckoned with. The garden structure in my backyard no longer has sufficient ground beneath it to be stable. The city storm water run off is responsible for the erosion, and that is prior to adding more to it. See attached photos.

The proposed building plan does very little to address erosion. As a property owner of a property below the level of the development the suggestion that a 4ft long 2-3ft wide mulch berm would be sufficient to handle erosion from a cleared lot is alarming. Again, I do not feel this is a realistic way of tackling what conditions during the rainy times of year are. Silt filters and mulch berms are not a well thought out plan to tackle erosion and the effects on the area, both for existing property owners and those would be property owners. A complete erosion control plan should be required that will cover all stages of the development. Trees should not be cleared until it is determined there is an actual need for them to be cleared, and a reason not to retain the tree. Erosion can lead to complete loss of foundations, as mentioned before, we should know better and do better.

Another concern is the added traffic on the existing roads. The proposed roads are narrower than the existing roads with more tightly spaced houses. If this was allowed, it could have a detrimental effect on current property values of abutting properties as well as those along what would be the main through-ways. Once again, the neighborhood was built with infrastructure to support the current number and size of lots. Additional infrastructure would be needed and

should be required in the permitting process. Types of lighting and impacts on the neighbors should be reduced via conditions, such as “night-sky” lighting and green buffers established.

I would like to ask that the Planning Commission consider the impacts of this proposal carefully. The details provided considering the conditions of the property in question are lacking in definition and detail. I encourage you to do everything in your power to explore to find more information beyond what was provided.

As I am an abutting property owner, I have an actual conflict of interest and will not be participating in the discussion or vote on this topic.

Thank you for your work,

Kathy Kleczek  
2080 Aldercrest St.  
Seaside, OR

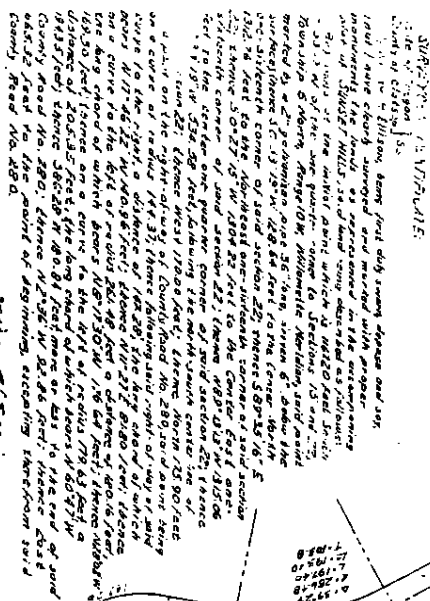


[illegible]

Book 10  
Page 5

CLATSOP CO. OREGON  
SCALE: 1"=100'

Book - 10  
Page - 5



#166864

8-29-51  
R/W esmt  
\$1.00  
214/603

John E. Phillips & Marguerite K. Phillips, his wf.

-to-  
Pacific Power & Light Co. a corporation

They grt an esmt or right of way for an electric trans & distributing  
ln of one or more wires & all necessary or desirable appurtenances at or  
near the loc & alg the general course now loc & staked out by the Gtee,  
ever, across & upon the foll desc, prem loc in CC, O, to-wit:

Beap wh is 1167.2 ft S of the  $\frac{1}{2}$  cor between Sec 15 & 22, T6N, R10  
W, WM;

th S 130.7 ft;

th E 470 ft;

th S 120 ft;

th E 990 ft;

th S 1040 ft;

th W 90 ft;

th S 130.5 ft to the S ln of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec 22, T6N, R  
10 W, WM.;

th W alg the S ln of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of ad Sec, 22, a dis  
of 67.9 ft to the NW cor of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of ad Sec 22;

th N alg the W ln of the SW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of ad Sec 22 a dis of  
509.5 ft;

th W 150 ft;

th N 206 ft;

th N 36° 30' W 100.0 ft;

th N 25° 00' E, 200.0 ft;

th N 4° 00' W, 100.0 ft;

th N 28° 00' W 200.0 ft;

th N 33° 45' W 100.0 ft;

th N 22° 30' W 90.0 ft, mer l, to a pt wh is 318.0 ft W of the

po; th E 318.0 ft to the po;

beg with the NW $\frac{1}{4}$  right of ingress & egress over the adjacent lds etc...

Sig & Ack  
P. J. & E. Co.  
R/W Depast.  
Public Serv. Bldg. Portland Ore. S

6/10  
J. J. 1/31

Noted 9-26-51

## DECLARATION OF RESTRICTIONS

WHEREAS, John E. Phillips and Marguerite K. Phillips, also known as Marguerite B. Phillips, husband and wife, are the present owners of the following described real property situate in the County of Clatsop, State of Oregon:

Beginning at a point which is 1167.2 feet South of the quarter corner between Sections 15 and 22, Township 6 North, Range 10 West, Willamette Meridian;

thence South 130.7 feet;

thence East 470 feet;

thence South 120 feet;

thence East 290 feet;

thence South 1040 feet;

thence West 90 feet;

thence South 130.5 feet to the south line of the southwest quarter of the Northeast quarter of Section 22, Township 6 North, Range 10 West, Willamette Meridian;

thence West along the south line of the Southwest quarter of the Northeast quarter of said Section 22, a distance of 670 feet to the southwest corner of the Southwest quarter of the Northeast quarter of said Section 22;

thence North along the west line of the Southwest quarter of the Northeast quarter of said Section 22 a distance of 509.5 feet;

thence West 150 feet;

thence North 206 feet;

thence North  $36^{\circ} 30'$  West, 100.0 feet;

thence North  $25^{\circ} 00'$  East, 200.0 feet;

thence North  $4^{\circ} 00'$  West, 100.0 feet;

thence North  $28^{\circ} 00'$  West 200.0 feet;

thence North  $53^{\circ} 45'$  West 100.0 feet;

thence North  $22^{\circ} 30'$  West 90.0 feet, more or less, to a point which is 318.0 feet West of the point of beginning;

thence East 318.0 feet to the point of beginning.

WHEREAS, the said John E. Phillips and Marguerite K. Phillips, husband and wife has established and do hereby establish a general plan for the improvement and development of said property and in order to accomplish the full plan of improvement and development thereof and for the purpose of encouraging the best use and most artistic development of said parcel of property above described, to encourage the construction and erection of artistic and attractive homes, to secure and maintain adequate space between structures and in general to adequately provide for high type and quality of improvements, the said John E. Phillips and Marguerite K. Phillips, husband and wife, desire to restrict the use of said parcel of property by blanket restrictions covering all of said tract for the future protection benefit and use of all and any subsequent purchasers thereof. It being the intention of the said John E. Phillips and Marguerite K. Phillips, that any and all of said restrictions shall run with the land and shall be binding upon all parties claiming by, through or under the said John E. Phillips and Marguerite K. Phillips.

NOW, THEREFORE, the said John E. Phillips and Marguerite K. Phillips, husband and wife, do hereby restrict the use and benefit of any and all of the above described real property, either as a whole or in separate parcels, to any and all subsequent purchasers thereof, either in whole or in separate parcels, which restrictions shall run with the land and be binding upon all persons or parties claiming by, through, or under the said John E. Phillips and Marguerite K. Phillips, husband and wife.

The said restrictions shall be as follows:

1. Any separate parcel sold or conveyed out of the foregoing described tract shall be used for the erection and maintenance of not more than one detached single-family residence dwelling and appurtenant customary outbuildings and garages and servants' quarters only, and no building or structure other than aforesaid structures shall be erected or maintained thereon.
2. A separate parcel shall consist of a tract not less than 90 feet by 120 feet in size and any parcel within the foregoing described tract may be made larger by the purchase of all or part of adjoining parcels. No building shall be erected on any parcel within 10 feet of the front line or lines or within 5 feet of the side or back lines thereof. This does not include garages which may go to the property line. This does not in any way alter the requirement that the minimum size of any parcel upon which building is permitted shall be 90 feet by 120 feet.
3. No dwelling constructed on any parcel shall consist of more than one story and basement, the ground area of such dwelling shall not be less than 800 square feet, nor shall such dwelling cost less than \$4,000.00. This provision does not apply to garages constructed upon such parcel.
4. The construction of all buildings once commenced on a parcel shall be prosecuted diligently to completion.
5. No trailer, basement, tent, shack, garage, barn or other outbuilding placed upon or erected on any parcel sold or conveyed out of the foregoing described tract shall at any time be used as a residence, temporarily or permanently. No building of any nature shall be moved upon any parcel unless the same shall comply with these restrictions.
6. No fence, wall, hedge or coping higher than 6 feet shall be erected or placed on said realty.
7. No cattle, horses, swine, reptiles, or fowls shall be kept on said property. No business, commercial activity, stables, radio broadcasting stations or commercial enterprise of any kind that will invite the patronage of the public shall be carried on on said property. No part of the foregoing described tract shall be used at any time for the purpose of manufacturing, buying or selling intoxicating liquors for commercial purposes, nor shall anything be done thereon which may constitute or become an annoyance or a nuisance to the neighborhood.
8. The foregoing covenants, restrictions and conditions shall run with the land and shall be binding until January 1, 1975, upon all persons or parties claiming by, through or under the said John E. Phillips and Marguerite K. Phillips as to the whole or any portion of the foregoing described tract and shall be for the benefit of and enforceable by the owners of any parcel of ground within the tract above described.



The present owners of the foregoing described land reserve for themselves, their heirs and assigns, and their successors and rights of way as may be desired to be exercised from time to time for the construction of water lines, electric lines, sewer lines, and for other public utility purposes, and in all cases any such lines or rights of way shall be located as near to parcel lines as practicable and interfere with the use of said property to the least extent practicable.

Dated this 21<sup>st</sup> day of February, 1950

*John E. Phillips*  
*Marguerite K. Phillips*

STATE OF OREGON : ss.  
County of Clatsop:

On this 21<sup>st</sup> day of February, 1950, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named John E. Phillips and Marguerite K. Phillips, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

*Bert L. Myers*  
Notary Public for Oregon

My Commission Expires: 5-22-51

DECLARATION OF RESTRICTIONS

158048

John E. Phillips and  
Marguerite K. Phillips

to  
Public

STATE OF OREGON,  
County of Clatsop,  
I hereby certify that the within instrument  
was recorded for record and recorded in the  
record of

DEED

Filed County on  
1950 MAR - 3 - PM 4:37



Witness my hand and seal at the place above stated

MARY REDDING

County Clerk

*Richard B. Smith*  
Notary