

In order to participate in the comment period for City Council Meetings, participants must register prior to the event. The agenda and packet for City Council meeting are available on the Friday prior to the meeting. Click on the link: [City Council Public-Comment-Submission-or- Registration](#)

**AGENDA SEASIDE CITY COUNCIL MEETING
OCTOBER 24, 2022 7:00 PM**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PROCLAMATION – VETERANS REMEMBRANCE DAY, David Posalski
DIA DE LOS MUERTOS DAYS (DAY OF THE DEAD), Tita Montero
6. SEASIDE HIGH SCHOOL STUDENT REPRESENTATIVE, Merrick Habecker
7. COMMENTS – PUBLIC – (please keep speaking time to three minutes)
8. DECLARATION OF POTENTIAL CONFLICT OF INTEREST
9. CONSENT AGENDA
 - a) PAYMENT OF THE BILLS - \$573,870.29
 - b) APPROVAL OF MINUTES – October 10, 2022
10. REPORTS AND PRESENTATIONS: NONE
11. UNFINISHED BUSINESS:
 - a) ORDINANCE #2022-09 – AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN CODE OF ORDINANCES SEASIDE CHAPTER 151 CHANGING THE ZONING AT 2657 N. HIGHWAY 101 FROM R-2 TO R-3, (Second and Third Reading) Jeff Flory
 - OPEN PUBLIC COMMENTS
 - CLOSE PUBLIC COMMENTS
 - COUNCIL COMMENTS
 - MOTION FOR SECOND READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION FOR THIRD READING BY TITLE ONLY – ALL IN FAVOR AND OPPOSED
 - MOTION TO ADOPT - ROLL CALL VOTE
 - b) VACANCY - CONVENTION CENTER COMMISSION (1 Vacancy)
PARKS ADVISORY COMMITTEE (1 Vacancy)

12. NEW BUSINESS

a) APPROVAL – SEASIDE CAMPING POLICY AMENDMENT CHANGES

b) VACANCY – TRANSPORTATION ADVISORY COMMISSION (Term Expiration)
PLANNING COMMISSION (Term Expiration)
CONVENTION CENTER COMMISSION (Term Expiration)

13. COMMENTS FROM THE CITY STAFF

14. COMMENTS FROM THE COUNCIL

15. ADJOURNMENT

Complete copies of the Current Council meeting Agenda Packets can be viewed at: *Seaside Public Library and Seaside City Hall. The Agendas and Minutes can be viewed on our website at www.cityofseaside.us.*

All meetings other than executive sessions are open to the public. When appropriate, any public member desiring to address the Council may be recognized by the presiding officer. Remarks are limited to the question under discussion except during public comment. This meeting is handicapped accessible. Please let us know at 503-738-5511 if you will need any special accommodation to participate in this meeting.



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PROCLAMATION

Whereas, on Veterans Day, we pay tribute to the men and women who have risked their lives to preserve the liberty of our nation, the families who support them, and the heroes no longer with us. It is not weapons or technology that develops the most advanced military in the world; it is the unparalleled spirit, skill, and devotion of our troops; and

Whereas, in an unbroken line of valor stretching across more than two centuries, our veterans have charged into harm's way, sometimes making the ultimate sacrifice, to protect the freedoms that have blessed American. Whether Active Duty, Reserve, or National Guard, they are our Nation's finest citizens, and they have shown the heights to which Americans can rise when asked and inspired to do so. Our courageous troops in Iraq, Afghanistan, and around the globe have earned their place alongside previous generations of great Americans, serving selflessly, tour after tour, in conflicts spanning nearly a decade; and

Whereas, long after leaving the uniform behind, many veterans continue to serve our country as public servants and mentors, parents and community leaders. They have added proud chapters to the story of America, not only on the battlefield, but also in communities from coast to coast. They have built and shaped our Nation, and it is our promise to support our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen as they return to their homes and families; and

Whereas, with respect for and in recognition of the contributions our service men and women have made to the cause of peace and freedom around the world, November 11 was set aside as a legal public holiday to honor our Nation's veterans.

NOW, THEREFORE, I, Jay Barber, Mayor of the City of Seaside, in the State of Oregon, do hereby proclaim November 11, 2022, as

VETERANS REMEMBRANCE DAY

and encourage all Americans to recognize and remember the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 24TH day of October, 2022.



JAY BARBER, MAYOR



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PROCLAMATION

Whereas, Día de los Muertos (Day of the Dead) is a holiday that originated in Pre-Columbian Mexico, where it is still celebrated today and has since expanded to countries all over the world through immigration; and

Whereas, Día de los Muertos serves as a Memorial celebration to recognize and honor loved ones who have passed away, and to see that they are never forgotten; and

Whereas, Día de los Muertos is shrouded in duality, from painting only half of one's face, symbolizing the quick passage from life to death, to the eye-catching marigold flowers said to guide the spirits to their altars through their vibrant colors and scent; and

Whereas, City of Seaside residents, businesses, and employees are encouraged to take the opportunity to learn about Mexican culture and celebrate with loved ones both past and present.

NOW, THEREFORE, I, Jay Barber, Mayor of the City of Seaside, proclaim November 1st and 2nd as

DIA DE LOS MUERTOS DAYS (DAY OF THE DEAD) IN THE CITY OF SEASIDE

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the City of Seaside to be affixed this 24th day of October, 2022.



JAY BARBER, MAYOR



Staff Report – City Council

Meeting Date: October 24, 2022
Author: Jeff Flory, Planning Director
Department: Community Development
Subject: 22-039ZMA- Zone Change Request for the Properties located at 2657 N Hwy 101 Seaside, OR 97138 (T6-R10-S10DC- TL: 0200 and T6-R10-S10DC- TL: 001203)
Type of Item: Ordinance - Third Reading

Introduction:

The applicant is requesting a zone map amendment that will change the zoning of the above referenced properties from Medium Density Residential (R-2) to High Density Residential (R-3). The properties are approximately .46 acres and .10 acres in size and the applicant is interested in rezoning them to provide for urban density residential development. The applicant intends to re-develop the properties and construct a 10-unit apartment building.

Background:

The use of the above referenced properties is currently as a non-conforming commercial wrecking yard in a Medium Density Residential (R-2) zone. The subject property is adjacent to a condominium/apartment complex to the south (zoned R-3), a mobile home park (zoned AD) to the east, a business office (zoned C-3) to the west, and a religious institution (City of Gearhart zoned R-1) across Seaside Airport Way to the north. The applicant properties are the sole Medium Density Residential (R-2) zoned properties in the immediate vicinity and the proposed use will be similar in nature to the adjacent properties to the east and south.

If this request is approved, future development of the properties will be governed by the Zoning Ordinance provisions and development standards applicable to the High Density Residential (R-3) zone. In accordance with Article 9 of the Seaside Zoning Ordinance, the City Council can make a final decision on a zone change after holding a public hearing and considering the recommendation of the Seaside Planning Commission.

Planning Commission Public Hearing and Public Testimony Summary:

The Planning Commission held a public hearing on this request on September 6, 2022. The applicant spoke in favor of the request. The applicant expressed interest in the zone change in order to construct a 10-unit apartment building. During and prior to the Planning Commission public hearing, staff did not receive any comments, written or in person, in opposition to this request.

On September 29, 2022 the attached public comment e-mail was received from Judith Glazier of the Fourwinds Mobile Home Park. Ms. Glazier is in opposition to the zone change due to the unsightly wrecking yard that often blocks access to the park. Ms. Glazier states the towing company blocks the road with abandoned vehicles that sit for years. Ms. Glazier states the zone change from Medium Density Residential to High Density Residential will add to the congestion.

Staff Note: The wrecking yard operates as an existing non-conforming use of the subject properties. Re-development of the site will require adherence to the development standards in the Zoning Ordinance for the applicable zone. This will include the zone's standards for outright permitted uses, conditional uses, and off-street parking requirements.

Planning Commission Recommendation:

After considering the submitted evidence and testimony applicable to the request, the Commissioners recommended the City Council approve the request based on the information in their final recommendation (attached).

City Council Public Hearing:

The City Council held a public hearing on this request on October 10, 2022. During the hearing the applicant spoke in favor of the request. Two community members also provided comments regarding this application.

Penny Morris lives in the mobile home park adjacent to the applicant’s property. Mrs. Morris is concerned with water drainage issues that could exacerbate the flooding issue she already experiences during the winter storms. Mrs. Morris said she is not opposed to the zone change however; she wants to ensure the storm drainage is taken care of during any re-development of this property.

Staff Note: The proposed re-development of this property is not the material issue of the applicant’s request. The issue that is under consideration is strictly the change of zoning from Medium Density Residential (R-2) to High Density Residential (R-3). Concerns regarding storm drainage issues are addressed by the Building and Planning Department during the plan review for the re-development of the property.

Dan Schorr who lives on 12th Ave spoke against this request and does not believe the restrictions put on properties during Planning Commission review are binding. Mr. Schorr stated the conditions put on properties by the Planning Commission are largely ignored. Mr. Schorr stated there are five (5) houses near him that have conditions placed on them and the conditions are not followed. Mr. Schorr requested conditions be put on the project that would require the development be restricted to certain uses and put a five-year moratorium on building condominiums or other uses on this property.

Staff Note: Councilor Montero stated she believed the City does not have the authority to put conditions on a request for a zone change. City Attorney Dan Van Thiel agreed with Councilor Montero’s statement. Further, this public hearing was strictly on the proposed zone change from Medium Density Residential (R-2) to High Density residential (R-3) and not a review of a specific project. If the future development project is not an outright permitted use in the zone, the project would require a conditional approval by the Planning Commission and the Planning Commission would hold a public hearing and could require certain conditions at that time.

City Council Action:

Following the public hearing, the City Council held first and second reading of the attached Ordinance 2022-09 and voted unanimously to approve this zone change request. The third and final reading is scheduled for the October 24, 2022 City Council meeting.

Final Recommended City Council Action:

The Staff recommends the City Council approve the zone change request based on the Planning Commission’s recommendation and move to read Ordinance No. 2022-09 (attached) “by title only” for a second, followed by a third and final reading. Passage of this ordinance will formally recognize the Council’s approval of the request and authorize the change on the City’s Zoning Map.

Per section 10.080 of the Seaside Zoning Ordinance “The city shall take final action on an application for a permit or zone change request, including resolution of all local appeals, within 120 days from the date

the application is deemed complete.” This application was deemed complete on July 7, 2022 and the 120-day deadline is Friday November 4, 2022.

Attachments:

1. Ordinance No. 2022-09
2. Planning Commission’s Recommendation
3. Applicant Submittal
4. City Council Mailed Notice
5. City Council Published Notice
6. Public Comment

Staff and/or Key Contacts:

Jeff Flory, Planning Director

ORDINANCE NO. 2022-09

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 2657 N HWY 101 FROM R-2 TO R-3.

WHEREAS, the Planning Commission conducted a public hearing regarding a proposed zone map amendment at 2657 N Hwy 101 (T6 R10 10DC TL: 0200 and T6 R10 10DC TL: 01203) that would re-designate the Medium Density Residential (R-2) zoned subject properties to High Density Residential (R-3) in order to permit urban density residential development of these properties, and

WHEREAS, following the Planning Commission’s public hearing on September 6, 2022, the Planning Commission recommended the City Council approve zone change request 22-039ZMA based on the applicant’s submittal, the staff report, public testimony, adopted findings and conclusions that support the proposed amendment; and

WHEREAS, the City Council held their own public hearing and reviewed the Commission’s recommendation on zone change 22-039ZMA during their meeting on October 10, 2022, and determined the request is consistent with the provisions in the City’s Comprehensive Plan and it will not undermine the Plan’s compliance with the Statewide Planning Goals.

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

SECTION 1. Amend the zoning map referenced in Section 2.030 of the Seaside Zoning Ordinance, as follows:

Change the Medium Density Residential (R-2) zoned properties located at 2657 N Hwy 101 (T6 R10 10DC TL: 0200 and T6 R10 10DC TL: 01203) to High Density Residential (R-3). Said properties to be rezoned are identified on the attached map.

SECTION 2. The Seaside City Council did hold a public hearing on October 10, 2022 during which the public was given an opportunity to testify in favor and in opposition of the zone change.

SECTION 3. The City Council hereby approves the zone change (file reference #22-039ZMA) based on the adopted information in the Planning Commission’s recommendation and the testimony and information obtained during the Council’s public hearing process.

ADOPTED by the City Council of the City of Seaside on this ____ day of _____, 2022, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

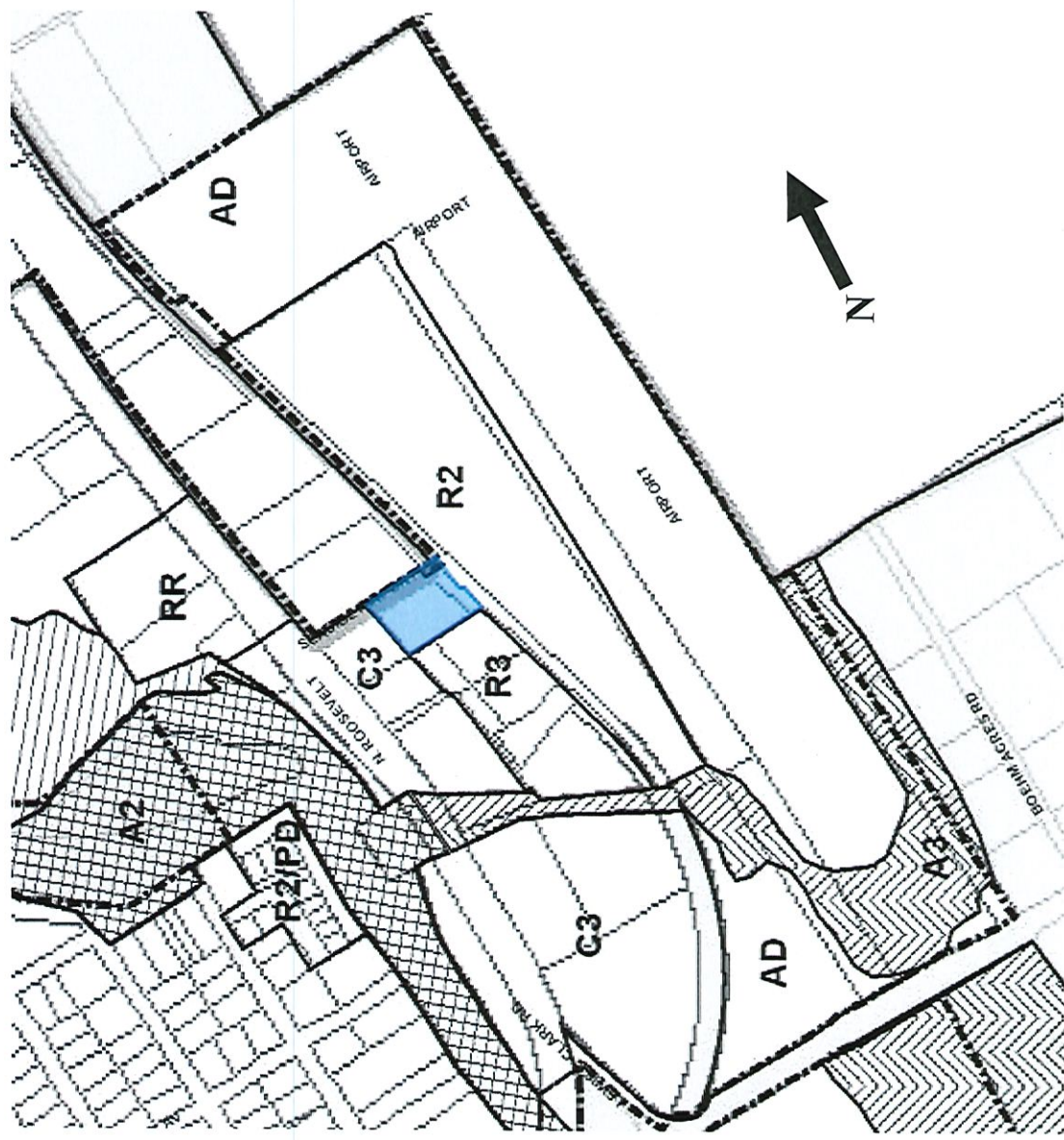
SUBMITTED to and **APPROVED** by the Mayor on this ____ day of _____, 2022.

JAY BARBER, MAYOR

ATTEST:

Spencer Kyle, City Manager

Proposed Zone Change
File #22-039ZMA



CITY of SEASIDE

OREGON'S
FAMOUS
ALL-YEAR
RESORT

COMMUNITY DEVELOPMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
CDADMIN@CITYOFSEASIDE.US
(503)738-7100

PLANNING COMMISSION RECCOMENDATION 22-039ZMA

CITY COUNCIL HEARING DATE: October 10, 2022

SUBJECT PROPERTY:

2657 N Hwy 101 Seaside, OR 97138					
Zone	Overlay Zone	Township	Range	Section	Tax Lot
R-2	AD	6	10	10DC	0200 & 01203

OWNER: Big Chief LLC.
P.O Box 204 Astoria, OR 97103

APPLICANT: RDA Project Management

REQUEST: A request by RDA Project Management for a zone change of the properties located at 2657 N Hwy 101 (T6-R10-10DC-TL0200 & T6-R10-DC-TL01203). The proposal will rezone the approximate .46-acre and .10-acre properties from Medium Density Residential (R-2) to High Density Residential (R-3).

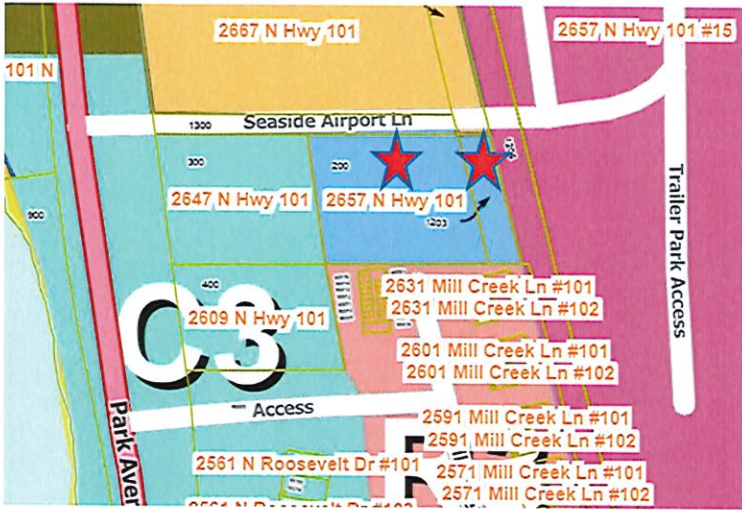
RECOMMENDED DECISION: After considering public testimony, the Planning Commission recommended the following City Council Action:
Recommendation: Approve Zone Change 22-039ZMA
This recommendation can be supported by the applicant's submittal and the Commission's adoption oof the findings, justification statements, and conclusions.

LOCATION INFORMATION:

2657 N Hwy 101. Seaside, OR 97138

T6-R10-S10DC TL# 0200 & T6-R10-S10DC TL# 01203

Zone: Medium Density Residential – R2



DECISION CRITERIA, JUSTIFICATION, FINDINGS, & CONCLUSIONS:

The following is a list of the decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements adopted by the Planning Commission to support their conclusions. The adopted information is being forwarded to the City Council to support the Commission's final recommendation to the City Council.

Although the City of Seaside Zoning Ordinance does not identify specific standards or criteria which apply to all zone changes, at a minimum, the following criteria must be addressed:

DECISION CRITERIA #1: Section 15.4 of the Comprehensive Plan states the following:

5. Changes to the Comprehensive Plan shall be based on adequate finding of public need and factual information.

6. Findings of fact for requested Comprehensive Plan revisions shall, at a minimum:

- a. Explain which plan goals, objectives, or policies are being furthered by the change:
- b. Present the facts used in making the decision; and
- c. Explain how the change will serve the public need.

Although not included in this Section of the Comprehensive Plan, any proposed amendment must be consistent with the Comprehensive Plan and the amendment must maintain the Plan's compliance with the applicable State Wide Planning Goals.

FINDINGS & JUSTIFICATION STATEMENTS:

1. Published & Mailed Request Summary:
22-039ZMA - A request by RDA Project Management for a zone change of the properties located at 2657 N Hwy 101 (T6-R10-10DC-TL0200 & T6-R10-DC-TL01203). The proposal will rezone the approximate .46-acre and .10-acre properties from Medium Density Residential (R-2) to High Density Residential (R-3).
2. The applicant's submitted justification is adopted by reference and summarized as follows:
 - a. The subject properties are .46-acre and .10-acre in size and is currently a non-conforming use as a commercial wrecking yard.
 - b. The proposed development of this property will be a 10-unit apartment complex that will bring the use of the property into conformance with R-3 standards.
 - c. The best use of these properties is for higher density residential development in order to create housing units to address the housing shortage in Seaside.
 - d. The property south of the subject properties is zoned High Density Residential (R-3).
 - e. The subject properties are already served with public utilities.
 - f. Transportation, traffic flow, and utilities will not have an undesirable impact with the addition of this small R-3 rezoning. In fact, the current non-conforming use may have a higher traffic impact than the proposed full-time residential use.
 - g. The subject properties are partially located within the 100-year flood zone and any future development will adhere to the required standards in the Seaside Flood Damage Prevention ordinance.
3. The rezone to R-3 will increase the residential development potential of the property from 10 dwelling units per net acre to 20 dwelling units per net acre. The proposed re-development of the property is for a 10-unit apartment complex with open space or playground area for residents. The units will rent for market rate.

4. The property immediately to the south of the applicant property is zoned R-3 and the current use is as a condominium complex. The property immediately to the east is zoned Airport Development (AD) and the current use is as a mobile home park. The highway frontage property to the west is zoned General Commercial (C-3) and the current use is as a business office. The property across Seaside Airport Lane is outside the city limits of Seaside and zoned Low Density Residential (R-1) and the current use of the property is as a religious institution and not residential housing. The applicant properties are the sole R-2 zoned properties in the immediate vicinity and the proposed use will be similar in nature to the adjacent properties to the east and south.
5. The subject property is within the Airport Safety Overlay Zone. The overlay zone designation will not change and any future re-development of the property will be required to meet the requirements and standards of Section 3.166 Airport Safety Overlay Zone of the Seaside Zoning Ordinance.
6. Future development under the new zone designation may increase traffic along Seaside Airport Lane however, the current non-conforming use of the subject properties may have a greater impact on the area. The applicant submitted an e-mail from ODOT which states the proposed development will not require a traffic study.
7. The Comprehensive Plan (Section 4.1.8) states that sufficient land shall be designated for higher density residential development where city services are available and access to community facilities is convenient and therefore close to the city center. The proposal will provide some additional high density residential land but it would be some distance (approximately 1.5 miles) from the city center and most community facilities; however, it would be relatively close (approximately 0.5 miles) from the food bank.
8. The 2019 Clatsop County Housing Strategies Report Appendix B: Preliminary Residential Buildable Land Inventory shows Seaside has approximately 9 vacant or partially vacant acres of buildable High Density Residential R-3 land. A need for multi-family residential rental housing exists as demonstrated by the 2019 study.
9. According to the Goal 9 Economic Opportunity Analysis and Employment Needs Assessment (2013), approximately 75% of those working in Seaside live outside the city limits. The 2019 Clatsop County Housing Strategies Report states that according to the Census Employment Dynamics database approximately 64% of Seaside's workforce commute from outside the city. Additional multi-family housing will provide an opportunity for families to reside closer to employment opportunities and thus these families will spend money in the Seaside Community.
10. The subject property is within the Sunset Empire Parks & Recreation District which provides recreation opportunities. City parks, the estuary, and the beach are within proximity to the site. It is not anticipated that the zoning map amendment and subsequent multi-family development will have a negative impact on existing park and recreation facilities.
11. The R-3 zone allows a variety of residential uses under Sections 3.040-3.045 in the zoning ordinance. The applicable ordinance states:

Section 3.040 R-3 RESIDENTIAL HIGH DENSITY

Section 3.041 Purpose. To provide for high density multi-family development with a maximum density of 20 dwelling units per net acre. These areas are predominantly single family, but multi-family units are the primary new development replacing many older units. Other uses, such as rooming and boarding houses, churches, schools, golf courses, parks, government buildings,

utilities and condominiums are provided for in this zone. Under certain conditions, certain commercial uses which are for the convenience of neighbors may be allowed.

Section 3.042 Outright Uses Permitted. In the R-3 Zone, the following uses and their accessory uses are permitted outright.

1. Single family dwelling.
2. Two family dwelling.
3. Multifamily dwelling
4. Agriculture uses such as gardens, orchards, vineyards, but excluding signs or structures for the purpose of sale of any product, commercial greenhouses, or farm buildings, or the keeping of non-domestic animals and poultry.
5. Dish antennas subject to provisions in Section 4.028.
6. Residential Homes
7. Family Day Care Provider
8. Maintenance, repair or minor modification to existing roads, sidewalks, bike paths and public utilities and services; New sidewalks and bike paths. Where new right-of way will be required that exceeds 25 percent of the existing right-of-way for the project area, the request shall be reviewed as a conditional use. These activities do not authorize the condemnation of property without due process.

Section 3.043 Conditional Uses Permitted. In the R-3 Zone the following conditional uses and their accessory uses are permitted subject to the provisions of Article 6:

1. Churches and other religious structures.
2. Primary, elementary, junior and senior high schools; or a higher education institution.
3. Kindergarten or day nursery.
4. Community meeting building.
5. Cemetery.
6. Golf course, except commercial driving ranges, or miniature golf courses.
7. Public Park, playground, or other similar publicly owned recreational uses.
8. Temporary real estate office in a subdivision.
9. Utility substation.
10. Radio or television tower or transmitter.
11. Government or municipal structure or use.
12. Convenience establishments.
13. Boarding, lodging or rooming house.
14. Group care homes, homes for the aged, nursing homes, and hospitals.
15. Professional offices when the lot adjoins a state highway or major arterial, or is contiguous to, or across the street from a commercial industrial zone.
16. Private sports complex.
17. Manufactured Home Subdivision.
18. Bed & Breakfast establishments subject to provisions in Sections 6.135 and 6.136.

19. Vacation Rental Dwellings subject to provisions Section 6.137.
20. Manufactured home on an individual lot when placed upon a permanent foundation and subject to Section 4.135. This section does not apply to land designated as a historic district or land adjacent to a historic landmark.
21. Home occupations subject to Sections 4.130 through 4.134.
22. Major modification of existing roads and public facilities and services; New roads that are not part of a partition or subdivision. These activities do not authorize the condemnation of property without due process.
23. Public facilities such as Fire Stations, Police Stations, or Ambulance Substations. (ORD. No. 99-11)

Section 3.044 Prohibited Uses. All uses not permitted outright or as conditional uses under Sections 3.042 and 3.043.

Section 3.045 Standards. In the R-3 Zone, the following standards shall apply:

1. Lot Size: Lot area shall be a minimum of 5,000 square feet. Attached dwelling units in a zero-lot line setback development may have a minimum lot area of 3,000 square feet.
2. Density: The overall density on any parcel shall not exceed 20 dwelling units per net acre.
3. Front Yard: A front yard shall be at least 15 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. Also see exceptions in Section 5.070 for zero lot line setbacks.
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 be 45 feet.
7. Lot Coverage: Maximum area that may be covered by a permitted structure and accessory building shall not exceed 55 percent of the total area of the lot.
8. Off-Street Parking: As specified by Section 4.100.
9. All uses shall comply with other applicable supplementary provisions in Article 4.

CONCLUSION TO CRITERIA #1:

The proposed zone change from Medium Density Residential (R-2) to High Density Residential (R-3) will be a logical extension of the current development zone and allow the subject properties to be fully utilized for urban residential development that is consistent with the provisions of the City's Comprehensive Plan and maintain the Plan's compliance with Statewide Planning Goals.

PUBLIC COMMENTS:

As of the date of this report no written public comments have been received by the Community Development Department. The Planning Commission held a public hearing on September 6, 2022 and the applicant spoke in favor of the request. The applicant stated they are requesting the zone change because their intention is to develop an apartment complex on this property. The zone change will allow approval a higher density of dwelling units than the current zone allows. No public comments were provided in opposition of the request.



City of Seaside, Planning Department

989 Broadway, Seaside, OR 97138 (503) 738-7100 Fax (503) 738-8765

Land Use Application

Kevin Cupples, Director

PLEASE PRINT OR TYPE

NAME OF APPLICANT RDA Project Management	ADDRESS PO Box 1417	ZIP CODE 97103
STREET ADDRESS OR LOCATION OF PROPERTY 2657 N Hwy 101. 61010DC00200		

ZONE R-2	OVERLAY ZONES	TOWNSHIP 6N	RANGE 10W	SECTION 10DC	TAX LOT 200 / 1203
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PROPOSED USE OF PROPERTY AND PURPOSE OF APPLICATION(S):

Requesting a zone change from R-2 to R-3 to allow for a multi-family dwelling.

(PLEASE INCLUDE THE APPROPRIATE PLOT PLAN.
IF ADDITIONAL SPACE IS NEEDED OR SUPPLEMENTAL INFORMATION IS REQUIRED PLEASE ATTACH)

OWNER:	APPLICANT/REPRESENTATIVE (OTHER THAN OWNER):
PRINT NAME OF PROPERTY OWNER Big Chief LLC	PRINT NAME OF APPLICANT/REPRESENTATIVE RDA Project Management
ADDRESS P.O. Box 204 Astoria	ADDRESS PO Box 1417 Astoria
PHONE / FAX / EMAIL 503-440-7524	PHONE / FAX / EMAIL 503-440-6924
SIGNATURE OF PROPERTY OWNER <i>John G. Carlisle</i>	SIGNATURE OF APPLICANT/REPRESENTATIVE <i>Kevin Cupples</i>

FOR CITY USE ONLY – DO NOT WRITE BELOW THIS LINE

CHECK TYPE OF PERMIT REQUESTED:

- | | | | |
|--------------------------------------------------|---------------------------------------------------|------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> CONDITIONAL USE | <input type="checkbox"/> NON CONFORMING | <input type="checkbox"/> SUBDIVISION | <input type="checkbox"/> ZONING CODE AMENDMENT |
| <input type="checkbox"/> LANDSCAPE/ACCESS REVIEW | <input type="checkbox"/> PLANNED DEVELOPMENT | <input type="checkbox"/> TEMPORARY USE | <input checked="" type="checkbox"/> ZONING MAP AMENDMENT |
| <input type="checkbox"/> MAJOR PARTITION | <input type="checkbox"/> PROPERTY LINE ADJUSTMENT | <input type="checkbox"/> VACATION RENTAL | <input type="checkbox"/> APPEAL |
| <input type="checkbox"/> MINOR PARTITION | <input type="checkbox"/> SETBACK REDUCTION | <input type="checkbox"/> VARIANCE | <input type="checkbox"/> |

PLANNING DEPARTMENT USE:	
DATE ACCEPTED AS COMPLETE 7-7-22	BY J
CASE NUMBER (S) 22-0392MA	
HEARING DATE 9/6/22	P.C. ACTION

OFFICE USE:	
FEE	RECEIPT
DATE FILED 6/27/22	BY JAS

ZONE CHANGE APPLICATION

FEE: \$ 1600.00

Zone Change Procedure Summary:

Zoning change applications are scheduled for a public hearing before the City of Seaside Planning Commission. Prior to the hearing, the Community Development Department notifies the Department of Land Conservation & Development and all the property owners within 100 feet of the subject property. The applicant submits a complete application that supports the proposed request along with all the supplemental information. Staff reviews the submittal and prepares a staff report for the Planning Commission prior to the public hearing. During the hearing, the chairman will open the hearing and ask for a brief summary of the staff report. Following staff's brief summary of their report the applicant will be given an opportunity to testify and any other individuals in favor of the request, and then individuals in opposition to the request. An opportunity for rebuttal will be provided after we have heard from everyone that wishes to testify.

After the public hearing, the Planning Commission will make a recommendation to the City Council. The City Council will then hear the request in light of the Commission's recommendation before making a final decision. A decision by the Council to approve the request will require formal reading and adoption of an ordinance amendment authorizing a change to the Zoning Map of Seaside, Oregon. The decision by the City Council can be appealed to the Land Use Board of Appeals in accordance with State Statute.

Zoning Map Amendment Request and Review Criteria:

Prior to completing any application, the request should be discussed with the Planning Director. It may be advisable to take advantage of a formal pre-application conference to promote an exchange of information about the applicant's proposal and how it relates to the requirements of the Seaside Zoning Ordinance, Comprehensive Plan, or other applicable ordinances.

The City of Seaside City Council may authorize a zone change in accordance with the provisions in the City of Seaside Zoning Ordinance when the proposed change is found to be consistent with the Seaside of Seaside Comprehensive Plan.

In accordance with Section 15.4 Implementation and Procedural Policies of the Comprehensive Plan, the property owner must justify the zone change based on the following considerations:

1. Any revision shall be based on examination of development trends, population growth, and effectiveness of policy statement since the adoption or previous revision date.
2. Changes to the Comprehensive Plan shall be based on adequate finding of public need and factual information.
3. Findings of fact for requested Comprehensive Plan revisions shall, as a minimum:
 - a. Explain which plan goals, objectives, or policies are being furthered by the change:
 - b. Present the facts used in making the decision; and
 - c. Explain how the change will serve the public need.

4. As with the preparation of the Comprehensive Plan, other jurisdictions and agencies shall be involved in the process of revision or updating.
5. Zone changes shall be consistent with the Comprehensive Plan.

QUESTIONS TO BE ADDRESSED IN NARRATIVE STATEMENT

Please provide the following information in full and attach to this application as Exhibit B.

1. COMPREHENSIVE PLAN MAP AMENDMENT. Is the proposed amendment compatible with the provisions of the Comprehensive Plan when measured by the following?

- a. What is the land area that will be affected by the map amendment?
- b. What are the current land uses in the surrounding area?
- c. What is the proposed use of the site?
- d. What is the impact of the proposed amendment on land use and development patterns in the City regarding:
 - i. Traffic generation and circulation patterns
 - ii. Population concentrations
 - iii. Demand for public facilities and services
 - iv. Maintenance of public health and safety
 - v. Level of park and recreation facilities
 - vi. Economic activities
 - vii. Protection and use of natural resources
 - viii. Natural hazards and constraints
 - ix. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs
- e. Is there a need for the proposed map change based on the lack of available land in the districts where the proposed use is allowed?
- f. Are adequate urban services available to the site for the proposed use?
- g. How does the proposed amendment comply with all the applicable Statewide Planning Goals and administrative rule requirements? The State's Transportation Planning Rule requires an amendment to an acknowledged comprehensive plan or a land use regulation to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of transportation facilities. If there is a proposed change in the urban growth boundary, then compliance with Goal 14 and the Urban Growth Policies of the City of Seaside will also need to be described.
- h. Can the proposed amendment be implemented within the existing framework of the comprehensive plan?
 - i. Is the proposed amendment an appropriate action under one or more of the following criteria?
 - i. It corrects identified error(s) in the provisions of the comprehensive plan.
 - ii. It represents a logical implementation of the plan,

iii. It is mandated by changes in federal, state or local law.

iv. It is otherwise desirable, appropriate and proper.

SUBMITTAL REQUIREMENTS (ZONE CHANGE)

Ten (10) copies plus the original, signed application form with a written narrative describing and justifying the zone change requested. This information must be reproduced so please print clearly using black or blue ink or type.

Ten (10) copies plus the original of a site plan and other materials essential to understanding the proposal.

All submitted material must be folded and collated in sets and drawings & maps must be to scale (1" = 20', 1" = 40' or other approved by staff).

The appropriate filing fee payable to the City of Seaside.

SUBMITTAL RECOMMENDATIONS

Applicants are advised to schedule a pre-application meeting with Planning staff to discuss request prior to submittal of application.

Applicants are advised to submit three (3) draft application packages one week in advance of deadline dates for public hearings.

City of Seaside Planning Commission,

The owners of 2657 N Highway 101 (tax map: 61010DC00200 and 61010DC00203), located directly off Seaside Airport Ln are requesting a zone change from R2 to R3. There are several different zones surrounding this property. The property located directly in front (West) and other nearby properties along the highway are zoned C3 (mostly commercial). The property North on the other side of Seaside Airport Ln is zoned R1, it is currently being used as a church not a single family residence. The property located directly South is zoned R3. 2657 N Hwy 101 current zoning of R2 makes it an island property, but by rezoning it to R3 it would be incorporated with the neighboring properties that are zoned as R3. By changing from R2 to R3 it will continue as residential zoning, but would go from medium density to high density.

According to the Seaside zoning ordinance *section 3.040 R-3 Residential High Density*, R3 zones are mostly single family residences, but the new primary developments in this zone are multi-family units. Outright uses permitted in this zone include single family, two family, and multifamily dwellings, agriculture uses (gardens, orchards, vineyards), dish antennas, residential homes, family day care providers, and accessory dwelling units. With a conditional use permit, other uses, such as room and boarding houses, churches, schools, parks, government buildings, utilities and condominiums are allowed in this zone.

According to the Seaside zoning ordinance *section 3.030 R-2 Residential Medium Density*, its purpose is to provide moderately dense housing with a maximum density of ten dwelling units per acre, basically a single family zone with limited multiple family development options. With the higher density of R3 it allows for more opportunities for the property including to be developed as a multi family dwelling at twenty units per acre. Having another property zoned at high density would be advantageous to a community that's facing a major housing shortage. An increase in density from ten dwelling units per acre (R2) to twenty dwelling units per acre (R3) would significantly help Seaside residents.

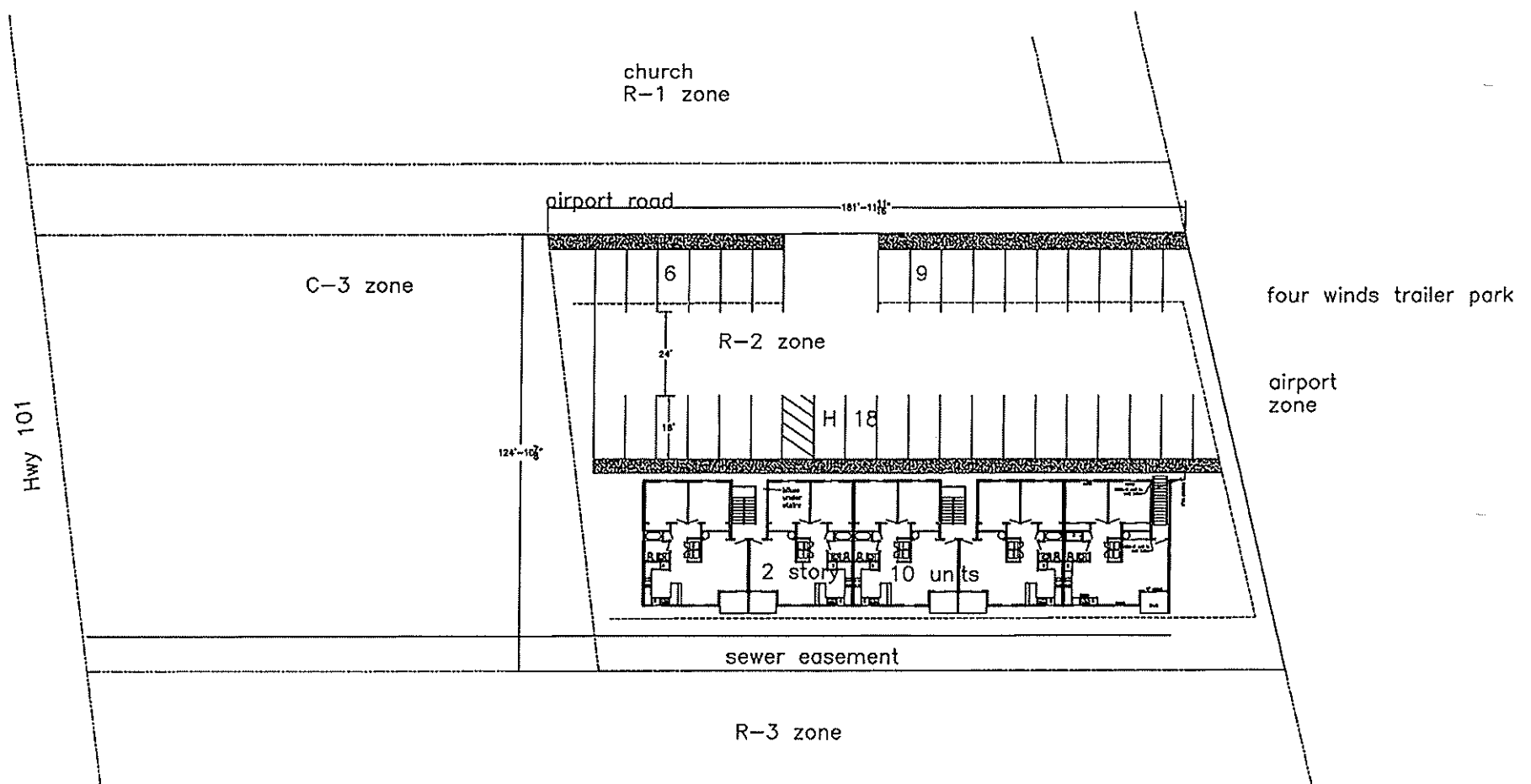
If the zone change is approved, the property owners plan to build one apartment building that's two stories consisting of ten units. The units will be a mixture of two and three bedrooms. There will be twenty parking spaces, two spaces per unit. Ten units is the maximum allowed due to density requirements for the lot size. The property is .56 acres, so ten units are the maximum allowed in an R3 zone (twenty units per acre). There will also be an open space/playground on the property for residents. The property is currently non-conforming per zoning ordinance, but would be fixed by developing the land with an apartment building.

As stated in Seaside's comprehensive plan there is a need to adequately house the permanent residents in the community, and it is recognized that there's a need for multi-family housing to

help house those residents. By allowing for a zone change to allow high density multi family housing it would coincide with that aspect of the comprehensive plan. Additionally, adding additional housing within Seaside will have a beneficial impact financially for the city. By having more housing opportunities for families that work in Seaside it will allow them to reside closer to their place of employment, therefore spending more of their time supporting local business through dining, shopping and other recreational activities that Seaside has to offer.

With the density increase due to the zone change we've looked at the impact on traffic. However, the increase in traffic wouldn't be significant and there is already a turn lane located on Hwy 101. The center turn lane will help alleviate peak hour congestion for southbound traffic. Additionally, we spoke with ODOT and they have expressed that they aren't interested in a deceleration lane nor see that a traffic study is necessary per ODOT development review guidelines.

A change in zoning from R2 to R3 is compatible with the comprehensive plan and will not be a burden to the City of Seaside. The property is within the Urban Growth Boundary and a need for multi-family housing exists and is supported by the 2019 Clatsop County Housing Strategies Report. The development occurring because of the zone change would not cause a surge in population concentration for this specific area. The density increase will not be a constraint for public utilities and services. Per verification with the Seaside Public Works Department, the property is currently serviced by the city's sanitary sewer system and the increase in dwelling units will not cause any constraints on the system. The zone change of the property will not have a negative impact on existing park and recreational facilities. The property does have special flood hazard designations (100 and 500 year). All future development will adhere to the required standards in the Seaside Flood Damage Prevention ordinance. However, there are no mapped wetlands or conservation zones on the property.



719 S Main Street Warrenton and 2657 N Highway 101 Seaside

Abigale Goodman <abigalestemper@gmail.com>

Thu, May 12, 2022 at 12:59 PM

To: richard.a.kearns@odot.state.or.us

Cc: Randy Stemper <randystemper@gmail.com>

Here is the information for our conversation.


719 S Main Street Warrenton:

~~Located on the corner of 7th street and Main Street. The existing curb cut is located on Main Street, we would like to move it 20ft to the north. It would be located on the north end of the property to allow better access to the 5 cottage clusters. I have attached the site plan and aerial photo. On the phone I said that it was only a curb cut but after looking at photos again there is a sidewalk that you'll be able to see in the photo.~~

2657 Highway 101 Seaside:

Located directly off of Airport Lane. It would be one apartment building with 10 units consisting of 2-3 bedroom units. Based on my prior conversation with Jeff at Seaside Planning it didn't appear that we would need the traffic study done. But was told to contact you about a potential need by ODOT for a deceleration lane. There is already the left hand turn lane on hwy 101. However, I'll discuss the traffic study more with Jeff. Attached is a preliminary site plan and aerial photo of the property location.

Thank you,
Abby

2 attachments **719 S Main.pdf**
11027K **2657 N hwy 101.pdf**
12099K



Abigale Goodman <abigalestemper@gmail.com>

719 S Main Street Warrenton and 2657 N Highway 101 Seaside

KEARNS Richard A <Richard.A.KEARNS@odot.oregon.gov>

Tue, May 24, 2022 at 10:15 AM

To: Abigale Goodman <abigalestemper@gmail.com>, WILLIAMS Virginia L <Virginia.L.WILLIAMS@odot.oregon.gov>

Abigale

Below is the response I got from ODOT'S Access Engineer;

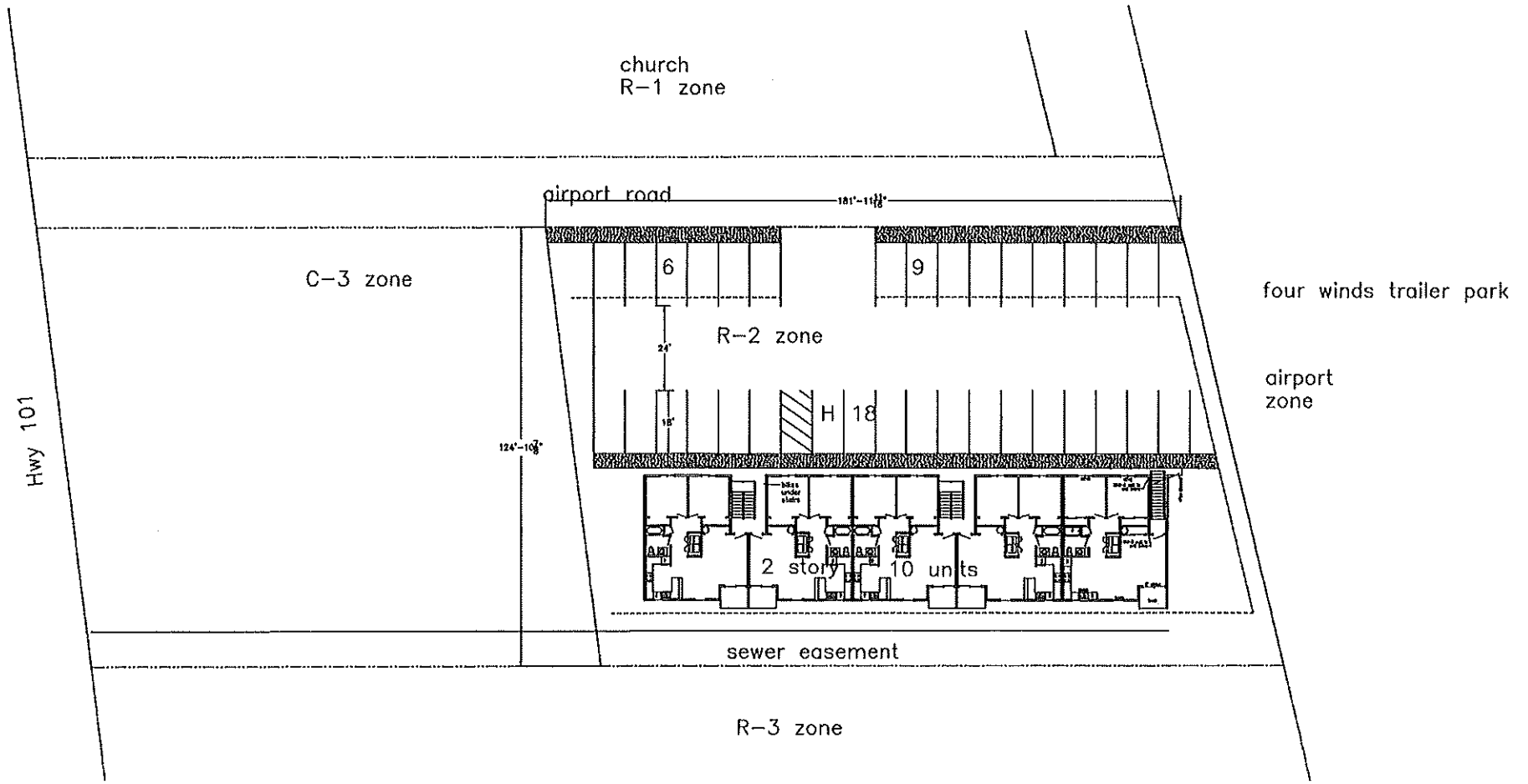
~~For the Warrenton one my response: New application required; expect support with closure of the existing approach. The on-street parking needs to be completely removed between 7th and the mailboxes. I believe our ADA standards will require a single parallel curb ramp to be designed in between the new approach and 7th since 7th is a public street. It will need a site specific detail, see RD920 for guidance. <https://www.oregon.gov/ODOT/Engineering/202201/RD920.pdf>~~

For the Seaside one my response: No coordination with ODOT necessary, per our development review guidelines a traffic study would not be warranted.

Richard Kearns

D1 Permits

[REDACTED]



church
R-1 zone

airport road 181'-11 1/2"

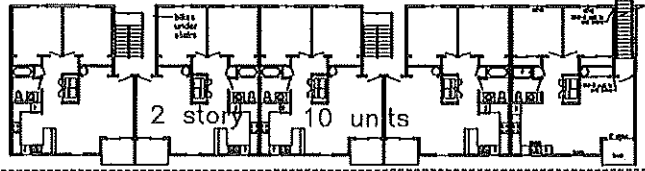
C-3 zone

four winds trailer park

R-2 zone

airport zone

H 18



sewer easement

R-3 zone

Hwy 101

124'-10 1/2"

6

9

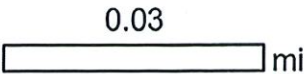
Clatsop County Webmaps



7/7/2022 2:27 PM



Clatsop County



This map was produced using Clatsop County GIS data. The data is maintained by Clatsop County to support its governmental activities. Clatsop County is not responsible for any map errors, possible misuse, or misinterpretation.



OREGON'S
FAMOUS
ALL-YEAR
RESORT

COMMUNITY DEVELOPMENT
LOCATION: 1387 AVE U
MAIL: 989 BROADWAY
SEASIDE, OREGON 97138
CDADMIN@CITYOFSEASIDE.US
(503)738-7100

Notice of City Council Public Hearing

Application 22-039ZMA

Public Hearing Date:	October 10, 2022 at 7:00pm	Comment Period Ends	October 10, 2022
Public Hearing Location:	989 Broadway Seaside, OR 97138	Send Written Comments To:	989 Broadway Seaside, OR 97138
Mailed Date:	September 12, 2022	Staff Contact:	Jeff Flory, Planning Director

Property owners are entitled to receive the following notice when their property is located within **100 feet** of a pending land use decision that will be made by the **Seaside City Council**. Because the City mails notice to the owners of record, any tenants will not receive this notice; therefore, we encourage landlords to provide this information to their tenants so they also have an opportunity to participate in the review process.

On Monday, October 10, 2022 at 7:00pm a public hearing will be held by the Seaside City Council to take testimony on the following item:

Request:	A request by RDA Project Management for a zone change of the properties located at 2657 N Hwy 101 (T6-R10-10DC-TL0200 & T6-R10-DC-TL01203). The proposal will rezone the approximate .46-acre and .10-acre properties from Medium Density Residential (R-2) to High Density Residential (R-3).
Applicant(s):	RDA Project Management
Location:	2657 N Hwy 101 Seaside, OR 97138 (T6-R10-10DC-TL0200 & TL 01203)
Zone:	Medium Density Residential (R-2)

In addition to complying with the provisions in the Comprehensive Plan, the review will be conducted in accordance with Article 9 and Article 10 of the Seaside Zoning Ordinance, which establishes the review criteria and procedures for a zone change.

A copy of the application, applicable criteria, documents, and evidence relied upon by the applicant are available for review at no charge. Likewise, a staff report will be available for inspection 7 days prior to the hearing. These materials can be reviewed at the Community Development Department, 1387 Avenue U in Seaside. Copies of these materials will be provided at a reasonable cost.

All interested persons are invited to attend the meetings in person or electronically and submit oral testimony in favor or in opposition to the request. Members of the public wishing to testify electronically will be able to join the webinar as an "attendee." Attendees will be able to view the webinar on an electronic device or dial-in to listen to the Council meeting. Instructions to pre-register for public comment and join the meeting will be posted on the City of Seaside website at www.cityofseaside.us/meetings. Pre-registration to provide public comment is strongly encouraged.

Written testimony is also welcome but should be submitted by 5:00 p.m. on the Tuesday preceding the hearing in order to be included with the information sent to the City Council. Written testimony received after this date will be submitted to the City Council at the time of the hearing. Comments may be delivered to the Community Development Department located at 1387 Avenue U or mailed to 989 Broadway, Seaside, Oregon 97138.

Failure to raise an issue at the meeting, in person, or in writing, or failure to provide sufficient details to afford the City Council and the applicant an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.

For more information, please contact Seaside Community Development at (503) 738-7100.

Jeff Flory

From: noname <skipddodah@gmail.com>
Sent: Thursday, September 29, 2022 9:19 AM
To: cdadmin
Subject: 2657 hwy 101 zone change Jeff Flory
Attachments: high density .jpg

City Council, I am writing to object to the proposed zone change. I live in the senior mobile park. The towing company often blocks access to and from my residence. In addition it's unsightly, Abandoned vehicles sit for years, it's an embarrassment to the park residents and concern exists regarding a weather event and access to Hwy 101 for all residents. It is already congested and high density means more congestion. The notice of the public hearing was vague. Still I would like to voice my concerns about changing the zoning from medium to high. Attached is just one picture of the area of concern. Thank you, Judith Glazier Fourwinds Mobile park



CITY OF SEASIDE
NOTICE OF CITY COUNCIL PUBLIC HEARING

On Monday, **October 10, 2022** at 7:00 p.m. a public hearing will be held by the Seaside City Council at Seaside City Hall, 989 Broadway, to take testimony regarding the following items:

22-039ZMA: A zone change request by RDA Project Management for the properties located at 2657 N Hwy 101 (T6-R10-10DC-TL0200 & T6-R10-DC-TL01203). The proposal will rezone the approximate .46-acre and .10-acre properties from Medium Density Residential (R-2) to High Density Residential (R-3).

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For more information, please contact Seaside Community Development at (503) 738-7100.

Published: September 15, 2022



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Kim Jordan, City Recorder
Department: Business Office
Subject: Convention Center Commission Vacancy
Type of Item: Discussion – Open Vacancy

Introduction:

Alyse Morrison resigned from Commission creating one vacancy on the current Commission.

Background:

Alyse Morrison was previously interviewed and appointed by City Council to serve on the Convention Center Commission but has moved to Portland and has resigned her seat.

Budget Impact:

None

Department Review:

Business Office

Alternatives:

n/a

Recommendation:

City Council open vacancy to accept applications.

Attachments:

1. Convention Center Commission Information sheet.

SEASIDE CIVIC AND CONVENTION CENTER COMMISSION

(Meetings are scheduled the second Thursday of every month at 5:00 PM)

The purpose of the Seaside Convention Center Commission is to be an advisory body to make recommendations to the City Council on matters concerning the Civic and Convention Center. The Commission shall make recommendations concerning policy matters related to the Civic Convention Center. The Civic and Convention Center Commission shall advise the Convention Center Manager, City Manager and City Council on all items relating to the operation of the Civic and Convention Center including but not limited to: Contracts; Building Improvements; Employment of Civic and Convention Center Manager; Rentals; and Budget.

The commission consists of seven members who are not employees of the city and shall be residents, or owners or employees of businesses within the city limits of Seaside.

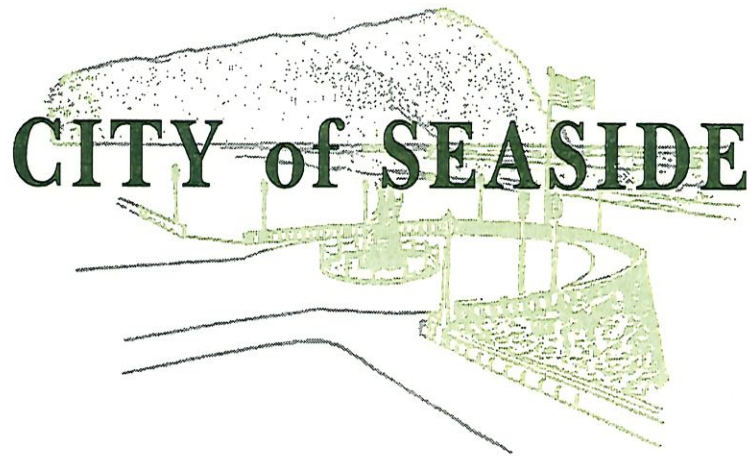
Each year, at the first Commission meeting in November, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. The center manager shall serve as Secretary to the Civic and Convention Center Commission.

The Commission shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed to serve on this committee who misses three or more regularly scheduled meetings during a 12-month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12-month period is defined as beginning in January of each calendar year.)

The members shall serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** September 26, 2022
Name: Alysse Morrison
Commission/Committee: Convention Center Commission
Resignation Date: Morrison – September 8, 2022
Term Expiration Date: Morrison – October 25, 2025
Wants to be considered again: No
2. **Applicants:**
3. **Nominations:**
4. **Appointment:**



OREGON'S
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ALL-YEAR
RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

CONVENTION CENTER COMMISSION

Term of Office: 4 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
NANCY MCCUNE	PO Box 315	503-260-8905	10/25/2022
TIM TOLAN*	PO BOX 911	738-3802	10/25/2022
ROBERT PERKEL	2039 HUCKLEBERRY DR.	971-320-0008	10/25/2024
ERIK MARSTON**	2472 NEAWANNA	503-739-2057	10/25/2024
SHAUN WAGNER	300 N. PROM	440-1911	10/25/2025
VACANCY (MORRISON)			10/25/2025
ROBERT FULLER	361 HILLTOP DR.	503-807-0332	10/25/2025

*CHAIR

**VICE CHAIR



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Kim Jordan, City Recorder
Department: Business Office
Subject: Parks Advisory Committee Vacancy
Type of Item: Discussion – Open Vacancy

Introduction:

The Parks Advisory Committee has 1 Vacancy.

Background:

Michael Hinton has resigned from the Parks Advisory Committee after more than 15 years of service.

Budget Impact:

None

Department Review:

Business Office

Alternatives:

n/a

Recommendation:

City Council open vacancy to accept applications.

Attachments:

1. Parks Advisory Committee Information sheet and Michael Hinton resignation.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** **October 10, 2022**
Name: **Michael Hinton**
Commission/Committee: **Parks Advisory Committee**
Resignation Date: **October 5, 2022**
Term Expiration Date: **March 31, 2024**
Wants to be considered again: **No**

2. **Applicants:**

3. **Nominations:**

4. **Appointment:**

CITY of SEASIDE

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RESORT

989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

PARKS ADVISORY COMMITTEE

Term of Office: 3 years
Number of Members: 7

Chairperson*
Vice Chairperson**
Secretary***

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
MARY BLAKE	1668 Whispering Pines	717-3810	3/31/2023
WILLIAM MONTERO**	2471 SUNSET BLVD.	206-250-5919	3/31/2023
DAFFNE MEJIA ALVAREZ	1610 SPRUCE DR. APT. 'F'	503-739-0926	3/31/2023
(VACANCY) HINTON			3/31/2024
NANCY HOLMES*	1520 COOPER ST.	717-1614	3/31/2024
PAM BIERLY***	120 12TH AVENUE	738-8107	3/31/2025
JIM KUHN	910 5TH AVENUE	503-709-8799	3/31/2025
TOM HORNING	808 26TH AVENUE	738-5770	horning@pacifier.com
DALE MCDOWELL	1387 AVENUE 'U'	738-5112	dmcdowell@cityofseaside.us



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Spencer Kyle, City Manager
Department: City Manager
Subject: Updated Camping Ordinance Policies
Type of Item: Approval

Introduction:

At the October 10 City Council meeting, the Council heard a report on the City's camping ordinance and its administration. The City Council discussed changing the requirements for campers to move out on Thursdays during inclement weather. At that meeting, the City Council instructed staff to bring back an amended camping ordinance policy that allows staff to make a determination that move outs should not happen due to inclement weather.

Background:

Overall, the City's camping program, while not without its flaws, has been an improvement for the management of issues with the unhoused in our community. The City continues to monitor the administration of the program and make changes that seem fitting based upon our own observations and experience as well as updates in the legal community.

Budget Impact:

n/a

Department Review:

Staff has discussed the proposed changes and is comfortable that they will improve the current program.

There are two changes being proposed in this update.

1. Staff has added language that clarifies why we close the camp on Thursdays from 10:00 AM to 4:00 PM. The added language states, "so the City can clean and inspect the campsite". Staff believes this language is necessary to show that the requirement to move out is not arbitrary or meant to make life more difficult for our campers. Rather, the City has a stated reasonable purpose to inspect and clean the campsite of unwanted debris that would otherwise accumulate.
2. Staff has added language that the City Manager or designee (currently proposed to be the Public Works Director) may determine that inclement weather poses a safety risk to our campers, may damage their dwellings, or otherwise prevent campers from remaining warm and dry. This change is timely as the 9th Circuit Court of Appeals recently ruled that the unhoused have a right to remain warm and dry. This change will bring the City into compliance with that latest ruling.

Alternatives:

The City Council may choose to make no changes or may propose other changes to the policy.

Recommendation:

Staff recommends approving the attached changes to the Camping Ordinance Policies.

Attachments:

1. Amended Camping Policy

Seaside City Ordinance Chapter 102 – Program for Temporary Camping

Policy

The Seaside City Ordinance Chapter 102 regulates the camping ordinance. This policy is designed to guide the enforcement of Chapter 102 as well as Oregon State Law (2021 HB 3115 and HB 3124). Participants in the program for temporary camping are expected to be knowledgeable of Chapter 102. This chapter, along with other city ordinances, can be found on the City of Seaside webpage (www.cityofseaside.us).

Permit

Participation in the camping program requires participants who are camping on public property, those who are camping on private property and those permitting others to camp on their private property, to obtain a free of charge permit from the city. Obtaining a camping permit may be obtained by contacting the Seaside Police Department located at 1091 S. Holladay Dr. or by calling (503)738-6311.

The permit issuance will require participants to provide:

- Names of all persons to be included with the permit
- Phone number (if available)
- Vehicle(s) included with the permit (no more than one motorized vehicle, motorized RV such as a motorhome or one RV trailer with one motorized tow vehicle which, shall remain with the towed RV)
- Tent size and color
- Private property address, if camping on private property

The permit will be valid for (3) weeks. Once a permit expires, the participant will be required to obtain a new permit if participation in the program continues.

Camping Location – Lawful and Unlawful

Permitted public property camping locations are subject to change without public notice and will be updated in this policy as deemed appropriate by the City Manager.

Upon permit issuance to a participant the camper will be directed to an assigned public property camping location.

Current public property camping locations by assignment include:

- City owned lot, south end of Aldermill Rd.

Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to camp as defined in Chapter 102 on any publicly owned property during the hours as set in this policy.

Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours as set in this policy.

Seaside City Ordinance Chapter 102 – Program for Temporary Camping

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Current public property camping locations by assignment include:

- City owned lot, south end of Aldermill Rd.

Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to camp as defined in Chapter 102 on any publicly owned property during the hours as set in this policy.

Except as expressly authorized by the Code of Seaside, it shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, on any public property during the hours as set in this policy.

Private Property – Non residential

With written authorization of the private property owner of the property up to six (6) persons and up to three (3) total motor vehicles, RV's or tents, in any combination, may be used for camping in any parking lot. Permits may be issued for limited camping in non-residentially zoned private parking lots provided that the parking spaces utilized for camping are not the off-street parking spaces required for the primary use of the property as regulated by Section 4.100 of the Seaside Zoning Ordinance.

Camping Days and Times Allowed

As long as participants are being responsible in keeping their area clean and are not in violation of Chapter 102, participants are allowed to stay 24 hours a day but must check out on Thursday, by 10:00 AM and are allowed to return on Thursday, after 4:00 PM, when the gates are opened. The campground will be closed to use on Thursdays from 10:00 AM to 4:00 PM **so the City can clean and inspect the campsite**. Anyone using the campground must fully vacate by 10:00 AM on Thursday's and will be allowed to check in after 4:00 PM, the same day. All belongings must be taken off the property and not left behind in the campground.

Exception: The City Manager or designee may override the requirement for campers to move out of the camp with or without their belonging if the City Manager or designee determines that inclement weather is likely to create a safety risk to campers or would cause campers' dwellings to become damaged, wet on the interiors, or otherwise prevent campers from staying warm and dry. The City Manager or designee will make that determination no later than 9:00 AM on Thursdays to campers. The decision of the City Manager or designee to require or not require move outs on Thursdays due to inclement weather is not appealable and shall be the final decision.

Enforcement

Violators of Chapter 102 may be issued a citation to appear in court. Due to the temporary nature that this program is designed to regulate, court date appearances should be scheduled for the next available Seaside Municipal Court **date** (~~currently Monday's and Wednesday's at 1:00pm~~).

Participants found to be in violation of Chapter 102 are subject to penalties and enforcement as described in Chapter 102.99. Three (3) offenses under this chapter shall constitute a public nuisance and at the determination of the City Manager, participants may be denied participation in the program as well as abatement of the nuisance camp, camp facilities, camp paraphernalia, campsite, motor vehicle, recreational vehicle, etc. as defined in Chapter 102.02.

Fines imposed by the court that are not paid within 30 days will cause the camping participant to be terminated from the program.

Abatement

Campers found to be repeatedly in violation of Chapter 102 and deemed to be a nuisance to city ordinance are to immediately remove all personal property from the city limits.

Failure to do so will result in being provided a 72-hour notice to remove all personal property, at which time the city will impound the property to include, but not limited to, the camp, camp facilities, camp paraphernalia, campsite, motor vehicle, recreational vehicle, etc. at the owner's expense.

Storage and disposal of the impounded property will be in accordance with Oregon State Law (2021 HB 3124). Items that have no apparent value or utility or are in an insanitary condition may be immediately discarded upon removal.

Appeal Process (Predeprivational Hearing)

Participants in the program who have been given an abatement notice have the right and may contest the order by providing written notice to the Seaside Police Department within the 72-hour notice time frame given to abate.

This appeal notice will be forwarded to the City Manager who will schedule a predeprivational hearing with the participant within 72 hours of the notice to appeal the abatement by the participant. During this hearing the participant shall show cause why the nuisance should not be immediately abated.

During the hearing with the City Manager, evidence and testimony of the Chief of Police and/or other interested persons concerning the existence, location and condition of the nuisance shall be considered. The City Manager shall not be bound by the technical rules of evidence in the conduct of the hearing.

After the hearing the City Manager may authorize the abatement to occur with an additional 72 hours of notice to abate or may order the specific violations by the participant to be corrected in order to remain a participant in the program.



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Kim Jordan, City Recorder
Department: Business Office
Subject: Transportation Advisory Commission Vacancy
Type of Item: Discussion – Term Expirations

Introduction:

Ben Olson serves on the Transportation Advisory Commission and has a term expiration for October 1, 2022, and is interested on being reappointed to the Commission.

Background:

Ben Olson has been serving as a volunteer on the Transportation Advisory Commission and would like to keep serving on the commission.

Budget Impact:

None

Department Review:

Business Office

Alternatives:

n/a

Recommendation:

City Council reappoint Ben Olson

Attachments:

1. Transportation Advisory Commission Information sheet.

TRANSPORTATION ADVISORY COMMISSION

(Meetings are scheduled the third Thursday of every month at 6:00 PM)

The purpose of the Transportation Advisory Commission is an advisory body to make recommendations to the City Council on matters concerning transportation and proposed transportation projects. The Transportation Advisory Commission shall have the powers and duties which are now or may hereafter be assigned to it by Charter, ordinance, resolution or order of this city and in addition it will:

- Assist the City Council in recognizing community priorities by advising on transportation policies and goals;
- Increasing communications between the City, the public, the Oregon Department of Transportation (ODOT), the County, and all interested parties;
- Reduce misunderstandings concerning transportation planning, design, and construction;
- Review current transportation related ordinances and recommend amendments;
- Review proposed transportation projects planned for the City of Seaside and make recommendations;
- Review the City of Seaside Transportation Systems Plan every five years and report to the City Council;
- Complete other projects, as they relate to transportation, as directed by the City Council.

The Commission shall consist of five members who are not employees of the City of Seaside and who will be appointed by the City Council. A minimum of four members shall reside within the city limits; and one member may live outside the city limits in order to represent concerns of neighboring properties and jurisdictions.

All members shall serve for a term of four years. Any portion of a term exceeding one-half the period of the term shall be considered a term.

Each year in January, the first meeting of the Commission, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. City staff shall serve as Secretary to the Transportation Advisory Commission. Minutes of all meetings will be filed with the City Council.

The commission shall hold a regular meeting at least once each month of the calendar year. The meeting shall be open to the public and legally noticed.

COMMITTEE/COMMISSION APPOINTMENT

- 1. Date Council Notified:** **October 24, 2022**

Name: **Ben Olson**

Commission/Committee: **Transportation Advisory Commission**

Resignation Date: **N/A**

Term Expiration Date: **October 1, 2022**

Wants to be considered again: **Term Expiration - Yes**

2. Applicants:
Ben Olson

3. Nominations:

4. Appointment:



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989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

TRANSPORTATION ADVISORY COMMISSION

Term of Office: 4 years
Number of Members: 5

Chairperson*
Vice Chairperson**

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXP.</u>
BEN OLSON**	2025 MAPLE ST.	503-738-2956	10/01/2022
TERRY HARTILL*	85208 HWY 101	503-738-7108	10/01/2023
DENNIS PRICE	4024 SUNSET BLVD.	551-208-2513	10/01/2023
TRACY MACDONALD	451 HILLSIDE LOOP	503-739-2269	10/01/2024
ADAM WOOD	1581 WHISPERING PINES DR.#5	541-260-3200	10/01/2024
DALE MCDOWELL	1387 AVENUE 'U'	503-738-5112	Public Works



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Kim Jordan, City Recorder
Department: Business Office
Subject: Planning Commission Vacancy
Type of Item: Discussion – Term Expirations

Introduction:

Seth Morrisey and Don Johnson serve on the Planning Commission and both have term expirations for November 1, 2022, and both are interested in being reappointed to the Commission.

Background:

Seth Morrisey and Don Johnson have been serving as volunteers on the Planning Commission and both would like to keep serving on the commission.

Budget Impact:

None

Department Review:

Business Office

Alternatives:

n/a

Recommendation:

City Council reappoint Seth Morrisey and Don Johnson

Attachments:

1. Planning Commission Information sheet.

SEASIDE PLANNING COMMISSION

(Meetings are scheduled the first and third Tuesday of every month at 6:00 PM)

The purpose of the Seaside Planning Commission is to recommend and make suggestions to the Council and to other public authorities concerning the laying out, widening, extending and locating of public thoroughfares, the parking of vehicles, the relief of traffic congestion, betterment of housing and sanitation conditions, and the establishment of districts for limiting the use, height, area, bulk and other characteristics of buildings and structures related to land development. The Planning Commission is to recommend to the Council and other public authorities plans for regulating the future growth, development and beautification of the city with respect to its public and private buildings and works, streets, parks, ground and vacant lots, and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of public utilities, including appropriate public incentives for overall energy conservation, and plans for shipping and transportation facilities.

The commission consists of seven members who are not officials or employees of the city and who will be appointed by the Mayor, subject to the approval of the City Council. A minimum of five members shall reside within the city limits; a maximum of two members may reside within the urban growth boundary, but outside the city limits. All members shall serve for a term of four years. A Planning Commissioner's term of office shall commence on the first day of November of the first year of his or her term.

No more than two members of the Commission may engage principally in the buying, selling or development of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, which engages principally in the buying, selling or developing of real estate for profit.

The members shall serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. Date Council Notified: October 24, 2022

**Name: Seth Morrisey
Don Johnson**

Commission/Committee: Planning Commission

Resignation Date: N/A

Term Expiration Date: November 1, 2022

**Wants to be considered again: Yes – Morrisey
Johnson**

**2. Applicants:
Seth Morrisey
Don Johnson**

3. Nominations:

4. Appointment:



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989 BROADWAY
SEASIDE, OREGON 97138
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PLANNING COMMISSION

Term of Office: 4 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
SETH MORRISEY	2220 N. FORK RD. (PO BOX 333)	440-2138	11/01/2022
DON JOHNSON	1285 6 TH AVENUE	717-3746	11/01/2022
ROBIN MONTERO*	2471 SUNSET BLVD.	206-852-1810	11/01/2023
LOUIS NEUBECKER	1859 BROADWAY	717-0153	11/01/2023
BRANDON KRAFT	760 S. EDGEWOOD ST.	503-984-2455	11/01/2024
KATHY KLECZEK**	2080 ALDERCREST	440-3232	11/01/2024
CHRISTOPHER ROSE	930 13 TH AVENUE	440-0764	11/01/2025

EX OFFICIO MEMBERS: MAYOR, CITY ATTORNEY, CITY MANAGER, CITY ENGINEER, CODE ENFORCEMENT OFFICER

*CHAIR

**VICE CHAIR



Staff Report – City Council Meeting

Meeting Date: October 24, 2022
Author: Kim Jordan, City Recorder
Department: Business Office
Subject: Convention Center Commission Vacancy
Type of Item: Discussion – Term Expirations

Introduction:

Nancy McCune and Tim Tolan serve on the Convention Center Commission and both have term expirations for October 25, 2022, and Nancy McCune is interested in being reappointed to the Commission, and Tim Tolan is not interested in being reappointed for another term.

Background:

Nancy McCune and Tim Tolan have been serving as volunteers on the Convention Center Commission and Nancy would like to keep serving on the commission, and Tim Tolan will be stepping down.

Budget Impact:

None

Department Review:

Business Office

Alternatives:

n/a

Recommendation:

City Council reappoint Nancy McCune and announce a vacancy for Tim Tolan membership.

Attachments:

1. Convention Center Information sheet.

SEASIDE CIVIC AND CONVENTION CENTER COMMISSION

(Meetings are scheduled the second Thursday of every month at 5:00 PM)

The purpose of the Seaside Convention Center Commission is to be an advisory body to make recommendations to the City Council on matters concerning the Civic and Convention Center. The Commission shall make recommendations concerning policy matters related to the Civic Convention Center. The Civic and Convention Center Commission shall advise the Convention Center Manager, City Manager and City Council on all items relating to the operation of the Civic and Convention Center including but not limited to: Contracts; Building Improvements; Employment of Civic and Convention Center Manager; Rentals; and Budget.

The commission consists of seven members who are not employees of the city and shall be residents, or owners or employees of businesses within the city limits of Seaside.

Each year, at the first Commission meeting in November, the members shall appoint one of their members as Chairperson and one as Vice-Chairperson. The center manager shall serve as Secretary to the Civic and Convention Center Commission.

The Commission shall hold a regular meeting at least once each month of the calendar year. The meetings shall be open to the public. Any person appointed to serve on this committee who misses three or more regularly scheduled meetings during a 12-month period shall be notified by letter that the position must be vacated. The individual may appeal the decision to the City Council. (A 12-month period is defined as beginning in January of each calendar year.)

The members shall serve without salary or compensation of any nature.

COMMITTEE/COMMISSION APPOINTMENT

1. **Date Council Notified:** **October 24, 2022**

Name: **Nancy McCune**
Tim Tolan

Commission/Committee: **Convention Center Commission**

Resignation Date: **N/A**

Term Expiration Date: **October 25, 2022 - Nancy McCune**
Tim Tolan

Wants to be considered again: **McCune – Yes**
Tolan - No

2. **Applicants:**
Nancy McCune

3. **Nominations:**

4. **Appointment:**



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989 BROADWAY
SEASIDE, OREGON 97138
(503) 738-5511

CONVENTION CENTER COMMISSION

Term of Office: 4 years

Number of Members: 7

<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE</u>	<u>TERM EXPIRES</u>
NANCY MCCUNE	PO Box 315	503-260-8905	10/25/2022
TIM TOLAN*	PO BOX 911	738-3802	10/25/2022
ROBERT PERKEL	2039 HUCKLEBERRY DR.	971-320-0008	10/25/2024
ERIK MARSTON**	2472 NEAWANNA	503-739-2057	10/25/2024
SHAUN WAGNER	300 N. PROM	440-1911	10/25/2025
VACANCY (MORRISON)			10/25/2025
ROBERT FULLER	361 HILLTOP DR.	503-807-0332	10/25/2025

*CHAIR

**VICE CHAIR