



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

2/1/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Seaside Plan Amendment
DLCD File Number 001-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 12, 2010

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Kevin Cupples, City of Seaside
Gloria Gardiner, DLCD Urban Planning Specialist

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

JAN 25 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Seaside**

Local file number: **09-048ZC**

Date of Adoption: **January 12, 2010**

Date Mailed: **January 22, 2010**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9-25-09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The proposed zone change from High Density Residential (R-3) to Residential Commercial (R-C) was approved by the City Council based on the Planning Commission's recommendation after conduction a public hearing.

Does the Adoption differ from proposal? Please select one

No. I could not find anything to select under this question.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: **R-3 High Density Residential** to: **R-C Residential Commercial**

Location: **Corner Property West of Hwy 101, N & S of 1st Street** Acres Involved: **.14 +.27**

Specify Density: Previous: **20 per net acre** New: **10 per net acre**

Applicable statewide planning goals:

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 001-09 (17861) [15953]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Oregon Department of Transportation (ODOT)

Local Contact: **Kevin Cupples**

Phone: (503) 738-7100 Extension: n/a

Address: **989 Broadway**

Fax Number: 503-738-8765

City: **Seaside**

Zip: **97138**

E-mail Address: **kcupples@cityofseaside.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] MAIL the PAPER COPY and CD of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 2009-08

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON, AMENDING THE ZONING MAP REFERENCED IN THE CODE OF SEASIDE ORDINANCE CHAPTER 151 CHANGING THE ZONING AT 60 & 120 N ROOSEVELT FROM R-3 TO R-C.

WHEREAS, the Planning Commission conducted a public hearing regarding a proposed zone map amendment at 60 & 120 N Roosevelt that would change the zone from High Density Residential (R-3) to Residential Commercial (R-C) and made recommendation to the Council 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 reviewed the Commission's recommendation on zone change 09-048ZC during their meeting on December 14, 2009, and based on the record, determined the request is consistent with the provisions in the City's Comprehensive Plan and it will not undermine the Plan's compliance with state wide 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 zoning at 60 & 120 N Roosevelt from High Density Residential (R-3) to Residential Commercial (R-C). Said property is currently referenced on the Clatsop County Tax Assessor's Map as Township 6 North, Range 10 West, Section 21AA TL #3400, 3601, & N1/2 3700

SECTION 2. The Seaside Planning Commission did hold a public hearing on November 17, 2009, during which the public was given an opportunity to testify in favor and in opposition of the zone change. Following the hearing, the Commission recommended the Seaside City Council approve the proposed zone change request.

SECTION 3. The City Council hereby approves the zone map amendment (file reference #09-048ZC) based on the adopted information in the Planning Commission's recommendation.

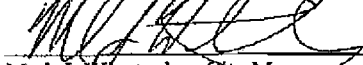
ADOPTED by the City Council of the City of Seaside on this 11 day of January, 2010, by the following roll call vote:

YEAS: TOLAN, LARSON, HALLER, LYONS, JOHNSON, MOORE, BARBER
NAYS: NONE
ABSTAIN: NONE
ABSENT: NONE

SUBMITTED to and **APPROVED** by the Mayor on this 12 day of January, 2010.


DON LARSON, MAYOR

ATTEST:


Mark J. Winstanley, City Manager

**SEASIDE PLANNING COMMISSION
NOTICE OF DECISION**

Date: January 22, 2010
To: Applicant, Parties, and Previously Notified Individuals
From: Kevin Cupples, Planning Director
RE: 09-048ZC – A request by Josh Gizdavich, Dave Keller and Mark Youso for a zoning change at 60 N Roosevelt (T6 R10 21AA TL: 3700) and 120 N Roosevelt (T6 R10 21AA TL: 3400 and 3601). The subject properties are currently zoned High Density Residential (R-3) and the request will allow the lots to be re-zoned to Residential Commercial (R-C) in order to allow retail sales.

CITY COUNCIL DECISION:

On January 11, 2010; the Seaside City Council approved the above referenced request in accordance with the provision in the City of Seaside Zoning Ordinance and the Comprehensive Plan.

The Council's decision was based on the information submitted by the applicant, the staff report, oral & written testimony provided during the Planning Commission's public hearing, and their recommendation. This information was used to establish the findings, justification statements, and conclusions adopted by the Council in conjunction with Ordinance No. 2009-08.

APPEAL PROVISIONS:

The Council's decisions may be appealed in accordance with Oregon Revised Statute 197.830 which generally requires the following:

The Notice of Intent to Appeal and the required fees must be filed at LUBA within 21 days after the land use decision becomes final as described by OAR 661-010-0010(3). If the deadline is missed, LUBA will dismiss the appeal. Under LUBA's rules (OAR 661-010-0015(1)(b)), the date of filing a Notice of Intent to Appeal is either the date the Notice is actually received by LUBA or the date the Notice is mailed, provided it is mailed by registered or certified mail and the party filing the Notice obtains a receipt stamped by the U.S. Postal Service showing the date mailed and the certified or registered number.

If you have any questions regarding this decision or the appeal process, please contact the Planning Department at (503) 738-7100.

The date of the "Final Decision" is the date the decision is reduced to writing and that coincides with the date of this "Notice of Decision": Friday, January 22, 2010

Planning Commission Recommendation:

After closing the public hearing and discussing the proposed zone change, the Commissioners recommended the City Council approve the request based on the adopted information in their final recommendation (attached).

Final Recommended City Council Action:

Approve the zone change request based on the Commission's recommendation and make a motion that Ordinance No. 2009-08 (attached) be read "by title only." This ordinance is the document that will formally recognize the Council's approval of the request and authorize the change on the City's Zoning Map. The decision will be supported by the record of the Planning Commission's recommendation referenced in the ordinance.

Following the first reading, a motion for a second reading "by title only" will be needed. The third reading and final adoption will take place during the next council meeting scheduled on January 11, 2010.

Attachments:

Planning Commission's Recommendation
Ordinance No. 2009-08

utilized by a radio station and a variety of general office uses.

The southern property is the former site for the Seaside Public Library. The library was originally constructed on the site in 1962.

Both properties are committed to non residential uses and have been since a time prior to 1983 when the City's first Comprehensive Plan was acknowledged by the State of Oregon. The applicants are requesting the zone change in order to more fully utilize the commercial use of the property without being restricted by the limited use allowed under the current zone. The change will permit the upper floor area of the structure at 120 N Roosevelt to be utilized for office related uses other than storage; while also permitting the former library building to be utilized for a surfer clothing and supply store.

If the request is approved, future development of the property will be governed by the ordinance provisions and development standards applicable to the Residential Commercial R-C zone. In accordance with the Ordinance, after reviewing the proposed zone map amendment, the Commission will make a recommendation to the City Council.

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 was used as the basis for 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: The proposed amendment must be consistent with the Comprehensive Plan and the amendment will maintain the Plan's compliance with the applicable State Wide Planning Goals.

FINDINGS & JUSTIFICATION STATEMENTS:

1. The applicant has submitted a justification document which supports the request based on the current site's committed nature non residential use and the practicality of the property being utilized as a transition zone between High Density Residential (R-3) zone and the predominately General Commercial (C-3) zoning designation of the eastern boundary & North Roosevelt (Hwy 101). The applicant's information is adopted by reference.
2. The applicant's northern most property line already abuts the R-C zone. The southern most property line abuts the Central Commercial (C-4) zone..
3. All of the property to the west is currently developed and utilized for residential use.
4. Future development of the subject property for High Density Residential use would be limited by:
 - The fact that both properties are already committed to non residential use.
 - Close proximity to a major arterial, North Roosevelt (Hwy 101).

- Modest size of the parcels and the setbacks associated with each property being bounded by three sides by streets or alleys.

5. Although future use for residential development is not anticipated, the proposed R-C zone designation would still permit the property to be utilized for medium density residential use since it is a transitional zone.

6. Although Statewide Planning Goal 10 (Housing) establishes a need to maintain adequate lands for residential use, rezoning the subject property will not impact the City's compliance with Goal 10 since the land residential use potential is very low and it is already committed to non residential use. The rezone will have a positive impact on the Comprehensive Plan's compliance with Goal 9 (Economic Development) 10 since it broaden the existing structures functional use for commercial activities. Given the small amount of property subject to change, the rezone will not have any significant impact on the City's compliance with either Goal.

7. To ensure compliance with Goal 12 (Transportation) and the Transportation Planning Rule (TPR), the anticipated vehicular trips were compared between the current and proposed use of the former library property. Utilizing a table derived form the 8th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, a reduction in total trips is anticipated by converting the library to a specialty retail shop (Total Library 701 trips versus Specialty Retail 356 trips). The table is attached.

CONCLUSION TO CRITERIA #1:

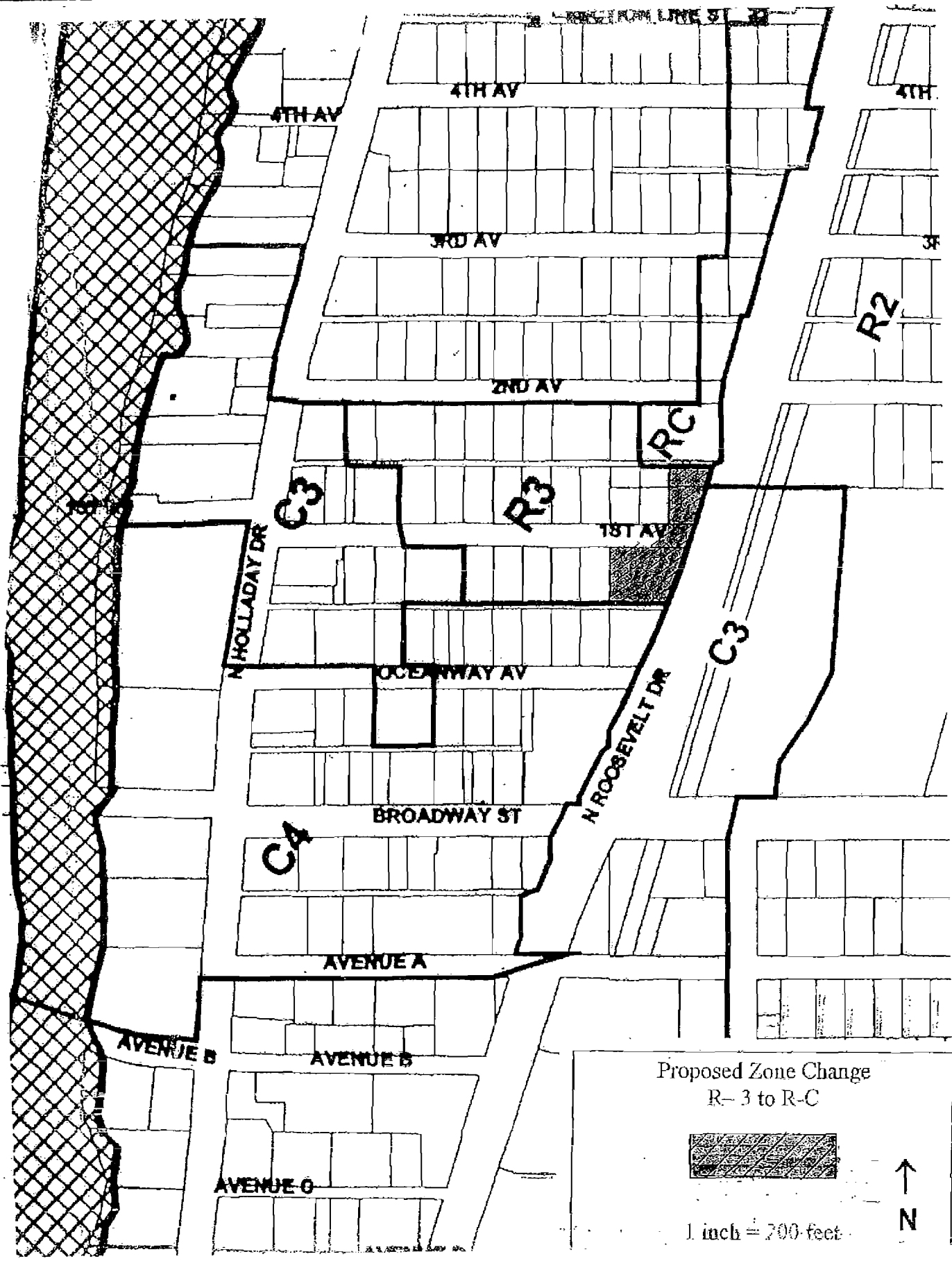
The proposed zone change from High Density Residential (R-3) to Residential Commercial (R-C) is consistent with the provisions in the City's Comprehensive Plan and it will not undermine the Plan's compliance with state wide planning goals.

FINAL COMMISSION RECOMMENDATION:

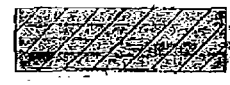
Approve the proposed zone change (09-048ZC) at 60 & 120 N Roosevelt (6-10-21AA TL #3400, 3601, & N1/2 3700) from High Density Residential (R-3) to Residential Commercial (R-C) based on the above conclusion.

This recommendation can be supported by the applicant's submittal, the staff report, public testimony, and the Commission's adopted findings, justification statements, and conclusions. .

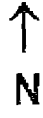
Attachments: Applicant's Submittal, Maps, & Trip Generation Table



Proposed Zone Change
R-3 to R-C



1 inch = 700 feet





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City of Seaside, Oregon



City of Seaside—Community Development
 989 Broadway
 Seaside, OR 97138



**PLAN AMENDMENT SPECIALIST
 DEPT. OF LAND CONSERVATION AND DEV.
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