

MINUTES SEASIDE PLANNING COMMISSION
October 3, 2017

CALL TO ORDER: Chair Ray Romine called the regular meeting of the Seaside Planning Commission to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Chair Ray Romine, Vice Chair Bill Carpenter, Teri Carpenter, Chris Hoth, David Posalski, and Dick Ridout, Staff Present: Debbie Kenyon, Administrative Assistant, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Chair Romine asked if there was anyone present who felt the Commission lacked the authority to hear any of the items on the agenda. There was no response. Chair Romine then asked if any of the Commissioners wished to declare a conflict of interest or ex parte contact. There was no response.

APPROVAL OF MINUTES: September 5, 2017;

Commissioner Ridout stated that on page two in the middle it says Commissioner Carpenter and at the last meeting he stated that he would like it to say Commissioner Teri Carpenter. Then on the very last page it has Dan and he assumed that was Dan Van Thiel but he's not sure and then Greg, who is Greg? Mr. Cupples stated that Dan is Dan Van Thiel and Greg is Greg Winterowd the Planning Consultant for the Seaside School District. Vice Chair Bill Carpenter made a motion to approve the minutes as amended. Commissioner Neubecker seconded and the motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Romine:

1. The applicable substantive criteria for the hearing items are listed in the staff report(s) prepared for this hearing.
2. Testimony and evidence shall be directed toward the substantive criteria listed in the staff report(s) or other criteria in the plan or land use regulation, which you believe applies to the decision.
3. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals on that issue.
4. The applicant will testify first, then any opposition will testify, and then the applicant will be given time for rebuttal.

PUBLIC HEARING:

A.) 17-065VRD is a conditional use request by **Rita Arden** for a **three (3)** bedroom Vacation Rental Dwelling Permit with a maximum occupancy of not more than **nine (9)** people over the age of three. The property is located at **662 Necanicum (6 10 16DD TL 17500)** and it is zoned **High Density Residential (R-3)**.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Marianne Pittard, Realtor for the buyer Rita Arden. Ms. Arden's ultimate goal is to retire here and be a part of our community.

Erin Barker, 800 N Roosevelt, Seaside. This home is currently a vacation rental and the new owner would like it to continue as a vacation rental. The home has not had any problems as long as she has been managing it and that has been several years.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Ridout asked if this has been rented as a three bedroom VRD in the past. Erin stated that is correct. Commissioner Ridout asked if they have had the three stacked parking the whole time. Erin stated yes, there is one in the garage and then two in the driveway but there is usually only two cars there. Commissioner Ridout then asked if this was a duplex or two separate homes. Marianne Pittard stated that these are two separate townhomes with two different owners. Currently both of these townhomes are vacation rentals. Commissioner Ridout asked if the other side has stacked parking too. Erin stated that yes both of these townhomes have stacked parking. Marianne Pittard stated that this property has a larger lot than the one on the south side. Commissioner Hoth stated that in some cases stacked parking can be an issue but in this instance it doesn't seem to be a problem. Erin stated that they do have a parking map posted in the home and she does go over the parking with the renters. She also stated that she has been there when two mini vans have been parked in the driveway and she was still able to park behind them without being in the street. Commissioner Ridout asked if Mr. Cupples had gone out to verify the parking. Mr. Cupples stated that he did go out and measure the parking in front of the garage just to make sure they do have the required parking. Commissioner Ridout asked if they would be able to park side by side? Mr. Cupples stated that if they had little clown cars they probably could, but that is not how the parking configuration is now.

At the end of the Commissioners' discussion, Chair Romine closed the public hearing and Commissioner Posalski made a motion to approve the conditional use under the guidelines that staff has presented. Vice Chair Bill Carpenter seconded and the motion was carried unanimously.

B.) 17-059V and 17-060MP: A Major Partition request by Benjamin F. Lawrence for Cravalynn Weber to divide her property into three separate parcels. The subject property is located at 1825 Lewis and Clark Road (T6-R10-S15D-TL0400) and it is zoned Suburban Residential (SR). Each unit of land would be approximately half an acre. A variance request to the minimum lot size has been included in the request since the property does not currently have sewer service available and the access road is not intended to be developed to conventional street standards

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Christian Zupancic, Zuplaw Law firm, 615 Broadway, Seaside. Mr. Zupancic stated that as Kevin has stated this is a two part request and it is the partition that is creating the need for a variance. The variance is for the partition based on the requirements in the Suburban Residential zone. As far as the partition goes it is pretty standard to go through the zoning ordinance and determine if the partition is allowed under the circumstances. The variance is the outgrowth of that part. Ms. Weber property is 1.5 acres. The zoning ordinance says that there are 4 dwelling units allowed per net acre, theoretically you can put 6 dwelling units on this property. The proposal is to divide the property into three lots and put one dwelling unit per parcel. The problem is in section 3.196 of the zoning ordinance it states that any parcel under five acres would have to have sewer and water available. The variance is on the premise that the parcel is smaller than 5 acres and it's got to connect to city sewer and water. It's available but is cost prohibited because of the topography of that particular area. It would cost about \$150,000 to connect to the existing water and sewer. It is possible but extremely expensive. There are three major points as to why the variance should be approved and that is, topography which is a circumstance beyond Ms. Weber control, the second one is that the variance may not be needed in the first place, third there may be a potential solution to all of this. This whole thing revolves around the sewer line. There is a 4 inch pressure line on Lewis and Clark Road, the problem is that it is about 100 to 150 feet up the hill and would require a gravity sewer or their own pressure line running up the hill. The alternative is a sand filtration septic system. Most homes in the area have this sand filtration system already and some are under an acre. Now the variance would allow the installation of this sand filtration septic system but the caveat to that is that even if you are able to install a sand filtration system you could still make this sewer ready. The unusual circumstances aren't the lot size or the dimensions, it's just the fact that it is going to cost a lot of money to get the sewer line up the hill. The next point is, if you look at section 3.196 of the zoning ordinance and the way the ordinance reads right now is that: land divisions that would create parcels less than five acres in size shall be permitted only if municipal sewer and water service are available. That is the question, is it available? It doesn't say anything about actually having to hook it up. We can get to it but it just cost a lot of money. Technically speaking Ms. Weber in her application doesn't need a variance if it's available. Here is a possible solution that might be able to accommodate all these concerns. If you were to grant this variance you could do it with conditions. The first condition would be a deed restriction on all three parcels that states one dwelling unit per parcel and no more partitioning after that, second condition would be that they could hook the

homes up to sewer once it gets closer, the third would be to hook up to city water immediately. If this variance passes, it would reduce the density which would make the neighbors happier. The second one would allow them to hook up to city sewer as soon as it becomes available. Third they would hook up to city water immediately. This is half of the equation when it comes to the variance. The question that you might have is why don't they just wait until the sewer and water come by the house and then build the dwellings. Mr. Zupancic stated that it's the housing crisis. These dwelling units on parcel 2 and parcel 3 are for family members.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marsha Goodman, 1885 Lewis and Clark Rd, Seaside. Ms. Goodman asked how is Ms. Weber going to get on city water, they are in that district and they don't have city water, it's private. Chair Romine stated that is not something that we are discussing tonight, that is a public works and developer issue. What the discussion for tonight is whether she has the opportunity to connect.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Don Olson 2410 Boehm Acres, Seaside. He is the operator for Stanley Acres water district. The water main going up Lewis and Clark is a 12 inch main that belongs to the city. The Stanley Acres main got abandoned years ago when the road was improved. They all got hooked up to the city main at that time. If they are going to get water, he cannot hook them up. It has to be the city because it's the city's main. Secondly, he doesn't think that she lives at the house, it is currently used as a foster home. Chair Romine stated that is not why we are here tonight. Mr. Olson asked if they could do that in the zone. Chair Romine stated that is a separate issue, but please contact Mr. Cupples during the day and he would be able to answer that question.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Maria Pincetich, 86273 S Wahanna, Seaside. Ms. Pincetich stated that she is not either opposed or in favor of this partition. Her question is how are they going to access these new properties and if they are sold in the future not to family members would this new access be brought up to city standards?

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Dale Goodman, 1885 Lewis and Clark Rd, Seaside. Mr. Goodman asked if this zone change was going to be brought up at a later date. Mr. Cupples stated this is not a zone change it's a land partition and if anyone has a question regarding violations in the zone they can come by the office and ask questions.

Mr. Olson stated that 3 years ago Ms. Weber allowed a property owner to the south to go across her property, east and south, and back to the North Coast Land conservatory. Do those people need a right of way or easement? Chair Romine stated that is a public works question and to contact public works with any questions.

Chair Romine stated that it is now time for rebuttal. Christian Zupanic stated that there was a question about access and there is a fifty foot easement that has been provided for this property to access the other lots.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth stated that after reading the variance request he was going to make this very simple. For him, there is no extraordinary circumstances about their property that would make their property any different from any other property in the area. They are required to hook up to city sewer and water in order to partition the property. We are not depriving them of any rights to develop the property. They can build the homes if they comply with the rules like everyone else. The variance is a no go and the development is a permitted use and would go to staff. Commissioner Ridout stated that the property can be developed at a reasonable price, it just can't be developed the way they want it to be developed right now. If they want to build three homes on one lot they can do the partition and then the lots can be sold separately. Some properties cannot be developed at a reasonable price and therefore it doesn't get developed. They are lucky they have a situation where they can work out the development standards and have the homes in the hands of the family members but it will take time and money. Vice Chair Bill Carpenter stated that he feels the same way. From a housing stand point they can build the homes for the children or anyone else, and then when the sewer does come down the road, they can do the partition. He tends to agree with Commissioner Hoth that the variance is a no go. Chair Romine stated that he understands that with the partition the Weber's would like to have each of the three lots have separate ownership, but how does this prevent the Weber's from developing the property? Mr. Zupanic stated it's financing. It's difficult to get a loan to build two more homes on a single lot, but if there were three separate lots, then each family member would be able to obtain a loan. Commissioner Neubecker

stated that he agrees with what Commissioner Hoth was saying and he also doesn't understand why they need another access. The one that is there seems to be fine. Chair Romine stated that there were a couple of things from his point of view that he understands and the finance portion of this is a hardship. Nothing is for certain but there are plans in the future to move the sewer and infrastructure up the road. He personally would approve the variance but not the partition for a couple of reasons. The variance is a temporary measure to allow two homes to be built on two separate lots and the separate lots can be created going on a different pathway. Commission Posalski asked if Chair Romine could give details of what he is thinking. Chair Romine stated that the variance allows them not to connect to city sewer, but it's a temporary measure. The septic systems are built to usually last 25 years and within 25 years, he's fairly certain that the sewer project will be ready for them to connect. City water has been discussed and is not an issue. The variance being cost prohibitive is an issue especially if it is the topography of the land that is an issue and to be able to hook up to the city sewer. That is out of their control. The partition is where he has the issue. There are easier ways to solve the problem with separate ownership and be less problematic with the road structure. A 50 foot wide easement is going to be difficult to get a sound road base at a reasonable cost. The direction he would go with is a private road easement with a maintenance agreement and a minor partition. Commissioner Hoth asked if Chair Romine thought that the Weber's would be the only people who would have the additional expense or difficulty? Chair Romine stated no, he is not saying that is the case. Commissioner Hoth stated that in order to support the manner in which exceptional and extraordinary circumstances apply to this property and do not apply to other properties in the area, there would have to be a singular problem for them and for them alone. Commissioner Teri Carpenter asked if the properties were divided up and the variance given and they didn't hook up to the sewer and we allowed them to proceed, could we put a restriction that these properties wouldn't be sold? Commissioner Hoth stated that we are putting the cart before the horse. Before we start talking about ways to make the partition work, we have to determine whether or not to grant the variance. For him, we need to deal with the language of the variance and then we can talk about the deeds and other issues. But for him, we don't even get past the variance. Chair Romine stated that he would like them to rework the variance and put into the application how this applies to this property that does not apply to the neighboring properties.

Chair Romine stated that he would like to make a motion to continue this until the November 7, 2017 meeting. Commissioner Teri Carpenter seconded the motion. Commissioner Ridout asked with what recommendation. Chair Romine stated we should continue this with documentation supporting the variance until the November 7th meeting. Commissioner Ridout stated that he would go with the other option and that is to have a continuance with supporting evidence for denial and therefore will not vote for Chair Romine's motion. Chair Romine stated that he was not going to change his motion. Chair Romine stated the motion that was made was that the variance had merit and we are asking the applicant to come back with specifics on how this variance should be reconsidered based on extraordinary circumstances for their specific lot. The motion was again seconded Commissioner Teri Carpenter and Chair Romine asked all in favor, Chair Romine and Commissioner Teri Carpenter voted in favor. Then Chair Romine asked all opposed, Vice Chair Bill Carpenter, Commissioner Hoth, Commissioner Ridout, Commissioner Posalski and Commissioner Neubecker voted no. Chair Romine stated the motion has not passed and asked if there was a second motion. Commissioner Ridout made a motion to instruct the Planning Director to prepare findings supporting a denial of this request for the November 7th meeting. Commissioner Hoth seconded. Chair Romine asked all in favor Vice Chair Bill Carpenter, Commissioner Hoth, Commissioner Ridout, Commissioner Posalski, Commissioner Teri Carpenter and Commissioner Neubecker, voted yes. Chair Romine asked anyone who is opposed Chair Romine voted no and the motion was passed. Mr. Cupples stated that the public testimony was concluded and on November 7th the Commission will be reviewing the findings document.

C.) 17-062CU: A conditional use request by **Necanicum Properties LLC / Shane Dean** that will allow an Adventure Park / Challenge Course located at 2520 S Roosevelt (T6, R10, 28AC TL: 1800) and is zoned general commercial (C-3). A highway overlay zone request (17-066HOZ) has also been submitted in conjunction with the applicant's conditional use application.

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Shane Dean, Seaside. Mr. Dean is here representing the applicant. The applicant is requesting the approval of an adventure park and a challenge course. On the north end of the lot there would be a building that would house their office, rest rooms, and an operational area where they will meet the guest and would go over everything. On the south end there would be a tower and some structures that would have elements that would go back and forth between them and people could challenge

themselves and basically complete the course on their own. This is owned and operated by the same owners who owns Highline Adventures which is the Zip Line in Warrenton. It has had a positive impact on the Astoria and Warrenton community. They are the number one rated thing to do on Trip Advisor. They have had a lot of positive influence on the local businesses. The National Park has chimed in on some of the conditional uses and their comp plan is to basically create a National Park type setting on the property and enhance everything so that it looks like it belongs in the Pacific Northwest. They would use that same comp plan down here to Seaside for their Adventure Park and challenge course.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. Mike Weston indicated he is here to answer any questions that you may have. He has worked with Shane on creating the application and findings done by the applicant.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. There was no response.

Chair Romine indicated the issue was opened for Commission discussion. Commissioner Hoth asked the Planning Director a question regarding the floodway line and where does this floodway line end on the west side of the property. Mr. Cupples stated that it actually runs up into the property and they have indicated on the plot plan where the line is. The rest of the property is in the flood plain although there is a little strip outside the flood plain and the floodway. Mr. Cupples stated the floodway is an engineering construct done by FEMA to try to move water from point A to point B and he believes the floodway boundary actually stops at the highway. What you are going to have is two floodways that come up into each other and it may flow over the site but it is designed not to. It is probably going to end up being a backwater area that will run both ways through the Doley Bridge and around the Avamere site. Commissioner Ridout asked that beyond where the equipment is right now, to the south, does it go to the stream. Mr. Weston stated that they are going to stay well away from where the creek is. Commissioner Hoth asked how much fill they are going to be putting on the site. Mr. Dean stated that it is 1,622 cubic yards. Commissioner Hoth asked how many feet of fill will be added to the site. Mr. Dean stated that it will be roughly 1 foot of fill added to do the landscaping and things like that. Commissioner Ridout asked if there was anything dealing with potential problems with the site like an archaeological site? He thinks that there was some digging done in the 70's. Mr. Cupples stated because they are doing fill, they wouldn't be destroying anything. Commissioner Hoth stated if they fill in the flood plain would that inhibit any of the water from the floodway being able to escape there and increase the velocity of the water. Mr. Dean stated they didn't anticipate any. They hired OTAC to guide them in the right direction and worked closely with Mr. Cupples so that wouldn't happen. Commissioner Hoth asked if they did any hydrostatic studies. Mr. Weston stated that the studies were done when they initially filled the site years ago. Then they came in and it was already raised and now with the new information it will not have any impact. Commissioner Hoth asked if those studies would be available when they do the plans. Mr. Dean stated that the studies were done when they first filled the site. Mr. Cupples stated that when Necanicum Village was built, all the property that everyone knew flooded, was not in the floodway. It was in the flood plain so all the filling that was done and the floodway designation on even that portion of the property came way after that. The property was filled in and the floodway is now a remnant of what the elevation of the property was and now the FEMA's electronic model shows what may be more reality. Right now though, according to FEMA's model, the highway doesn't flood down by Circle Creek and he knows for a fact that it does. What they are being allowed to fill right now is a portion of the property that is not in the floodway. Mr. Dean stated that the intent is to be a good neighbor and be a good contributor to Seaside's economy and not be a nuisance. Vice Chair Bill Carpenter asked what will be the typical hours of operation. Mr. Dean stated they have not decided that yet. Vice Chair Bill Carpenter asked if there would be any night time operations. Mr. Dean stated no. Mr. Weston stated that the operation will run by reservation only.

Commissioner Hoth stated now that all that is done let's move onto the Highway Overlay Zone. The only issue he has is the traffic going by and looking at the park and not paying attention to the road. Mr. Weston stated that Mr. Cupples staff report mentioned the landscaping along the highway with a minimum of 10 ft. wide for the length of the strip and then it calls for different types of landscaping and they are willing to look at any recommendation that the planning commission may have. Commissioner Hoth stated that he would like something that is a little high so that when the traffic turns the corner, people are not looking at it. Then once the road straightens, do a step down of the vegetation.

At the end of the Commissioners discussion, Chair Romine closed the public hearing and Vice Chair Bill Carpenter made a motion to approve the Conditional Use and the Highway Overlay Zone under the

guidelines that staff has presented. Commissioner Neubecker seconded and the motion was carried unanimously.

D.) 17-054SUB: A subdivision request by Nordoff Pacific Capitol, LLC. The subject property is located at the northwest corner of Wahanna Road and Avenue S (T6, R10, S22C, TL# 800 & 801) and it is zoned Medium Density Residential (R2) and Aquatic Natural (A1). The applicant is seeking a tentative plat approval for a three phase residential development (45 residential lots).

Kevin Cupples, City Planning Director, presented a staff report, reviewing the request, decision criteria findings, conditions and conclusions.

Chair Romine asked if there was anyone who would like to offer testimony in favor of the request. Jim Brien, 766 Avenue S, Seaside. Mr. Brien got involved in this when he found out that the reason this subdivision got withdrawn. There are a lot of problems with this site. Basically this was preliminary approved in 2006. Then it got abandoned. Now the main reason this was withdrawn the last time was because the applicant was told they had to put in sidewalks from the Avenue S Bridge all the way to Cooper Drive and he knows what it takes to put in sidewalks and it's expensive. In 2009 CH2M did an estimate on putting the sidewalks in from the bridge and that was nearly \$500,000 and today taking an educated guess would be well over 1 million dollars. This has nothing to do with his project this is a city street and this street is actually a bypass. When you get a special event in Seaside you can't get anywhere. Approving a sidewalk here and there is not going to solve the problem. His concern is being fair and this isn't fair or right. We have a city street, and all the years of being in the business, you need an educated staff to get state and federal government grants to install sidewalks. To improve the highway you need to get a signal at Avenue S and put a middle lane in and then put the sidewalks in. The city is making lots of revenue through the system development charges and through state and federal grants. You can't make the subdivision owner pay for the sidewalks. The reason he withdrew was for that main purpose. There is no sense continuing this to the November 7th meeting if this commission says he has to put in sidewalks. In 2011 they told him he didn't have to put the sidewalks in then in 2015 now he has to put them in. Here we are again in 2017 and you want sidewalks. If sidewalks are to be put in we are done. Sidewalks need to be put in by a government agency not by a developer.

Chair Romine asked if there was anyone else who would like to offer testimony in favor of the request. There was no response.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Sandra Gee, 1750 Cooper St, Seaside. She was here when it was withdrawn back in March and this is not what she remembers. The commissioners tried to have Mr. Ritchie give a timeline on when he would be able to put in sidewalks. Mr. Ritchie's plan was to put in sidewalks after all 45 housing units were sold and they didn't want to do it that way. The minutes stated that you asked him, Mr. Ritchie, if 4 years would be ample time to put in sidewalks and that is when the schools would be put in. Mr. Ritchie wanted 7 years, which is way too long. There has to be sidewalks on Wahanna even if it doesn't go around onto Avenue S. It needs to be on Wahanna. There will be little kids in those homes and they will be standing on Wahanna to wait for a bus. She lives up on Cooper and there is a school bus that goes up there and kids living in this new development will be picked up by a school bus. That means they will be standing on Wahanna and Wahanna has become a speedway. She has had several e-mails with ODOT regarding a stop light at Avenue S and the Highway and it is not going to happen. There are a lot of people who walk their dogs through this development and at the last meeting they said they were going to put in a through fare. Well that isn't going to happen because there will be heavy equipment and that will not be safe for people to be walking in there that is why we need the sidewalk along Wahanna. Mrs. Gee stated that she didn't know that the sidewalk would have to go all the way to the bridge. She thought it was only going to go from Cooper to the other road going into the development. She is not against the development she is against them not wanting to put in a much needed sidewalk. Basically, last March, it was like "Oh, if I have to put in a sidewalk, I'm taking my toolbox and going home". That's how she felt. Just put in a sidewalk and she wouldn't have a problem.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Kemy Kay Kemhus, 1920 Huckleberry, Seaside. She is not opposed to the housing development, but she is opposed to the traffic. If you go down on Avenue S, you can't get out on the highway. That needs to be addressed first before we go putting in huge developments. If they put 45 homes in there and each home having at least two cars, with a minimum of 2 trips a day that is 90 more cars on the road. Most of us leave our home at least four times a day. That's 360 additional cars on a little country road called Wahanna and Avenue S. Now add all the school traffic with 2500 cars coming and going. Her solution to the whole thing is get the roads fixed first.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. JoAnne Danton, 1660 Reef Drive, Seaside. She is not adverse to the development; however, she wants sidewalks. She walks on that street and it's exceedingly dangerous without any kind of walkway. She walks her dog and she can't get around that corner without the fear of getting hit by a car. It's a fast road. If she were to build a home, she would be required to put in a sidewalk on her property. She doesn't see anything different in this case except he is building more homes. He should have the same requirement as everyone else. Put in the sidewalk.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Mary Kemhus, 86183 S Wahanna, Seaside. She just wants to remind the commission that she doesn't want any more water on her property.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Maria Pincetich, 86273 S Wahanna, Seaside. She is not opposed to the development, it's going to happen at some point because at some point the math is going to work out. We are going to have more children going up that road than what we currently have. She has to give kudos to the Planning Commission because they outlined a number of things that were concerns in very specific details. She would like the commission to continue on that path of having safe passage along that speedway. She agrees with JoAnne. They walk along that area as well and it is very very dangerous and there has been more than one occasion where she has seen people jumping out of the way because people come flying up that road. She doesn't know if there is really a way to slow down the traffic, but they do need the sidewalks.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Matthew Brien, 766 Avenue S, Jim Brien is his dad. They take walks all the time. For him this is common sense, the traffic is terrible, something has to be done. When the school goes in regardless of whether or not Max (Mr. Ritchie) does this subdivision, there will be more traffic. Wahanna is a bypass. It's a very dangerous street and he's amazed that people haven't been killed. To ask Max (Mr. Ritchie) to fix the cities problems isn't fair. If the city wants him to put sidewalks inside the subdivision that's fair but most people are not going to walk around the outside of the subdivision. They will walk in the subdivision. Most of the people here tonight probably walk through the subdivision and not along the road. He has never seen anybody walk on the road. To ask Max (Mr. Ritchie) to pay hundreds and hundreds of thousands of dollars to put a sidewalk around his subdivision isn't fair. Traffic is coming anyway and it's already dangerous. Why the city hasn't done something about it already just boggles his mind. Maybe enough people haven't gotten killed to have the city put in sidewalks there. This is a matter of fairness and it's not fair to ask a developer to spend a million dollars on a sidewalk that is not on his property. The city should be getting grants to put these sidewalks in. From what he understands, the city wasn't able to get the grants, and in his opinion that's not Max's (Mr. Ritchie) problem.

Chair Romine asked if there was anyone who would like to offer testimony in opposition. Marie Hoffman, 1699 S Wahanna, Seaside. Mrs. Hoffman asked if the church had to pay for the new sidewalks that were put in front of their property? Who paid for the sidewalk in front of the ball fields? She doesn't really care how this gets resolved. She would like to see the actual numbers, a million dollars to put in a sidewalk that goes around that curve is a bit much, show the numbers. Whatever the number the sidewalk still needs to be put in. If the city pays for part and he pays for part that's fine but the sidewalks need to go in. If that subdivision goes in before the sidewalks, shame on you. It's just a matter of time before somebody gets killed and it's probably going to be a child. They're fearless, they pay no attention. They are out there skateboarding and chasing each other around and one of them is going to run out in front of a car and that's all it takes. Shame on you if the sidewalks are not done. With the prices of homes in this county and he spreads that out amongst those homes, it will still be a chunk of change, but it's not going to stop someone from buying a home.

Seeing no other testimony in opposition, Chair Romine stated that now is the time for rebuttal. Jim Brien stated that it would sure stop him from buying a home. When you look at the several hundreds of thousands of dollars to make the corrections to the site that were done at the beginning. He agrees if Mr. Ritchie was coming to him to put that subdivision in there, he would deny it. But this subdivision is already there and Mr. Ritchie has a ton of money in it. For a long time Mr. Brien was happy that it wasn't being developed because there was less traffic on the street. Mr. Brien knows what it takes to put those sidewalks in there. If you are coming from the bridge you need to get state approval and you would have to put in a wood walkway through there and you would need several hundred feet of the wood walkway. Vice Chair Bill Carpenter stated that is not where the sidewalks would start. The sidewalk would start at the Cooper Street on Avenue S and then continue to the Cooper Street on Wahanna. Mr. Brien stated that was the information that he received from Mr. Cupples. Mr. Brien was out there with one of the owners and they would like to put a walkway through the subdivision. Why would people walk on Wahanna anyway, when they could walk through the subdivision? People use

this anyway. They are willing to put a sidewalk through the subdivision from Cooper all the way to Avenue S. Even if he put a sidewalk around that corner, you still have a blind corner people will think that's safe, but it isn't, it's still a blind corner. He (Mr. Ritchie) has a lot of money tied up in this. If someone told him (Mr. Brien) to put in the sidewalk he wouldn't do it, because it's going to cost too much. Mr. Brien was happy that nothing was being built there but when he found out why, it's already there. The amount of money that has been put into it, the mistakes that have been made on it, whoever Mr. Ritchie hired to do the development messed it up. Now Mr. Ritchie has to go back and correct the mistakes. The city engineer has a list of corrections that needs to be done. He agrees with the comments that have been said tonight regarding the sidewalks. Vice Chair Bill Carpenter asked if you were not going to build the sidewalks along Wahanna and Avenue S, what would Mr. Brien propose? Mr. Brien stated that they would put a sidewalk all the way through the subdivision from Cooper to Avenue S. Vice Chair Bill Carpenter asked in what phase would the sidewalks be put in? In phase one all the way through? Mr. Brien stated yes. Vice Chair Bill Carpenter even though you have phase two. Mr. Brien stated that yes they would put it the sidewalks all the way through because they know it's a hazard and they want the kids to get through there safely. Commission Posalski stated that when this went before the planning commission the last time the proposal was to create the sidewalk at the end of phase three around the outside of the property and now we're saying that you don't want to do the sidewalk around the property at all? Mr. Brien stated that is correct. Chair Romine stated that the withdrawal came because the commission wanted sidewalks. Commissioner Posalski stated that the planning commission wanted sidewalks put in, in phase one and they (Mr. Ritchie) wanted the sidewalks put in phase three. Chair Romine stated even in a timed phase condition they still withdrew and it was about sidewalks. Commissioner Posalski stated now they don't want to do the sidewalk around the outside perimeter at all. Mr. Brien stated if you go back and look, if an engineer designed a proper street that is going to be safe with a center lane and all that and all the homes have sidewalks with what is currently there, sidewalks will probably have to come out. You will need to have a complete overlay design to go by, and then you come up with the funds. You can't have a private developer come up with that kind of funds for his project, it's just not fair. Mr. Brien would love to see a sidewalk along Avenue S and Wahanna and a light at Avenue S. If he had the money he would help get it done. You can't have the developer do that with only 45 lots when you already got a ton of expense in there. He can't understand why the commissioners can't put your heads together and understand that.

Linda Johnson 2998 Pine Court in Gearhart. She asked if it was ok for her to speak. Why did they not look at the tight single lane roads when you put them in, it tells you you're going to have a problem? You put the cart before the horse. With thousands of people going to the new school and the residents that are there now and the new people with this development, why didn't you look at the roads before? Vice Chair Bill Carpenter stated that those issues were looked at during the meetings talking about the annexation of the school property. Ms. Johnson asked why were they not addressed. Vice Chair Bill Carpenter stated that they were brought up, but the commission did not hear a single person from the audience come and express their concern. Ms. Johnson then asked what the commission is going to do? Chair Romine stated that right now we are here to talk about the subdivision.

Chair Romine indicated the issue was opened for Commission discussion. Chair Romine stated that we have a list of concerns but the owner's representative and the owner would like not to address any of those concerns if we can't get over the sidewalk issue. Commissioner Hoth stated that we can dispense with half of that, we did not require them to go to the bridge with the sidewalk. We never required them to go to the bridge, we are talking about going from Cooper to Cooper. That was the area of discussion and that is still the area of discussion. Commissioner Teri Carpenter stated that the sidewalk wasn't really the issue, we wanted the sidewalk put in earlier rather than later. The commission wanted the sidewalks put in, in phase one. Commissioner Posalski stated that we didn't want the access to be where there was going to be heavy equipment in operation and we wanted the sidewalks put in, in phase one. That way, if the development didn't get finished, there would be sidewalks. They didn't want to put the sidewalks in at that time. Chair Romine stated that there was a way around that and that would be to bond the project, but that doesn't solve his latest concern and that is he just doesn't want to do it period. Commissioner Hoth stated that we have approved the Urban Renewal District and some of the funds and improvements that were discussed in conjunction with the approval of the Urban Renewal were roads and sidewalks. We can assume that part of those improvements potentially will occur in that area. Perhaps mitigating some of the funds to go there wouldn't be a bad idea. If we require them to put in sidewalks, and then in the future improve the road, then potentially we had them do all this for nothing. Chair Romine stated that there are several opportunities to have discussion about the delay of the sidewalks and conditions on projects with the builder or developer, but that doesn't release them from the obligation. Commissioner Hoth stated the positive things that were brought up that he thinks are good ideas. Building that sidewalk all the way around that corner and nobody would walk around

that corner if there were sidewalks available in the development and it would provide an alternate route to that. In conjunction with that there would have to be a sidewalk put in on Wahanna from Cooper to Cooper and a little bit to the south for kids waiting for the school bus. Chair Romine stated that north of Cooper should be around 50 feet. Mr. Cupples stated that he believes their submittal talks about not completing sidewalks even within their subdivision. That was one of the reason why he was indicating in the report that they needed to focus on addressing some of the criteria for a subdivision as far as what improvements they are willing to do and the phasing of those improvements. None of that has been fully explained in their request. Chair Romine asked if the applicant had a copy of everything that needs to be done. Mr. Cupples stated yes that was part of the report, a lot of the conditions or items that needed to be addressed during last review. Since they were unanswered questions at that time, they were incorporated into this report. If you are looking at some alternative for saying you are going to have a pedestrian pathway, one of the conditions is already relying on the public works director to look at what the bike/ped improvements would be and it did talk about the wetlands considerations that need to be addressed. Just the phasing alone and putting an alternate pathway that would potentially avoid that area is something that hasn't even been explored. It seems like we asked these questions to the applicant before and the opportunity for doing some different version of that was never successful. Right now with the way the phasing is set up, that's not part of the proposal. Mr. Brien may have different ideas on how you could run sidewalks in there and say why would anyone walk around Wahanna Road if they have a really nice sidewalk that goes all the way through the development from Cooper to Cooper. That's a different proposal than what's in right now, because the phasing of the development during the last review is the same in this review. Mr. Brien stated that they are agreeable to change the phasing, that's not an issue. In November, if they can get by without having to put that sidewalk on the cities street, they will come up with something that can satisfy everybody. Normally there is only one house being built at a time. You won't have 10 homes going in all at once with all that heavy equipment there. They are agreeable to change the phasing around.

At the end of the Commissioners discussion, Chair Romine stated he is up for a motion to continue this until the next meeting which gives the applicant time to work with staff to come to a resolution. Vice Chair Bill Carpenter stated the key thing to keep in consideration is that with this development, it will generate a lot of tax revenue that will go into the Urban Renewal District. It may not be a lot of money in the beginning, but it will eventually build up and that is one reason he will consider the alternate pathway through the development rather than an absolute requirement of the sidewalk around the development. Chair Romine stated that the corner of Avenue S and Cooper and that little access road is very narrow and that was one of the concerns. Mr. Brien stated that he was always happy to be an inspector and so many things have got past him and he doesn't want to get into politics but he has to. If anything opens for City Council or Planning Commission he will apply for anything he can so he knows what's going on in this city and see if he can't straighten things out and get an environment impact going on here so we are not over impacting our streets. Mr. Brien stated that it is frustrating when he needs a crosswalk to cross the street to get his mail. Commissioner Posalski stated that he would love to see all these issues address, and if there is an alternative to doing a sidewalk around the outside, he would be interested in seeing it.

Vice Chair Bill Carpenter made a motion to continue 17-054SUB until the November 7th at 7pm here in the Council Chambers. Commissioner Posalski seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: Mr. Cupples had a question to the commissioners regarding a property in town that has four platted lots. They was supposed to each be one 50 x 100 and then there were two 150 x 50 but a surveyor went out and the lots are actually a bit smaller than that what the plat originally showed. He wanted to get direction from the commissioners concerning variances for these small errors or finding other ways they might be addressed in the future. For now, they will be handled as administrative variances and not run through the Planning Commission since they are minor errors and the land should have been there when they purchased the property. Finding alternative ways to address these types of minor errors could be discussed during a future work session.

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: None

ADJOURNMENT: Adjourned at 9:15 pm.

Ray Romine, Chairperson

Debbie Kenyon, Admin. Assistant