

MINUTES SEASIDE PLANNING COMMISSION

December 5, 2017

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

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS & CONFLICT OF INTEREST/EX PARTE CONTACT: Vice Chair Bill Carpenter 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. Vice Chair Bill Carpenter 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: Commissioner Posalski made a motion to approve the minutes as submitted. Commissioner Neubecker seconded and the motion was carried unanimously.

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Vice Chair Bill Carpenter:

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. Continued from the 11-7-17 Meeting:

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 altered the proposed plat and is now seeking a tentative plat approval for a two phase residential subdivision that would ultimately create 59 lots.

Kevin Cupples, City Planning Director, presented a staff memo that identified the modifications to the last plan and the alternatives the Commission may wish consider incorporating into their decision process.

Vice Chair Bill Carpenter asked if there was anyone who would like to offer testimony in favor of the request. Jim Brien, 766 Avenue S, Seaside. They have come to an agreement with the developer and the only difference that Mr. Cupples and Mr. Brien have come up with after meeting with the fire department and public works are the sidewalks and bike path around the perimeter. The way the curbing is set up today, compared to how it was set up previously, is quite different. Now if we put in the sidewalk with the curbs we will have to tear them back out once construction starts. The developer has come up with another plan. On the north side of phase two they would put in a temporary bike path/pedestrian walkway for people to use while construction is going on in phase one. He understands that he has to have the sidewalks in phase one completed before he can start on phase two. That's really the main changes that need to be done. Mr. Brien stated that once this gets approved he needs to make a plat map and have it recorded then Mr. Ritchie will have to start paying taxes on every single lot. He is going to want to develop that perimeter as soon as he can, but he also needs to sell those other lots for developers to build on. He would like the commission to approve this and put the decision back in city staff's hands and then they will deal with all the corrections. There is lots of dumping and

transients in there right now and lots of vandalizing going on. With the bike path and walkway going through the development is a lot safer than having people walk around Avenue S and S. Wahanna.

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

Vice Chair Bill Carpenter asked if there was anyone who would like to offer testimony in opposition. Mary Kemhus, 86183 S Wahanna, Seaside. She has some questions, one is regarding the culvert that is dumping water on her property. In the memo it mentions it but doesn't say when it will be addressed. Ms. Kemhus is also concerned about where exactly the bike path / walkway is going to go temporarily. She would urge the commission to wait until the staff report is more complete before making any decisions.

Vice Chair Bill Carpenter asked if there was anyone who would like to offer testimony in opposition. Marie Hoffman 1699 S Wahanna, Seaside. Ms. Hoffman doesn't object to the development. She objects to things not being done correctly and they need to follow the same rules that other developments have to follow. Ms. Hoffman knows someone personally who is a foreman of a very large cement company who does curbs and sidewalks all over the Portland area. She asked him what he thought it would cost to do the sidewalks around this subdivision and he said to do it according to city ordinance with catch basins and the way it's supposed to be done, roughly a $\frac{1}{4}$ of a million dollars to put the sidewalk in around that curve. When you divide the number of lots in that subdivision it's less than \$5,000 per lot. She thinks it's doable and then a bike path is just a stripe on the road. There is going to be a lot of construction in there and with three schools of kids and you want to send them through a construction site. She worries that if it is not done the way the city ordinance reads then the city is setting a precedence and the next guy is going to say he's got a hardship too, can't we just make another exception. Ms. Hoffman would also like the city to schedule things on different nights. The school meeting would have been nice to go to but that is going on now and she is here instead of being there.

Vice Chair Bill Carpenter asked if there was anyone who would like to offer testimony in opposition. Kemy Kay Kemhus, 1920 Huckleberry, Seaside. Ms. Kemhus biggest concern is the traffic. What are the traffic plans for this? There is going to be over 3000 more cars on Wahanna a day. The plan is fine, but there needs to be a transportation plan. Wahanna Road is an old country road, it was not built to handle 5000 cars a day. When you come to Avenue S and the highway its bad, she can foresee an accident happening there.

Vice Chair Bill Carpenter asked if there was anyone who would like to offer testimony in opposition. Matt Brien, 766 Avenue S, Seaside. Mr. Matt Brien would like to offer testimony in favor of the request. Mr. Matt Brien stated that we all have an invested interest in this subdivision, they live here to. The most important thing is to have safe passage from Avenue S to Wahanna. He respects Mrs. Hoffman's account of what it would cost to put in the sidewalks around the outside of this subdivision, it's easy to throw out a number and say that's what it's going to cost but it's another matter to do it. He saw the figures back in 2006 and it was over one million dollars. Mr. Matt Brien agrees with his dad that the temporary sidewalks should go in phase two, and that way while they are building in phase one, all pedestrians will be directed to travel around the ongoing construction and not going through it.

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

Vice Chair Bill Carpenter stated now is the time for Mr. Brien's rebuttal. Mr. Jim Brien stated that if it were to only cost $\frac{1}{4}$ of a million dollars to put in the sidewalk along Wahanna and Avenue S, the developer would be happy to do that, but that is not realistic. Mr. Brien agrees with Kemy Kay Kemhus regarding the traffic analysis that should have been done before the school got approved. This road has become a bypass. Everybody knows that Avenue S is a shortcut. Like he said the first time, if this were a new subdivision he would have been against it 100%. He doesn't want this subdivision or the traffic that comes along with it, but this subdivision isn't causing the traffic issues on Wahanna and Avenue S the traffic is already there. This development isn't going to impede anymore traffic, it's the high school that's going up the hill that is going to cause the traffic problems. Mr. Ritchie has agreed to put sidewalks on the inside of this development, not along Wahanna and Avenue S. Until somebody engineers Wahanna Road and puts a signal at Avenue S and the Highway, the traffic will be horrible even if they just put in a right hand turn lane. Something needs to be there first. Mr. Brien was against the school but didn't say anything because everybody hates you if you say anything against the school. The impact statement should have been addressed with the school going in, not at this project. Like he said, he would have been against this development but it's there and Mr. Ritchie has thousands and thousands of dollars in this project that was approved at one time. In phase three they had a little alley

way. Mr. Cupples doesn't like him to say that because that was then and this is now. If people don't like it then they can come up with a better solution. It isn't going to be along Wahanna Road and Avenue S. He knows that. Instead of everyone talking against this project then they can come up with a better solution and it's going to cost way more than $\frac{1}{4}$ million dollars. You couldn't put a sidewalk from the bridge to the entrance for a $\frac{1}{4}$ million dollars. What we did come up with is put a 50 foot paved area along Wahanna Road for the kids to stand at while waiting for the bus. Other than that he would like to see this back in the city. Marie Hoffman stated that it seems that Mr. Brien stated that the sidewalk was going to be so expensive because of the pilings that were going to be needed from the bridge and including the bridge that is not what we are talking about. Mr. Brien stated that is part of the plan. Mrs. Hoffman stated that she is talking about his property where it begins on Avenue S and ends on Wahanna not from the bridge. Mrs. Hoffman stated that is a grading problem, there will not be any pilings no fill it's just a simple curb. The person that she spoke with is very familiar with the project and the area and she thinks he knows what he's talking about. There is a huge discrepancy between a $\frac{1}{4}$ million dollars and millions of dollars. We need accurate numbers is the sidewalk going to be \$20,000 per lot or less than \$5,000 per lot. We need accurate numbers.

Vice Chair Bill Carpenter indicated the issue was opened for Commission discussion. Commissioner Posalski stated if we are talking about the sidewalk going around the outside of the property, unless we see an actual estimate you're just throwing numbers out whether it will be $\frac{1}{4}$ million dollars or a million dollars if we don't have an estimate then it's irrelevant. What we are talking about is having the path go through the development rather than around the development. Is that an acceptable alternative. If he is understanding this correctly, when someone develops the lots they are required to put in the sidewalks at that time or very soon afterward. The fact that we want to put a sidewalk in phase two around Cooper Street is an additional accommodation beyond what the city calls for. Once they develop that strip along Wahanna and Avenue S that's when the sidewalk will be required. Mr. Cupples stated that under this proposal they would be providing the sidewalk inside the development and not along Wahanna Road or Avenue S. Commissioner Posalski stated that the bike path itself in the street is not required. Mr. Cupples stated that usually the bike path is not normally required in this type of subdivision because it's a local street. Commissioner Posalski stated that requirement or saying that it would be required during the construction is not necessarily a valid position based on existing rules. Mr. Cupples that is correct. The TSP was calling for a pedestrian / bike path combo along Wahanna. What this is doing is putting that within the development and not along Wahanna. Commissioner Posalski stated that even if we did the sidewalk around the corner it wouldn't be required until those lots were developed. Mr. Cupples stated that the pedestrian / bike path and lane could be required as part of the development under the TSP at some point during the construction of that subdivision. Commissioner Posalski stated that it doesn't say that it has to be there before the development that would be a requirement that the planning commission would put into effect. Mr. Cupples stated that is correct. Commissioner Posalski the other point is on lot 33, it should not be included in the phase. That's a standalone lot.

Commissioner Neubecker asked if we go with the pedestrian / bike bath on the inside of the development prior to construction that is going to be torn up when phase two starts. Mr. Brien stated that on phase one, if they put in sidewalks before the construction they will have to be torn up during the construction and nothing can happen in phase two until phase one is completed with the sidewalks installed. Commissioner Neubecker stated that in phase two, where the temporary pedestrian and bike paths are currently, won't they have to be torn up? What's going to happen to that? Mr. Brien stated that all that is, is a painted line in the street. Commissioner Posalski asked about the water mitigation for lot 11 & 12 drainage, currently we show an easement on there for city water. Would the city require another easement for that storm drainage as well? Mr. Cupples stated that in the public right of way you can put a storm line and don't need an easement. Commissioner Posalski then asked if the inlet is on private property, then you would need an easement. Mr. Cupples stated that is correct.

Commissioner Posalski stated that it shows a 10 foot water easement but that only goes to lot 6 and it needs to go all the way over to lot 11 or 12. Commissioner Teri Carpenter asked if we put a bike lane through phase one, wouldn't that prevent people from parking in front of their homes? Mr. Brien stated yes, there will be no parking on that side of the street. Commissioner Teri Carpenter stated that she thinks that would be unattractive to buyers. Mr. Cupples stated that in lots of areas in Seaside we have developments where there are homes that don't have any off street parking. With new developments, people are required to have two off street parking spaces. Commissioner Teri Carpenter stated that as we go forward you would think we should fix those problems now. Another one of her concerns is that even if we put access through this development for public access, people are going walk through here and she doesn't feel comfortable with people walking through here. It seems to private. She would tend to gravitate to walking around the development. If she were a resident of this neighborhood, she wouldn't be happy about people walking through her neighborhood. Mr. Brien stated the ideal situation is that the city, county, state and federal government get together and fix Wahanna Road and Avenue

S. This development can't afford to put the ideal situation in. He doesn't know what title he has to have in front of his name but he is going to be somebody before long and see that something gets done there. To fix Wahanna and Avenue S, it's going to cost millions. Just the engineering is going to cost a million. Vice Chair Bill Carpenter stated that is off the topic of tonight's discussion. Mr. Brien stated that he needed to get that off his chest. He doesn't want the traffic here but what are you going to do when someone has already got this started. Commissioner Hoth stated that as far as the sidewalk around the outside of the development, he doesn't see a lot of people walking out there. The purpose of the sidewalk is for the residents and the bike path and sidewalks in the development will be fine at this time. Traffic is a huge problem, if the highway improvement would have past 15 years ago it would have been better but that didn't pass so we have what we have. Commissioner Hoth stated for the drainage from lots 11 & 12 when you say, unless an easement can be obtained for the drainage are we talking about an easement from Mary to allow it to drain on her property and if she does not give them the easement they can't do that period they have to come up with another alternative. Mr. Cupples stated that is correct. Commissioner Hoth asked if all that will happen in phase one. Mr. Brien stated yes. Commissioner Hoth stated that he would walk through the development and not around the outside. It's safer. If for some reason he was walking to the hospital he would walk through the development. Commissioner Hoth stated that he didn't like lot 33 and he wishes it would just go away, it just seems like that should not be part of the development. It has issues and access is one of them. Commissioner Ridout stated that he's had the opportunity to listen to everyone's comments and he feels that we are not ready to vote on this and should continue it. Vice Chair Bill Carpenter stated that the phase one and phase two philosophy is in order to provide enough money into the system in phase one so that they can continue to phase two. Vice Chair Bill Carpenter would like to see lots 1-4 out of phase one and then add 53-57 into phase one. Mr. Ritchie agreed. Vice Chair Bill Carpenter stated that if we are going to put the sidewalk/bike path in around Cooper Street, then that will keep all the construction localized. Commissioner Hoth asked if the alley was going to be 40 feet wide and not the 30 feet that are on the plans. Mr. Brien stated yes. Vice Chair Bill Carpenter asked when the streets are completed will they become city streets? Mr. Cupples stated that is the Public Works Directors call but it is doable. Commissioner Ridout stated that he would like a work session so that they are clear about the sidewalks. Commissioner Posalski stated that he's pretty sure that the developer would like to see the sidewalk on the inside of the development and not around the outside permanently. Vice Chair Bill Carpenter stated that some point in time the Urban Renewal Agency will help with the bike path and sidewalks along Wahanna and Avenue S which would include around the corner. He also wants to make sure that the city gets an easement to put in a 10 foot wide sidewalk, but that would be part of the Urban Renewal. Commissioner Posalski stated in this development there are going to be property owners who have to put in two sidewalks, one on the inside of the development and the other along Wahanna and Avenue S. Vice Chair Carpenter stated that we do have good sidewalks from the church all the way to Broadway and all the way to Suzanne Elise but it is on the east side of the road. At some point the city is going to have to find a way to get the people on the west side of Wahanna. Vice Chair Bill Carpenter stated that he is opposed to having sidewalks put in around the outside of the property at this time because it will just get tore up when we rebuild the road. Commissioner Ridout stated that he feels that this should be continued to the next planning commission meeting because what they submitted is just too vague and this is a big decision. Does the commission want sidewalks just inside the development or around the outside?

Commissioner Posalski made a motion to continue this to the January 2nd, 2018 meeting with an updated list of modifications based on the discussion at tonight's meeting. Commissioner Neubecker seconded and the motion was carried unanimously. Mr. Brien stated that he will not be available on that day because he will be in the hospital. Commissioner Posalski stated he thinks it still valuable for the commission to have a discussion regarding the modifications at that point. Commissioner Ridout stated that he will not be ready to make a decision until he gets more information.

Mr. Cupples stated that on January 2nd the commission will be continuing this and then if in fact you wanted to have a meeting so that this wouldn't drag out further, then the commission has a work session on January 16, 2017 and that could be used as a special meeting. Mr. Cupples asked Mr. Brien that after the January 2nd meeting if you want a continuance because you're not going to be here, you could attend the January 16th meeting. Mr. Brien stated yes.

ORDINANCE ADMINISTRATION: Mr. Cupples stated that there is a plan for the Starbucks lighting compliance issue. Once those changes are done he can allow the issuance of their Certificate of Occupancy.

Commissioner Posalski asked about the variance on the lots behind Coast Hardware. Mr. Cupples stated that the applicants did request a variance and the variance was reviewed and approved.

Vice Chair Bill Carpenter asked what are we going to talk about regarding vacation rentals at the work session? Mr. Cupples stated that one of the City Council's goals was to review the vacation rentals dwellings policies, so that will be combined with the discussion concerning accessory dwelling units (ADU's).

COMMENTS FROM THE PUBLIC: None

COMMENTS FROM COMMISSION/STAFF: Commissioner Posalski stated that he would not be at the next work session. Commission Lou Nuebecker stated there was going to be a Day of Remembrance on the 1st Avenue Bridge for Pearl Harbor starting at 9am on December 7th.

ADJOURNMENT: Adjourned at 8:18 pm.

Bill Carpenter, Vice Chairperson

Debbie Kenyon, Admin. Assistant