

MINUTES SEASIDE PLANNING COMMISSION
February 5, 2019

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

PLEDGE OF ALLEGIANCE

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

INTRODUCTORY STATEMENTS

This is the time duly advertised for the Seaside Planning Commission to hold its monthly meeting. Agenda items can be initiated by the general public, any legal property owner, Seaside City Council, City staff, and the Seaside Planning Commission.

Chair Hoth 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.

PUBLIC HEARING PROCEDURES, EX PARTE CONTACTS & CONFLICTS OF INTEREST:

Chair Hoth stated it is standard procedure for the members of the Commission to visit the sites to be dealt with at these meetings. He then asked if any of the Commissioners wished to declare an ex parte contact or conflict of interest. There was no response.

APPROVAL OF MINUTES: 1-15-19 Minutes

AGENDA:

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Hoth:

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: None

ORDINANCE ADMINISTRATION:

A. 17-054SUB Avenue S and S Wahanna – Extension for subdivision

Mr. Cupples stated we received a request from Bruce Richie indicating that he is working on the subdivision. It is progressing but he is interested in requesting an extension of time. Mr. Cupples stated that he doesn't have any objections to grant an extension. The planning commission would have to adopt a finding that indicates the facts of the approval have not changed to an extent sufficient to warrant refiling of the tentative plan. Mr. Cupples stated that he believes that was correct. Commissioner Bill Carpenter stated we understand that there has been no changes to the plan. Mr. Cupples stated yes. Commissioner Bill Carpenter asked what the timeline was for completing work necessary for the city to accept the streets. Mr. Cupples stated it's been a while since he looked at the email, but it sounded like he was looking at a matter of months before they thought they were in a position, not for the entire thing because they're doing it in two phases. The first phase, it sounded like he was months away. Commissioner Bill Carpenter made a motion to accept the

request for the extension of the subdivision. Commissioner Lou Neubecker seconded and the motion was carried unanimously.

B. Hospital MRI Trailer- Site Parking Question

Mr. Cupples stated previously the commission reviewed a conditional use permit for the hospital. They were getting ready to move their MRI trailer, actually eliminate their MRI trailer or move the MRI facility over on the east side of the building. The Commission approved that. One of the things that they said at the time was they were going to abandon the trailer pad and actually put additional parking spaces in there. It wasn't really part of the final decision in that you didn't say they had to do it, but they indicated that they thought they'd be able to do it. Right now Providence is kind of vacillating on whether or not they want to remove that just in case they need to use it as a backup facility. Under the decision it said that minor changes can be made by the planning director and he is just making sure the planning commission doesn't have any heartburn over them maintaining that. If in fact Providence decides to keep it just as a backup. Chair Hoth stated there isn't any issue that requires parking meeting certain standards whether they want to use it themselves. Mr. Cupples stated that is correct because they had already removed the parking to put the trailer in in the first place, you said yes it's okay to drop that number down. This is just maintaining that number. Commissioner Teri Carpenter asked if they needed a variance for that. Mr. Cupples stated no they didn't, they had sufficient parking at the time and so it wasn't a matter of them getting a variance and now they're trying to add them back in. Now they're just trying to maintain what they have assuming that if they do leave the pad and the architect said he wasn't absolutely certain Providence was going to say take the pad out or leave the pad in. He just wanted to have it as an option, if in fact they decided to go that route. Chair Hoth asked how that will affect future plans to do something. Does that mean at any time they can take it out or put it in without coming to you? Mr. Cupples stated they'd still have to come in and say what they were doing. If they're not going to leave the pad in and then they decide to put the spaces in a year from now, he wouldn't come back and talk to you about it because they'd just be following what was there. If they decide to build something additional then they'll be back before the commission. Chair Hoth asked if he needed a motion for this as well. Mr. Cupples stated you don't so long as you don't have any problems with him doing that, then we're good. Chair Hoth asked if there were any objection there were none so moving on to the next item on the agenda.

C. Remand of Grocery Outlet Appeal, Tentatively Scheduled for February 19

Mr. Cupples stated that the grocery outlet went before the city council at their last meeting under an appeal. The city council voted to remand that back to the planning commission based on the issues associated with right turn in and right turn out or requiring the turn lane based on the court cases that talk about it in rough proportionality. The part where there was information put in that said, they really weren't being told that they had to do it. That doesn't really stand up to the court challenge and so what the council is doing is remanding it for the planning commission's reconsideration. As far as the top part of the entry to that condition that said, the turn lane has to be established we're going to have to have you look at that on a narrow remand. It's going to be looking at the rough proportionality of what it is they're being asked to do versus what they're building and that's in follow up to the court case and they'll have legal representation here during that hearing. Mr. Cupples wanted to make sure that we were going to have a planning commission quorum for that meeting. Instead of holding your work session on February 19th, we would be having a hearing on February 19th. So you'd be hearing the remand and he wanted to make sure that he had enough planning commissioners to actually hear the case and render a decision.

Commissioner Bill Carpenter stated that he will be there. Commissioner Lou Neubecker stated that he would be there but possibly a little late. Commissioner Teri Carpenter stated that she plans on being there. Commissioner Bill Carpenter stated that he attends the city council meeting. Does he have to declare an ex parte contact? Mr. Cupples stated that he thinks Commissioner Bill Carpenter can just announce that he was at that meeting just to be straight for the record. Commissioner Bill Carpenter asked if ODOT was invited to the meeting. Mr. Cupples stated that he has not invited ODOT personally, but ODOT will get notice again of that remand. Commissioner Bill Carpenter stated that he hopes they are going to be at the next meeting because they're probably some questions that they maybe can resolve.

D. Set Work Session to Discuss VRD Complaint Policy

Mr. Cupples stated that there was a discussion at the last meeting regarding a VRD complaint policy, because we're losing our work session at the next meeting do you want to schedule a special work session? Do you want to try and work out that policy at a different work session, at a different time or, different day or during the week or do you want to just roll that to your March work session?

Chair Hoth stated that he still has a lot of things to think about. He's trying to come up with ideas and every time he comes up with an idea of course he realizes that creates a whole new set of problems and then he has to go back and solve those. So it's not something he's ready to jump into just yet. Mr. Cupples stated that he has some information that was provided by a neighboring property owner on what some other cities do regarding complaint procedures. He knows there was some talk after the meeting suggestions of what might be put in there and so that is probably inappropriate like Commissioner Teri Carpenter was saying, it's probably appropriate to have a work session. So if you want to do that on March 19th, we can do that on the regularly scheduled work session.

COMMENTS FROM THE PUBLIC:

COMMENTS FROM COMMISSION/STAFF:

Mr. Cupples stated he thinks all of you have met our new planning commissioner, Jon Wickersham. Jon is the Associate Director at the North Coast Land Conservancy. The City Council is will be interviewing someone at the next City Council Meeting for the last spot on the planning commission.

ADJOURNMENT: Adjourned at 7:15 pm.

Chris Hoth, Chairperson

Debbie Kenyon, Admin. Assistant