

MINUTES SEASIDE PLANNING COMMISSION
February 15, 2011

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

PLEDGE OF ALLEGIANCE

ATTENDANCE: Commissioners present: Virginia Dideum, Ray Romine, Tom Horning, Chris Hoth, Bill Carpenter, and Dick Ridout, Staff Present: Glenn Taylor, Planner, Kevin Cupples, Planning Director

OPENING REMARKS & CONFLICT OF INTEREST/EXPARTE CONTACT: Chair Horning 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 Horning 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: Motion to approve the February 1, 2011 minutes; Chair Horning stated that the opening remarks states that he called the meeting to order and he was absent. It should say Ray Romine in the opening remarks. Commissioner Carpenter made a motion to approve February minutes with the changes that Chair Horning mentioned. Commissioner Romine seconded the motion was carried unanimously.

PUBLIC HEARING REQUIREMENTS:

The following public hearing statements were read by Chair Horning:

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.) 10-044ACP- Comprehensive Plan Amendment Adopting a Transportation System Plan (TSP) for Seaside and making specific amendments to the Comprehensive Plan

AND

10-045ZCA- Zone Code Amendment making specific amendments to the Seaside Zoning Ordinance necessary to implement the provisions of the TSP

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

Chair Horning asked if there were any suggestions from the planning commission members?

Commissioner Carpenter stated that he had not had time to review all the information that was submitted by Mr. Cupples. He does have some comments that he would like to bring before the commission.

Commissioner Romine asked if there has been enough time to notify all the citizens of their comments and answer their concerns.

Mr. Cupples stated that there wasn't enough time to get back to them. The project took a lot longer than anticipated. But he did bring in extra copies of his report so that the public can review it now and also take it home. If the commissioners would like to take points on items that they see as problems and discuss those that would be acceptable. O.D.O.T has some representatives in the audience to help answer some of the more complicated questions. They may not be able to answer all the questions off

the top of the heads but will do there best. We need to compile a list of additional questions and then seek answers to those questions.

Commissioner Romine would like to start with Commissioner Carpenters list of comments and then go through the document that staff has provided.

Chair Horning would like to start with the commissioners but wants to remind every one that this is a lengthy process and we have only a short amount of time to get it done.

Commissioner Carpenter handed out his notes to the Commissioners.

One of the things that have been discussed many times is the bypass. In volume one of the TSP there is a lengthy discussion on the bypass on pages 227-239. Commissioner Carpenter feels that the amendment to the Comprehensive Plan should include the addition of a new line Item 15 to the Comprehensive Plan, Section 8.1 – Transportation Policies.

Likewise concerning the flooding on Highway 101 South of town, the text should be put in that same location with a new line Item 16. One of the most important items is putting in crosswalks crossing over Highway 101. Many locals and visitors (staying on the South side of Seaside) cross the Avenue G Bridge to go to the Safeway/Rite Aid shopping area. A marked crosswalk is needed, especially in the summer months, when traffic volumes are high. There is a sidewalk from KFC to Avenue N and then it stops. We need a crosswalk across Highway 101 in that area.

Commissioner Carpenter feels that this project should be broken into several components which can be completed as funding becomes available. The first component would be the installation of a crosswalk at Avenue F; the second would be the improvement of Avenue F (or Avenue G) between Holladay and Roosevelt. The third would be the installation of coordinated traffic lights at both Avenue F and Avenue G. And then the final component the re-routing of Avenue F and/or Avenue G can be completed.

He also has some comments about the Highway Overlay Zone, and exceptions should be written into the new Ordinance 3.400 “Highway Overlay Zone” which will protect a new small business from the red tape and expenses created by this ordinance. A new small business will require a Business License (and in some cases a “Build Out” for the existing building, which will require a Building Permit). The Business Licensee and/or the Building permit would trigger the following:

Section 3.404 – Administration – states in paragraph three:

“ An evaluation of compliance with the standards of this Overlay Zone shall be conducted by ODOT and the Seaside Planning Commission, and shall comply or be brought into compliance prior to issuance of any permits or approvals; if any of the following circumstances will generate a significant number of additional trips:

Item 4. Any other circumstances where a business license, zoning, or occupancy certificate is sought from the City for use, site upgrade, or change of use for any land, building, or structures.

This will mean that a small business, which is taking over an existing vacant space within the Overlay Zone, would be required to complete a TIA (Traffic Impact Analysis) to prove that they are generating less than the 600 daily trips or 100 hourly trips. It also means that the owner of the building may be required to make property improvements which could be cost prohibitive. The improvements could include the addition of sidewalks and landscaping, the creation of long and short term bicycle parking, and elimination of Highway 101 access to the existing building.

Some questions:

1. What is the cost of a TIA for a small business?
2. How many Professional Engineers are available in our area to do a TIA?
3. Does this mean that vacancies may become permanently vacant along 101?
4. Could the Overlay Zone Ordinance result in “taking of property” issues?

Commissioner Carpenter recommends that Chapter 7 should be added to Volume 1 of the Seaside TSP detailing a set of By-laws for the creation of a Seaside TSP Commission. The primary mission for Seaside TSP commission should be to involve the public in discussions about the TSP projects. The Seaside TSP Commission should be modeled after the existing Improvement Commission (with the Mayor, City Councilors and seven citizens), and should meet monthly when TSP projects are in progress. [Note that a provision should be made to allow for the selection of a Seaside business owner who lives nearby, but outside the city limits.] Prior to finalizing the design and implementation of any project listed in the Seaside TSP, that project should be brought before the Seaside TSP Commission in a well publicized public meeting for discussion and public input. The Seaside TSP Commission will provide a forum for the public to have input on the prioritizing and design of the projects listed in the

Seaside TSP. It would also be the Seaside TSP Commission's responsibility to review and update the Seaside TSP at a minimum of each five (5) years, or sooner if a major revision is required.

Chair Horning asked if there were any other Commissioners who would like to comment.

Commissioner Romine having public comment in the planning stage is always a good idea.

Commissioner Dideum mentioned that in the highway overlay zone, any small business that is generating 100 hourly trips is in hog heaven. Businesses in our area do not generate the 100 hourly trips. As a property owner in Seaside if she decided to build a new home in areas that do not have sidewalks she would be required to put in a sidewalk and doesn't see why a business wouldn't have to do the same thing as a homeowner.

Commissioner Carpenter stated that he understands that if a new business were to be built then they should be required to put in sidewalks, it's when someone comes in to rent an existing building there should be some exception written into the ordinance.

Commissioner Dideum stated that there was a discussion with Kevin where this was talked about and we all agreed to that. Why is this coming back now?

Commissioner Carpenter stated that it is because we didn't have access to all the language that was in the ordinance.

Commissioner Dideum stated she was sure she did, her understanding was the discussion and at what point is the trigger point?

Commissioner Carpenter asked how you prevent a small business that only generates a small number of trips from having to jump through all the hoops. Mr. Cupples stated the text that was read at that time was critical. You need to have a significant number of trips and that significant number is the trigger. Bill Teeple brought this up before about what are the triggers to require these things. The way the ordinance is structured is: let's say you are going to open up a business and that business has 2000 sq. ft. for example and your use of that business in the past has been selling widgets and someone else comes in and they want to sell widgets plus 5. There is a trip generation hand book and it says if you go from this use to this other use it figures what your trip generation is. That is what we would use to calculate if there have been a significant number of trips increased from the change in use. If you were going from a retail sales space to a 7 Eleven, then your hourly trips would be looked at as far as what kind of increase did you see and your daily trips would be looked at. The trigger that was set is a 5 hourly increase or a 30 daily increase, that trigger can be adjusted down or up. There is a trigger in the ordinance right now and it all rests on significant number of trips. The TIA (traffic impact analysis) would not be done until you looked at the manual and let's say you have a vacant piece of property and someone comes in and is wondering if the City will do a traffic impact analysis. The first thing we ask is how large the building is and what type of business are you planning on doing. Then we look at the Trip Generation Report and see if they are in the 100 per hour and 600 daily that's what kicks starts it. It kicks starts for ODOT also, rather this is in place or not because their permitting process starts that and in fact if you pass that threshold you have to get a TIA. But you are generally going to run into that if you are putting in a new building.

Commissioner Romine asked about the old Dollar store building. Will that need to get a TIA? Mr.

Cupples stated that the Dollar store was a grocery store so they would be categorized as the same use. Which it would not trigger a TIA. Unless they saw a 5 hourly, 30 daily increase it wouldn't go through a review. When the Seaside library changed over to the Surf Shop there was a lot of concern from the Dept. of Land Conservation and Development regarding the rezoning of the property they thought we were going to have to go through a huge process in order to look at traffic generation but when you look at the Library traffic it was about the same traffic as retail Surf Shop. So there was no analysis for that property.

Commissioner Romine mentioned that was a like kind change in use. But if there was a substantial increase in size then we would typically use the table that shows the average flow of traffic based on what the size is and what type of business is going to go there. To determine whether the study would need to be done. Mr. Cupples stated that he currently gives information out on what zone the property is in. But if a Burger King where to go in they would have to do an analysis and they would have to fill out a Landscape and Access Review for that particular property but they would really need to talk with ODOT to see about accessing the property. Then they may have to do an analysis because a Burger King would be a big trip generator. With this ordinance it will state exactly what a business will have to do and it's not buried in an OAR. or buried in a book at ODOT it actually brought into the zoning ordinance as a reference tool so they know that that may be a requirement.

Commissioner Carpenter stated that if a little business owner was going to open up a store it shouldn't need a traffic impact analysis. We need to be conscience about new business going in and the size of

the business. If there are a significant number of trips generated with a new business then the City and ODOT will have to do a review to see what that impact will be on the traffic.

Commissioner Ridout stated that the public concern over the bypass would not be lost to the City or other government agencies but it didn't need to go into the TSP the people didn't cry out in vain it is heard in the TSP, but has no objection of it being in there and doesn't feel that it's needed in there. Commissioner Ridout would like to see a response to the questions that people asked during the public hearing. You start talking about ideas of more stop lights, more crosswalks in town will only slow the movement of traffic the more interruptions along the way the slower traffic will be. What are all the negatives of having all these things done?

Commissioner Romine mentioned that the bypass being number one, the answer seems to be pretty clear. It's outside our area of influence. We can assist the county, and maybe in the next 10 to 20 years have the funds to do a bypass.

Mr. Cupples stated that the TSP recognizes the bypass, but it is outside the comp plan we can put it in as a policy. If you want to put in the TSP, that we want to be a part of any decision making processes that are being made for the bypass, that's fine or we could make a separate policy regarding the TSP. The flooding south of town is another thing. It is outside our area of influence but we definitely want to be a part of any decision making that might happen in that area.

Commissioner Carpenter stated what we are trying to do with the two ordinances is go through and make amendments to the comp plan and to our ordinance and strike out any reference to the bypass. We support any group that wants to come in and go after the money need for the bypass but it's just outside the scope of our ability to do it ourselves.

Mr. Cupples stated that we could change the numbers it's taking the comp plan and doesn't see a problem with that.

Commissioner Carpenter stated that he sees cross walks North of Broadway but doesn't see anything South of Broadway and there is a real need for a crosswalk for people to get into Safeway and Ride Aid. Commissioner Horning stated that in the plan 4.2 US 101 Access Management elements that refers for a need for a safety island.

Commissioner Romine stated what development does is state were there is a need the blanket language is in order to incorporate this plan, keeping in mind that it is just a plan, so that we can move forward so with each item we can review it and then make changes with the alternative and in many cases there are at least three. Please keep in mind that as a commission we don't outline specific items or additional points this is just a plan and that doesn't mean that is going to happen. If the demand is there for crosswalks in the areas that have been identified then we would find support from ODOT if we could prove that this is a problem area.

Mr. Cupples stated that there is a crosswalk recommended for Avenue F and Highway 101 and also one at Avenue M and Highway 101 so there are two crosswalks recommended. If you put a light in then you will definitely have a crosswalk in those locations. Don't get too caught up in the locations because the pedestrian bridges state that it is in the vicinity of, so it's not written in stone. The pedestrian bridge that is referenced at 15th Avenue doesn't seem like such a great idea given that the 24th Avenue bridge and extension of Lewis and Clark. That means we don't have any crossing in that area maybe it needs to be closer to the High School is and maybe that needs to have a pedestrian bridge.

Commissioner Romine asked that as we work with ODOT down the road on the specifics it all needs to be negotiated where exactly the crosswalks will be. Mr. Cupples stated that when it says recommended crosswalk treatments at US 101, when it says recommended treatment on Avenue F and you say no we want to have it on Avenue G. ODOT doesn't want to push for a bunch of projects that no one wants. They have limited money. That is something that the City has latitude in doing. You want to increase crosswalk and pedestrian access in the best place that you can get it.

Commissioner Carpenter stated that the TSP has a great plan for crosswalks Broadway North and a poor plan for Broadway South. Mr. Cupples stated that under the plan we have crosswalks at Avenue B, Avenue F, Avenue M, Holladay, Avenue S and Avenue U. Mr. Cupples stated that he's sees more people crossing the Highway along Holladay and Avenue S.

Commissioner Dideum stated that she has a concern regarding the bypass proposed amendment. Right where it gets to the line, delegation to develop the funding and design and build the highway which would extend from Highway 26 to Highway 30. Not sure if you want the commission to put in the TSP they are supporting a bypass and want the bypass to go from Highway 26 to Highway 30 and want the commission to find the funding and have it built.

Commissioner Carpenter stated the City of Seaside would support the creation of an independent coalition of concerned citizens to help find funding from state and federal governments to help pay for the bypass. Commissioner Dideum stated that she doesn't think a highway that goes from Highway 26 to Highway 30 is feasible. She cannot understand why the citizens of Seaside want to have a highway go around Seaside. Don't most business want people to drive through town and stop at their business?

It just doesn't make sense. Commissioner Carpenter stated that if you sit downtown Astoria and watch all the logs trucks and other commercial vehicles go through town he would prefer them go around the City and not through it. Commissioner Dideum stated that the owner of the Bell Buoy likes to have the trucks go by his business they stop and buy things. Are we only talking about a truck bypass?

Commissioner Romine stated that the counties letter is very informative and that they would need to take a lead on something like that because it is outside the City Limits and if we team up with them this can be accomplished.

Mr. Cupples stated that the response that staff provided added language to the TSP that talks about everything that needs to be done before we can even look at a bypass. In the section that Mr. Cupples thought was important and could be added said based on regional implications the following steps should include the participation of stake holders throughout Clatsop County. The bypass is a huge undertaking and should include everyone.

Commissioner Carpenter didn't want to loose it in the comp plan.

Chair Horning stated that it definitely needs to be in there just like the pedestrian foot bridges over the rivers. Just make sure that the language is loose enough to make adjustments as needed.

Commissioner Ridout has viewed this whole thing and it seems flexible and when you get to the design stage then it gets to a whole new world, with all the impact studies, engineers and designers put together anything in this document can be adjusted when it comes to that point.

Commissioner Dideum stated that the TSP is here to develop solutions to address our safety and congestion. Maybe that has been forgotten. Crosswalks are for safety. If we have more sidewalks and bike paths they will become used more often than not. Also, there are some suggested amendments 3-16 refers to land use in the NE quadrant of this intersection is the Seaside Chamber of Commerce which has adequate setback to accommodate this widening. This should be changed to a building occupied by the Visitors Bureau and Seaside Chamber of Commerce. On page 5-2 on item 8 there seems to be a missing amount. Mr. Cupples stated that it is in the plan somewhere.

Commissioner Dideum asked about the widening of 101 and a lot of the conversation as been about having a center turn lane / acceleration lane and a lot of people suggested that that is all is needed on the South part of 101. We have in the plan a widening from Avenue G to Holladay and then putting in 4 lanes from Broadway to Avenue G, why couldn't we amend this plan to put in the center turn lane south of Ave C and Holladay before we put in 4 lanes. It would be a better use of our resources to first put in that center lane. Mr. Cupples stated that we assumed it would be in there with the realignment of Avenue F and Avenue G but it doesn't really talk about. We have Avenue G to Holladay as a separate item.

Chair Horning stated that we have some challenges regarding the public comments for example the flooding south of town. Mr. Cupples has made notations in the report of the public comments that ODOT and the county have been working on that and it is out of the City limits.

Chair Horning asked if this is a good way to go through all of this.

Mr. Cupples stated that there have been a lot of comments from the public on tabling this. We have worked on this over the last two years and the last thing we want is to see this tabled. As long as we are progressing then it's a good thing. This is a big deal, please do not rush through this but lets not table it lets continue in a timely manner.

Commissioner Carpenter stated that we owe every person an answer to their questions that took the time to write to the Commission.

Commissioner Ridout stated that he doesn't want to go through everything item by item. And to deal with the specific items that staff has brought up. The public comments have been addressed by staff. Chair Horning asked if we should compile the information by topic, by the bypass, or by the flooding south of town. Commissioner Ridout stated that he understands how the list is compiled and the list is fine as it is.

Commissioner Dideum stated that Mr. Cupples has done an excellent job on his spreadsheet and we should just look at specific items.

Mr. Cupples stated that under item 9 we should add as a separate item the expansion of the roadway or three lanes between Avenue G and Avenue C and the Ave F and Avenue G discussion and discuss the two stop lights. When he saw the two stop lights he thought that it was already in the TSP but when he looked through it didn't make it in as a final option. Once we succeed in funding is when we will need to have a design done hopefully with little impact to the surrounding neighborhood.

Mr. Cupples asked if he should break the separate items to be considered down into a separate sheet. So that you would have the individual items that should be considered and combine that with what Commissioner Carpenter has brought up and then prepared the triggers document so that you can see what it would or should look like. For example what Mr. Teeple mentioned about Avenue S and the 48 foot wide cross section for a roadway and there's a 40 foot right of way there now and he's only got 41 feet between the two buildings. If you look at the whole part of the plan Wahanna Road was designed

specifically to fit with-in a narrow cross section. That roadway (Avenue S) ties into Wahanna Road and where are you going to transition the change from this larger cross section which is (2) 6 ft. sidewalks, (2) 6 ft bike lanes, (2) 12ft. travel lanes. You still only have vehicle lanes that are 12 ft. and 12 ft. if you look at the Wahanna Road cross sections you've got only 35 ft. and so if you take that whole design and look at that south side of the road and put a sidewalk in there now you have a 6 ft wide sidewalk put in 2 12 ft. travel lanes and then put in a combined pedestrian bike lane don't put in the 6ft sidewalk and the 6 ft. bike lane just put that in as a combined sidewalk/bike lane then you have a 40 ft wide cross section that doesn't hurt anyone.

Commissioner Hoth asked who makes that decision? Mr. Cupples stated that the commission does. Commissioner Hoth stated that we have transportation issues in the city and hopes that everyone would agree with that. We need a TSP in order to do anything; the TSP has to address those issues in some way shape or form. We need solutions to the problems that we have and we need that plan to be flexible. The bypass and the flooding south of town are out of our jurisdiction. People are afraid of the unknown they don't have specific problem. I don't want to loose any flexibility. We have to come up with a document that addresses the primary issues. Commissioner Hoth feels like he's backed into a corner in discussing these issues, we are discussing how it's going to work and most of the comments from the public are that this is totally unnecessary and the only alternative is to put in a bypass and any other solution is going to wipe the city out. The TSP gives us an initial ability to start dealing with these issues and hope there is sufficient transparency to start dealing with the issues at hand.

Commissioner Romine on Item 1 we have already discussed. Item 2: We should use the letter from the county, stating that we all need to come together, citizens, city, county and state agencies, to help with the decision with the bypass. The Comp Plan already has a short reference to the Bypass. We leave that in the Comp Plan, we include the language in the TSP and then it's done.

Commissioner Carpenter stated that the short reference is going to be eliminated and we need to have something in there regarding the bypass.

Commissioner Ridout stated that these are items that the staff has recommended, he didn't view them as recommendations he viewed them strictly as this is something you can do or not do. Is it something that we should consider adding? Mr. Cupples stated that he thinks it something that we should consider adding. Commissioner Ridout stated that he doesn't see these as needed items. Mr. Cupples stated that he tried to keep to the same format. If you talk about the 3 lanes, that should stay in. If you talk about the two light options that should stay in, if you talk about the cross section down on Avenue S you keep that in. You should also have the language changed that there is a footnote to be added to the design table. There is a provision that allows Neal (Public Works Director) some latitude in considering things, when we are getting ready to do design if you are set with a choice between the taking of some ones property versus fitting in a conventional sidewalk rather than creating a multi-use pathway. Having this in there is added protection that is responsive to what the public had raised as a concern.

Commissioner Hoth asked if this would help with give the flexibility when the design comes forward. Mr. Cupples stated that Yes it would give flexibility. Commissioner Romine asked about the part of the comp plan that was going to be eliminated, and it was going to go into the TSP. Mr. Cupples stated that the TSP does a good job with identifying the bypass. Mr. Cupples stated that it is not just the Seaside bypass it the whole Counties bypass. Having it in both is a good idea. Mr. Cupples stated the he would break things out as this is what is being recommended formally and these are changes that need to be down. Mr. Cupples would like to have a meeting with Mr. Winstanley (City Manager) Neal Wallace (Public Works Director) and Commissioner Carpenter and see how this would or wouldn't work out. Chair Horning stated that the general discussion seems to be that the Commission is asking Mr. Cupples to review and summarize all the recommendation and bring them to the next meeting.

Commissioner Carpenter made a motion to continue this agenda item for the next scheduled planning commission meeting, on March 1st 2011.

Commissioner Dideum seconded and the motion was carried unanimously.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC: Leslie Palmeri, P.O Box 1088 Seaside. Stated that she has two problems. One is that you are proceeding as if the responses by staff to the public's questions are acceptable to those that are getting a response. She is not happy with her response to question number two. When you read through other responses any time some one mentions the bypass the staff comment says refer to number 2 as if number two is the answer to end all to that question. She would like a rebuttal to that answer. Just tonight a lot of the questions that you have asked about what is being stricken are not about the bypass have not been answered adequately nor accurately and for example there is specific items that you can read yourself. First, have you read every word of this document?

Ms. Palmeri's concern is that you will pass this and then later when business owners are impacted and are hurt and are put out of business you're going to say shucks I wish we would have known that at the time. So she really wants to know have you really read all of this. That is important. Specifically the things that are being stricken about the bypass were not answering Ray's questions. But are on page G 45, it starts with the relocation of the US Hwy 101 to Roosevelt Dr. was accomplished in the 1960's. She would like you to read that and see what is stricken out of that part. Because part of it says now in the 1990's strong evidence shows that the shift from Holladay to Roosevelt has been only a temporary solution. That is being stricken. Another part being stricken is an entirely new highway location is needed, that is being stricken. And such a major bypass should be far enough east to avoid conflict with anticipated city development, that is being stricken. There are a lot of things being stricken that were not part of the discussion.

Chair Horning stated that these are the types of questions and comments that we welcome.

Bill Teeple – Mr. Teeple owns the property that has been discussed on Avenue S. One of the things he would like to say is he applauds Kevin in his efforts to solve this problem that we have on that corner. (Avenue S and Highway 101) His biggest fear is with these efforts is that we might trigger a situation were we would block off his access to Highway 101 and therefore leaving the building unusable as it sits. He is more than happy to negotiate some way to solve all this so he can survive. Please consider if you are going to make this shared situation on Avenue S and then put a sidewalk along Highway 101 he will not be able to use his property and the property has been in use since 1910. It's been there a long time and always been a functioning business. Mr. Teeple will try to negotiate some way out of the thing so we can survive. We really need a way to get people up to high ground. He would also like to comment on Kevin's comment on narrowing it down of Avenue S. It's not just traffic going to Wahanna Rd it's a direct line to get people to high ground. We should consider widening that portion. We should only consider the Southern portion of Avenue S the Northern portion is all conforming.

Chair Horning asked Mr. Teeple about his concern with the sidewalk blocking access to parking in front of the building. Chair Horning asked if sidewalks were permissible if they are flush with the pavement next to them for example a strip of concrete that defines it as a sidewalk even though it is not elevated? Commissioner Hoth said yes there are flat sidewalks. Mr. Cupples stated that if there is a separation for safety matters you can have a detached sidewalk but generally an at grade sidewalk right where people can drive into your property either way you are talking about striping one on that does not provide protection for pedestrians. It's just something for someone to walk on.

Chair Horning stated that it doesn't provide the protection that an elevated sidewalk does.

Mr. Teeple has the understanding that ODOT doesn't like people backing out onto Highway 101 and his fear is that that's the way it's been done for years. If that gets blocked off it will render that building non-conforming and then he'll lose his renters. What he is appealing is that we try to negotiate and get this worked out.

Russ Earl – Flexibility is a good thing and we are talking about Ave G and Ave F and he has been talking with United Finance and the Tax lady to the west of that. A lot of the plans potentially will wipe out their parking and wiping out their business and if there is flexibility there. They don't know if they are going to be there in 2 to 5 years. It seems like some of these hard decisions are flexible and they ought to be hard decisions now. People want to know if they are going to be there in 5 to 10 years. It's a bear to make these hard decisions but sometimes sooner or later you got to make them and they should be made sooner. Those people have concerns. If you put four lanes or five lanes in and take their parking or property you're wiping out the business. There's just too much flexibility and we need to make some tough decision and get down to the nitty gitty.

Katie Roberts – She didn't even know about the TSP until the first meeting. About five years ago there was something with Highway 101 and it got voted down. The mistrust goes all through town from the business owners to the citizens wondering if they are going to have jobs. Vague and flexibility is a great thing but a lot of people are wondering what's really going on are they trying to slip in what they tried to do five years ago. She appreciates the time that Kevin took to put this all together and now that you are taking more time to look at the plan and not just push it through is appreciated. We can fix the sidewalks, crosswalks and the things in town but not out of town.

Russ Earl – Mr. Earl was talking with Kevin earlier about 4 lanes going all the way through town. Kevin stated that there is not enough money to pay for it. Russ stated then why put it in the plan? Why stir a bunch of people up when it isn't going to happen? Kevin stated that it was used as part of the planning that was done in planning the Highway by the consultant team. With those improvements we had a

successful Highway that met better standards than before, those had to be taken out. There are items still in there because they are things that would increase the function of the system. There were left in because they were in fact considered they were run through all the analysis that was done. They were left in as projects of the future that right now we not only do not have funding for the other things that those things are so far out we don't think they are going to happen in the 20 year plan. Mr. Earl stated that we should just drop them out now, let's get it down and get on with this thing. Let's just put the three lanes all the way through town and get it done.

Mr. Teeple – Mr. Teeple stated that he really appreciates all the work that the commission is doing.

COMMENTS FROM COMMISSION/STAFF: Commissioner Dideum asked Mr. Teeple if he owned the All-Star appliance building and Mr. Teeple said "yes" Commissioner Dideum asked if he could talk to them about not parking there huge delivery truck along the Highway. He said he has talked to them about it and thinks that they feel if they have that big truck parked out there that people will see that he's open for business.

Chair Horning stated that the ODOT studies have shown that the Highway functions just fine down by Peterson's Point and they function just fine at Surf Pines. It's the local traffic that makes the Highway not function properly. The intersections are bad, we have congestion and lots of turn problems and the capacities of the intersections to convey the traffic through are very close to not functioning. We all use Highway 101 as a thoroughfare and we need to move the local traffic onto the arterials that go parallel to it. The plan works and looks pretty sensible in a lot of ways. The costs are challenging. At some point if the roads are not functioning properly lives will be lost and accidents will occur. It really puts safety of the public in jeopardy.

Commissioner Hoth stated that this is business and economic issue with the congestion and inability to get somewhere can negatively impact business as well and it's not just a safety issue. Commissioner Horning stated that the plan does have the opportunity for positive feedback for making improvements to the highway and the profitability for the businesses. We're doing our best to get through this. To make sure that the whole public's needs are well served, our intentions are as sincere as possible to do the best job possible.

Mr. Earl stated that he heard what Chair Horning was saying but there are also private enterprises losing parking spaces that have business becoming non-functional. It's like taking out some bodies PERS retirement or going to the Governor and saying we need to cut the budget and take out half the PERS employees in this state. There would be a hell of a storm taken on.

Chair Horning stated that he has to confess that he as to go through and look more closely on where parking of businesses is affected. He knows some intersections are going to have to be widened in order for turn lanes.

Mrs. Teeple asked Chair Horning if she heard him correctly when he said that one of the aims of the TSP is to have local people off of the Highway? Chair Horning stated that has been very clear since the beginning. Mrs. Teeple stated that if Tom were to go to the bank, he wouldn't go on the Highway? Chair Horning stated that he always uses Holladay especially now that it has been fixed. Mrs. Teeple stated that she doesn't think that locals going North to South are going to use the side streets. Chair Horning stated that he understands that. She would suggest that the Commission really let the people on Wahanna Road know what the city is planning on doing.

Commissioner Romine stated that he is listening very carefully to the public comments tonight and there is a lot of information, a lot of material to go through after two years of planning. This has been well publicized in an effort to bring in all public comments and interest. He has attend some meetings some were well attended and some were not. That was the public's choice. For the people on Wahanna they were notified of the meetings. There is a lot of information to go through but this is the end of a two year process and we will do our best to make the right choices.

Mr. Teeple stated that he has talked with one person on Wahanna Rd and he told Mr. Teeple that he has been down to City Hall and they won't listen to what they are saying. Mr. Teeple has heard that from many people about City Hall. Mr. Teeple feels that we have the best Building Official in the State. He'll do anything to help you through the process.

Commissioner Hoth stated that these are hard decisions and we are here to make the best decision from the input that we have received from the public. If they don't come to the meetings and let us know how they feel we won't know how they feel.

ADJOURNMENT: Adjourned at 9:30 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant