

MINUTES SEASIDE PLANNING COMMISSION

March 1, 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: Debbie Kenyon, Administrative Assistant, 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 exparte contact. There was no response.

APPROVAL OF MINUTES: Motion to approve the February 15, 2011 minutes;
Commissioner Romine made a motion to approve February 15, 2011 minutes as submitted.
Commissioner Carpenter 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:

Continuance

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 stated that we will be moving directly in to the continuance.

Mr. Cupples has prepared a summary of the matrix that was handed out previously. He broke the responses down into single items for simplification. They're categorized into specific topics. There were some items that were brought up by the Planning Commissioners at the last meeting and those items are also included. One of the items modified was a suggested change that would have relegated the five lane proposal into basically the last project on the list. There is text in this summary that would allow you to put this item on the same list as something that could be considered at the next TSP and remove it from the current list because it is one of the long distance items. It was not critical to the trip generation when the plan was established but it was still an item that was discussed. Instead of taking it out of the plan we can look at it in the future and the purpose of that is because of the concerns that were raised about the impact on some of the property owners due to the expansive right away that would be needed in order to do that project.

Chair Horning would like to go through the findings and justifications one at time and make adjustments as needed.

Mr. Cupples stated that we can dispense of items 1, 2, 3 and 4 since those were in the initial report and they don't have any thing to do with what the public has testified regarding. The modifications that were made start at number 5.

5.) There are a number of specific changes to the TSP suggested in the response matrix. The following is a list of those supported by staff:

5a. Flooding- Amend the flooding text in the TSP (Page 3-29) to include the Port of Astoria and Gearhart as contributing entities. The third to the last sentence would be revised to read, "In 2009, the Cities of Astoria, Cannon Beach, Gearhart, Seaside, and Warrenton, along with Clatsop County, the Port of Astoria, and ODOT, agreed to pool resources for a hydraulic study." The additional text suggested by the hydrologist is very specific and unnecessary.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5b. Bypass- Amend the bypass text in the TSP (Page 3-29) to include regional nature of such a facility. The text preceding the steps would be revised to read, "A number of steps are required to forward a bypass. Based on the regional implications, the following steps should include the participation of stakeholders throughout Clatsop County."

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5c. F&G Realignment- Amend the F&G text in the TSP (Page 3-39) to include Option 4. The last sentence in the paragraph would be revised to read, "Four options are carried through the planning phase (shown as Figure 3.13): Option 1: Realign Avenue F only; Option 2: Realign Avenue G only; Option 3: Realign both Avenues F and G; and Option 4: Retain current alignment and signalize F. If necessary, establish coordinated signalization at Avenue F & G so they operate as one light." No additional amendments are necessary to support the forth option.

Commissioner Carpenter stated that it should read (Page 3-19).

5d. Three Lane from C to G- Amend widening project 8 in the TSP (Page 3-18) from G to Holladay by adding an additional three lane widening from C to G. The following text would be added below Table 3.9, **8a. US 101 Cross-section – Three Lanes between Avenue G and Avenue C** US 101 would be expanded to three lanes between Avenue G and Avenue C. This would create future continuity with the widening between G and Holladay and act as a preliminary phase to the F & G realignment (see project 9). This project would provide benefits similar to those previously discussed under the G to Holladay widening by providing a three lane cross section that will promote safer and smoother traffic flow along US 101 by eliminating the queues that currently develop when vehicles stop in the travel lane to turn left. Table 3.9.1 presents the cost estimate for the US 101 cross section between Avenue G and Avenue C.

Table 3.9.1 US 101 Cross-section Cost Estimate – Avenue G to Avenue C

Improvement	Estimated Cost (2010 \$)
8a. US 101 widening to three lanes between Avenue G and Avenue C	\$923,000.00

This project would also be added to Table 3.25 starting on TSP Page 3-50.

Take out the word the on line 7 of the paragraph.

5e. Constrained Right of Way – Amend the available right of way in the TSP (Page 3-17) project 7 to reflect the available width. The last sentence in the second paragraph would be amended to read, "Available right-of-way through this section appears to be between 62 and 110'.

The initial response to the five lane included a timing component for this project so that it would not be

considered until other projects were completed; however, due to the level of concerns expressed over the potential impacts from this project and the fact this project is considered outside the 20 year time frame, the following text should be added to the first paragraph explaining this project is outside the twenty year timeframe. *“Although this project received strong support during the development of the TSP, public concerns expressed over this project’s potential impacts to the surrounding uses has removed it from the list of projects in the Very long category. This project may be reclassified as one of the Considerations for the Next TSP Update identified later in this Chapter.”* The reference to this project will also need to be removed from Table 3.25 in TSP (Page 3-50). The consultants have been contacted to determine if there are any adverse impacts associated with this proposed amendment to the plan.

Commissioner Ridout asked Mr. Cupples if what he is saying is that in the TSP we have information about the five lanes of traffic on Hwy 101 and we are going to remove that from the TSP, so that anything that was done planning wise regarding those five lanes won’t show up? We’ll just say that the five lanes will be looked at someday in the future? Mr. Cupples stated we would leave everything the way it is right now and then have a statement in the TSP saying that this is outside the 20 year time frame and it would be relegated as if it were in the list of items for future consideration.

5f. Minimize Impacts & Notification of Project Design – Amend the Comprehensive Plan Policy 1 in TSP (Page G-46) to include impact reduction and design notification text. The following text would be added at the end of the policy, “and future designs must attempt to minimize impact to the abutting properties and their uses. The City and the Oregon Department of Transportation shall work cooperatively to notify property owners that about TSP projects at the time design funding is approved so they can provide input at an appropriate time.”

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5g. Minimize Impacts from Shared Use Pathways – Amend the Shared Use Pathway text in TSP (Page 3-41) to consider least impact option. The second sentence would be amended to read, “The US 101 Path should be extended north to the city limits and North Gateway Park, as well as south to the city limits unless it is shown that a more traditional sidewalk and bike lane would minimize the impacts to abutting properties due to right of way constraints.”

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5h. Consideration of Modified Designs – Amend the Table 3.1 in TSP (Page 3-4) to recognize an additional footnote that will permit modifications subject to safety and operational constraints. Footnote 5 would be added to read, “5. When proposed improvements to existing roadways are constrained by limited right-of-way or existing improvements, these standards may be further modified; provided public safety and operational concerns can be adequately mitigated.” The number 5 would be noted at the Table heading.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5i. Reclassification of Street Segment – Amend Figure 3.2 in the TSP (Page 3-5) to reflect the Minor Collector designation for that portion of 12th Avenue between Necanicum Drive and Franklin.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

5j. Modify Avenue S Cross-section – Amend the cross section description at the introduction of project 10 in TSP (Page 3-21) to reflect a 40’ wide design. The second sentence would be amended to read, “From US 101 east to the bridge crossing Neawanna Creek, Avenue S would have a 10’ wide shared pathway on the north side, two twelve foot travel lanes, and a 6’ sidewalk on the south side

(Figure 3.15).” Figure 3.15 would be amended to reflect the 40’ wide cross-section.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

6.) In addition to the responses in the matrix, Planning Commissioners have suggested some additional modifications to the plan. The following is a modified list of those changes:

6a. Chamber of Commerce Reference – Amend the Chamber of Commerce reference in TSP (Page 3-16) so the second to the last sentence in project 6 will read, “The building in the northeast quadrant of this intersection is occupied by the Seaside Chamber of Commerce and the Seaside Visitor’s Bureau; and, it has adequate setback to accommodate this widening.”

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

6b. Include Missing Cost – Amend Table 5.1 in TSP (Page 5-2) for Project 8. This table will include the cost of “\$2,133,000”.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

6c. Additional Bypass Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). The policy would read, “15. While it is recognized that a bypass of Highway 101 is outside of the Seaside TSP considerations, as a interested stakeholder, the City of Seaside will actively participate with Clatsop County’s efforts to consider the future development of a bypass highway that would extend from Highway 26 to Highway 30 along with other municipalities, the Oregon Department of Transportation (ODOT), and the Federal Highway Administration.” This text is supported by the written comments proposed by Commissioner Carpenter.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

6d. Additional Flooding Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). 16. The policy would read, “While it is recognized that the flooding of Highway 101 south of Seaside is outside of the Seaside city limits, as an interested stakeholder, the City of Seaside will support the County wide efforts to solve the flooding problem and seek funding to develop the solution.” This text is supported by the written comments proposed by Commissioner Carpenter.

No Changes by the Commission. Chair Horning asked Mr. Cupples to go to the next item.

6e. Additional Transportation Flooding Policy – This policy would be added to the Comprehensive Plan TSP Appendix G (Page G-47). 17. The City of Seaside shall establish a Transportation Advisory Commission that will conduct a public review of transportation projects identified in the Transportation System Plan (TSP) at the time project design funding is programmed or secured. This Commission is intended to provide affected parties a venue to provide early, open, continuous, and meaningful opportunity to influence decisions about proposed transportation activities within the urban growth boundary. It would also be the Commission’s responsibility to provide input concerning periodic updates and major revision to the adopted TSP. This text is supported by the written comments proposed by Commissioner Carpenter.

Take out the word flooding on the first line.

Commissioner Dideum has concerns how the Transportation Advisory Commission would work, is it simply an Advisory Commission or would this be another layer and would this be redundant?

Commissioner Carpenter stated that he cannot think of a Commission today that this would cause

redundancy for. His thoughts are that the citizens of our community need to have an opportunity for input at a given place and time before the projects are implemented and before it's too late to make changes. This Advisory Commission would accept public input and the City Council would define what this committee would do.

Chair Horning asked the City Manager his thoughts or comments on the committee. Mr. Winstanley stated that the formation of an Advisory Committee is just that, an Advisory Committee and that is what is being recommended in this TSP Amendment. Normally Advisory Committees have a limited amount of power but what they do is act like a sounding board and recommendations can come from the public and/or staff concerning particular projects. Those things can be considered and the Transportation Advisory Committee in this case would have the ability to provide input so that compromises can be made concerning particular projects and then that Committee's responsibility would be to make a recommendation to the City Council. It will be the duty of the City Council to define the committee's responsibilities.

Commissioner Ridout stated that the TSP is very general, we have numerous options listed for all these projects and can see where this would be kind of handy in choosing which projects that we are going to take on. Especially in dealing with 3 or 4 options.

6f. Shorten Zoning Ordinance Amending Text – Pages G-9 through G-19 all include a reference to Section 3.023.6 for a General Transportation Facility Improvement and 3.023.13 for a Significant Transportation Facility Improvement. The original intent was to define these in the definitions Section 1.030 (Page G-8 and G-9) so it could simply be referenced in each zone. Each zone should include the text in Section 3.022.6 under the permitted uses and the text in Section 3.023.13 under the conditional uses in an effort to remove the redundant text being proposed in each zone.

Correction needed on the 2nd line it should say Section 3.023.6.

6g. Correct the Removal of Needed Text – Page G-26 proposed the elimination of Zoning Ordinance Section 10.080. This entire section needs to be retained and should not be deleted from the Zoning Ordinance.

No Changes by the Commission. Chair Horning asked the Commissioners if they had any other comments or concerns.

Commissioner Carpenter asked about the highway overlay zone. He doesn't understand about the little guy trying to rent a building that falls in the overlay zone. Will he be overburdened with a lot of requirements beyond what is really needed? The significant number of trips is confusing. Mr. Cupples stated that he was trying to give the commission some examples of trip triggers. If you owned property in the overlay zone, provided that you were not building 3 separate dwelling units you wouldn't be subject to the review at all. Commissioner Carpenters isn't concerned about new development it's just the little guy who wants to open a business in an already established building it's a vacant building that has room for a small business. Mr. Cupples stated that the trigger for that is, what was the use previously and are you adding significantly to those trips with the new use. If you have a building that is currently selling widgets and then a new business comes in and it's going to be a 7 eleven, you would generate a significant number of trips based on this table and then you would be subject to review. But if you were going from selling widgets to selling widgets plus t-shirts you really wouldn't be increasing any additional trips, which then in turn you wouldn't have to go through the review process. For example donut and coffee shops are a huge trip generating business they would have to go through the review process. If you are laterally moving from retail to retail then there wouldn't be a review, but if you are changing from retail to a coffee shop then they would have to have a review. There is a property owner right now that is thinking about adding on to his current building, if he added on even just a few feet he would have to have a Landscape and Access Review automatically because he is increasing his use.

Commissioner Ridout would like to be able to provide business owners with a document or handbook regarding these trip generation guidelines. Mr. Cupples stated that that could be done if this is adopted.

Commissioner Carpenter stated that is a good idea as long as it's simple enough for people to understand.

Chair Horning stated that if we discover that this creates chaos or undermines development along the

highway and leaves empty buildings there is probably an amendment process to review and fix this.

Mr. Cupples stated that the triggers that we discussed awhile ago are the figures that we would use. If a new Planning Director is hired they should use the same guidelines as the current Planning Director. If they interpret the guidelines differently then the Planning Commission has the right and/or obligation to let them know how the Planning Commission interprets the Ordinances.

Mr. Cupples stated that if the Planning Commission thought it would make it clear, at the bottom of 3.404 paragraphs 1, 2, and 3 and three is the area that talks about the trigger being a significant number of additional trips, Page 31 Appendix G. we could add to 3.403 G-31 to include "over the prior use" to the last sentence.

Mr. Cupples stated that when the old Thriftway building went to the Dollar Store they did not need a Landscape and Access Review because it's pretty much like for like. But if the building were to be converted to a skating rink then it would be required to go through the Landscape and Access Review.

Commissioner Carpenter made a motion to have to forward the Planning Commissions recommendations to the City Council.

Chair Horning asked if all the changes could be kept for reference and that way we can look back and see what was done. Mr. Cupples stated that he could make an appendix with the changes or you could always look in the land use file to see the original document. Chair Horning would like it to be in an appendix in the back of the TSP.

Commissioner Ridout seconded and the motion was carried unanimously.

The City Council will hear this on April 11th, 2011 at 7 pm in the council chambers.

ORDINANCE ADMINISTRATION: None

COMMENTS FROM THE PUBLIC:

Fred Jackson 601 Roosevelt –Owner of KFC / Taco Bell. His concern is that the City Council has not heard any of this. Mr. Cupples stated that the Council members will have a summary of all the individual comments, a copy of all the Planning Commission minutes, a copy of the matrix with responses. They will get a bigger packet than what the Planning Commission received. Mr. Jackson stated that with all the information that is given to the City Council will they have time to read and understand everything? City Manager Mark Winstanley stated that the Council goes through the same process as the Planning Commission and there will be opportunity for the public to ask questions and speak all through this process also.

Russ Earl 33503 Surf Pines Lane- He would like to thank Bill Carpenter for doing an extraordinary job of standing up for the little business men in our community. Secondly ODOT comes through our City and forces all their criteria to our property owners. To cut off access to the Bell Buoy and the service stations because of their criteria, it's unfair. ODOT ought to go outside the city and focus on the bypass and let us do our own thing. We want three lanes and if we want access to the highway it should be our decision not ODOT's.

Richard Trucke – Highway 101. First of all the reason we had success in 1988 was the citizens advisory committee met with the City of Seaside and Planners like yourselves and ODOT and that is what is flawed today ODOT. They are not here. Is there anyone from ODOT here now? (Larry McKinley and Bill Johnston from ODOT were in the audience.) Mr. Trucke asked why are they doing this to the city again after 15 or 20 years, why? You should have gotten a hold of us and said lets talk sit down like you did before, you're not, you're dropping the ball again. You guys are over paid, whatever they are paying you. Secondly if the state would have come to the City and organized another citizen's advisory committee like they did the first time then we wouldn't have been in this position would we? By the way the Governor feels like this when we talked to him on the phone he said "no state agency is going to shove something down our throat". Why should people with gas stations and businesses with their right of way access to the highway be buttoned up when you are accessing new businesses on that highway with new right of ways. Answer that! It's terrible you guys need to go back to school. We as a city need to work with the business community as well as ODOT to get anything done and that is what has not been done here. If you want to move along take the parties that are interested in these things from the start not the end. Are you listening back there? Betsy Johnson said it best "the state dropped the ball again". Joan Duke said it the first time when she was a Senator and you don't listen and you do what you want, well it's ended. You might have assumed that he's a little bit peeved because he is. Why do

we have to go through this every 10, 20, or 30 years? It's a real quick response, everybody gets together after 2 or 3 months you have a pretty good idea of what's going on. We don't need to get ambushed again like we have in the past. He'll let it go at that. You guys had better do your homework better and do your job better, do what we are paying you to do. You have a contract, do it, use it, you're not stupid people he doesn't assume.

Chair Horning asked if there was anyone else who would like to comment, there was no response.

Chair Horning closed the public comment and turned it over to the Planning Commission and Staff comments. Chair Horning stated that it is a complicated process he would like to thank the public for their input over the past two and half years for the intensive meetings and opportunities to interact and hopes the City Council reviews this and makes any changes that they see fit and he's happy that we were able to get through this.

COMMENTS FROM COMMISSION/STAFF:

ADJOURNMENT: Adjourned at 8:17 pm.

Tom Horning, Chairperson

Debbie Kenyon, Admin. Assistant