

Turn lane requirement sparks Grocery Outlet appeal

Project should proceed, developers say

By R.J. MARX
Seaside Signal

In December, the Seaside Planning Commission told developers they could go ahead with plans to acquire a U.S. Highway 101 property for a Grocery Outlet — with a few conditions.

One of those may be a deal breaker: a left-turn lane.

Without it, the business owners would be denied a certificate of occupancy.

In an appeal, Main & Main Capital Group, based in The Colony, Texas, contends that the commission's conditions are unconstitutional and compliance "would render the project economically unfeasible."

Main & Main, which is under contract to purchase the property in the spring with plans to lease it to Grocery Outlet, wants the City Council to strike the turn-lane requirement or send the decision back to the commission and provide further opportunity for response.

They say the Planning Commission didn't give them a chance to present "countervailing evidence,"



Intersection of Avenue N, near the site of a proposed Grocery Outlet.

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thereby denying their state and federal due process rights.

Planning commissioners approved the request to build the 18,000-square-foot Grocery Outlet in December.

In their findings, city planners say Grocery Outlet would have a "significant impact on local highway traffic."

State Department of Transportation plans to improve the roadway are years away and less than one-third of the \$10 million needed to fund the project is available.

"At present, neither ODOT or the city of Seaside have sufficient funds to address the traffic impacts that would be created by development," planners stated.

Wary of traffic impacts and concerned for driver and pedestrian safety along the highway near Avenue N, commissioners added conditions that include a requirement to either develop a turn lane or restrict left turns in and out of the property.

Main & Main's Dan Dover said the turn-lane requirement was unfair.

"They can't preclude an existing property from access to the highway," he said.

Michael Ard, the developer's traffic consultant, provided data showing "vehicles never stacked very deep and within a minute or two, it always unwound," Dover said. "It's not like you're going to have a pile of cars."

Risks to drivers and pedestrians along the 35 mph highway are "extremely negligible," he added.

The turn lane is "a self-imposed requirement by the city with no factual backup," Dover said. "They've done no studies to show it is required. Yes, it will improve the situation in the future, and DOT has demonstrated that, but it's not a requirement to access Highway 101. We are within the parameters that DOT can allow this project to proceed."

The Planning Commission did offer Main & Main an alternative, amending their findings to offer the developer a right-in, right out driveway from the property.

That's not enough, the developer says.

"Right-in, right-out totally limits people's ability to go into and out of that site," Dover said. He estimates it would cut store traffic in half. "It's a deal killer."

The City Council will hear the appeal on Jan. 28.

"Our hope is they would uphold the approval but remove the condition to improve the intersection," Dover said. "Owners of commercial property, especially along the highway corridor, have the right to access the highway."

Goals: City priorities take shape for 2019

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Recognizing the need to replace bridges liable to collapse in a Cascadia Subduction Zone event, councilors seek analysis and a plan in place within two years.

While the city has an emergency operations plan, a separate resiliency plan could identify "what things are going to survive and how you go about replacing them," said City Manager Mark Winstanley.

The city could hire a consultant to create the plan.

Although a tsunami and its impact could destroy much of the city, Councilor Tom Horning said, "It would be wrong not to try."

"In a disaster scenario, people are likely going to seek shelter in hills to the east of the city until help comes," Mayor Jay Barber said. "That's going to be one of the benefits of the campus."

Pod-style buildings in use at the Seaside Civic and Convention Center construction site could be moved to the new school campus and provide a base for city government in the event of an earthquake and tsunami.

Department goals

City Planning Department goals for this year include finalizing the addition to the Seaside Civic and Convention Center, the development of a new four-story hotel, and working with the Seaside School District on the ongoing design and construction of the middle and high school. The department hopes to beef up emergency preparedness measures through planning and education.

Library Executive Director Esther Moberg shared a vision of increasing storage,

small rooms and staff workspace, and expanded parking for patrons.

Fire Chief Joey Daniels provided two-year goals of a fifth paid staff to assist with coverage, response and administrative duties. The department also looks for additional training opportunities, rescue classes and some new equipment.

Police Chief Dave Ham asked council to consider discussions of affordable housing, homelessness, panhandling and "associated social concerns."

"The current ordinance regarding unlawful lodging and direction to the police department "needs to be addressed, revised and decisions made by the council concerning enforcement expectations by our officers," Ham said.

Public Works Director Dale McDowell said he seeks to "continue our momentum" with construction projects on Holladay Drive, Broadway Park and addition of a building maintenance department foreman position.

Increased citizen involvement in government is also a key goal, with a plan to be developed by the end of the year.

The council also plans to select six "high priority ordinances" for review and revision by year-end 2020.

Consultants Bennett and Landkamer will return to the city with a draft of proposals developed at the session.

"This is a process that is very difficult to do," Barber said. "But because I know the people at this table, we can put our heads together and move in the same direction. It's a good plan and I'm excited about the next two years, and the next four years as well."

School sale: Realtor is selected by district board

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two agencies. At the meeting, he moved that the district hire Norris & Stevens to sell the three district properties.

The company reached out the board chairman Steve Phillips in June 2018 to discuss the properties and express interest in representing the district.

"When it came to this process of picking, I took myself completely out of it because I had had contact with them earlier," Phillips said. "I was truly impressed when they initially sat down with me, the homework they had done."

Truax agreed that when it came to the formal interview, they did not "go in blindly," but have already articulated a plan for how they will go about the sell.

"They want to see something once they get it listed, and they weren't going to let it just sit there for a number months," Truax said. "They were going to continue to change marketing, or reevaluate price, or reevaluate who they were listing it to. They have such a huge database available to them in this business of buying property."

Buildings will be listed all at once, building and grounds committee member Truax said. "It's going to take outside-the-box thinking to sell it in a timely manner, and they seem to have all those covered."

The district will work with the city of Seaside on possible transactions for the high school's "North 40" and 7 North Broadway, owned by the school district but home to the Seaside Chamber of Com-



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Seaside High School, one of three schools in Seaside and Gearhart to be sold by the Seaside School District.

merce and Visitors Bureau.

Three acres sought by the city for the placement of a new reservoir on the new campus are also under discussion. The reservoir will provide water to the new school and to homes in the neighboring Southeast Hills.

The future of Cannon Beach Elementary School, also owned by the district, could also be decided this spring, superintendent Sheila Roley said, as the district continues negotiations with the Cannon Beach History Center and Museum.

"The Cannon Beach History Center made an offer on Cannon Beach Elementary, to bring that back to life for the community and tribal history, and the board was happy with their offer," Roley said. "We're in the process of negotiating the terms of the sale. They've offered \$400,000, which based on our evaluation, is a fair price for that as an as-is price."

A building inspection and seismic studies

remain, she added. "We're working on some of the financial pieces, but in theory, everyone is happy."

The transaction could be complete in April, Roley said. "It takes time to do these things."

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Celebration: Association looks back on 25 years

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former leaders in attendance. Former association directors Laurie Mespelt, Bree Phillips and Tita Montero also were recognized.

The association was formed in 1993 by a group of downtown businessmen and women who joined together to improve and promote downtown Seaside.

First meetings took place on the lower level of the Shilo Inn. "We felt we needed a group that would take care of issues in our area," Jeff Ter Har, an original member, said.

In recent years, the

group has met consistently week-in, week-out at the Pig 'N Pancake on Broadway. The gathering provides a welcome and introductions to newcomers and a gathering place for longtime business owners alike.

Pig 'N Pancake owner Wayne Poole narrated a slide show chronicling the organizations history, from membership in the Downtown Oregon Cities Organization to a string of events including car shows, Halloween and holiday events, and favorites like flower basket decorations and the Seaside Wine Walk, started in 2001.

The flower basket program, started in 1995 at the direction of Shirley Loutzenhiser, was inspired by a similar program in Lake Oswego. Funded by private donations, baskets are maintained by Seaside's "official gardener" Pam Fleming.

The Seaside Golf Classic, which debuted in 2002, brings proceeds to area civic organizations and charities in an event sponsored annually by Ocean Crest Chevrolet.

The street car came to Seaside in 2001 with the cooperation of the Sunset Empire Transportation Department.

The association helped

bring bus parking to the convention center and provide Prom-style lighting in the downtown. New trash cans brighten the city's core and walking maps provide a useful guide for visitors.

Keith Chandler, general manager of the Seaside Aquarium, received special recognition for his hard work, dedication, and "countless hours supporting SDDA."

The audience rose to give Chandler a standing ovation.

Looking ahead, the association board is really focusing on a "back to basics approach, to where we first started," Gooch said.