



SCAPPOOSE PLANNING COMMISSION

Council Chambers at City Hall
33568 East Columbia Avenue

Thursday, December 29th, 2016, at 7:00 p.m. (*REVISED & RESCHEDULED FROM 12-8-16)

1.0 CALL TO ORDER

Chair Kulp called the Scappoose Planning Commission to order at 7:00 p.m. and welcomed the large crowd, then stated that the agenda items would be switched; 5.2 Docket # CPTA2-16 – DCTA1-16 would be heard first. Stating the format is a legislative hearing for land use decision.

2.0 ROLL CALL

Planning Commission:

Carmen Kulp	Chair
Scott Jensen	Vice Chair
Bill Blank	Commissioner
Jim Dahla	Commissioner
Rita Bernhard	Commissioner

Staff:

Laurie Oliver	City Planner
Chris Negelspach	City Engineer
Elizabeth Happala	Office Administrator III
Shelby Rihala	City's Legal Counsel

Excused; Commissioner Bruce Shoemaker & Commissioner Derrick Vargason

3.0 APPROVAL OF MINUTES

3.1 October 27th, meeting

Vice Chair Scott Jensen stated he sent in one correction previously.

Commissioner Blank stated that on page 16 had a misspelled name for Kannikar Petersen from AKAAN.

Chair Jensen moved and Commissioner Bernhard seconded the motion to approve the October 27, 2016 Planning Commission meeting minutes. Motioned passed (5-0).

AYES: Chair Kulp, Vice Chair Jensen, Commissioner Blank, Commissioner Dahla, and Commissioner Bernhard.

NAYS: None

4.0 CITIZEN INPUT

There were none.

5.0 NEW BUSINESS

5.2 Docket # CPTA2-16—DCTA1-16

The City of Scappoose proposes land use amendments consisting of the following proposed actions:

- Comprehensive Plan Text Amendment CPTA2-16 to update the findings and implementation text for the Airport Employment (AE) Plan Designation.
- Development Code Text Amendment DCTA1-16 to Chapter 17.74 *Airport Employment Overlay Zones* and Chapter 17.162 *Procedures for Decision Making--Quasi-Judicial* to apply the overlay zones to specific properties, to clarify conceptual master plan requirements, and to specify review procedures.

Format: Legislative Land Use Decision (verbal and written testimony permitted).

Chair Kulp read the docket and format, then asked if anyone wanted to declare any conflict of interest or challenge any conflict.

Vice Chair Jensen stated he works for the Port of St. Helens which has property that this decision could apply to but he does not believe it will impact his judgment on this agenda item.

Chair Kulp continued with the order of the hearing.

City Planner Oliver explained that the agenda items were switched as 5.2 was shorter; then read over her staff report. She stated that the City of Scappoose is the applicant so there will not be an applicant coming up to speak.

Chair Kulp asked if this was just a clean-up of the code.

City Planner Oliver agreed.

Chair Kulp stated that as we move forward with anything at the airport, we should follow these codes.

City Planner Oliver stated that the code was just for the west side of the airport improvements and a clean-up of the language in the code to make it easier to use.

Commissioner Blank asked on which page he could find the recommendation.

City Planner Oliver replied that the recommendation is in the beginning of the report on page 160.

Commissioner Jensen stated that it all looked good to him so he does not have any additional comments; and staff did a good job.

Chair Kulp asked what exactly is; "medium manufacturing".

City Planner Oliver stated that they could not define that but she did contact our previous planner Brian Varricchione who put the project together. Stating that this project is funded by a grant from the Oregon's Department of Land Conservation and Development which the city used to hire our previous planner to help put this together for the City. But even he could not define what that definition was since we only have Light Industrial.

Chair Kulp asked City Planner Oliver if the request was only for the two legislative changes; the comprehensive plan text amendment and the development code text amendments.

City Planner Oliver agreed.

Chair Kulp asked if the commissioners had any questions or input; there were none. She then asked if the commissioners wanted to deliberate; none stated. She then asked if there was anyone that had any public testimony; there were none.

The public testimony closed at 7:20pm

Commissioner Dahla made the motion to recommend to City Council the changes to CPTA2-16 and

DCTA1-16; Commissioner Bernhard second the motion. Motioned passed (5-0).

AYES: Chair Kulp, Vice Chair Jensen, Commissioner Blank, Commissioner Dahla, and Commissioner Bernhard.

NAYS: None

5.1 Docket # ANX1-16/ ZC2-16

Airpark Development, LLC has requested approval for the proposed Annexation (ANX1-16), Zone Change (ZC2-16) and Conceptual Master Plan approval of approximately 358 acres described as Columbia County Assessor Map Numbers: 3106-00-00200, 3106-00-00504, 3106-B0-00100, 3106-B0-01300, 3106-B0-01400, 3106-B0-01600, 3106-B0-01800, 3106-B0-01900, 3106-B0-02000, 3107-00-00102, and 3107-00-00103. The site is located directly east of the Scappoose Industrial Airport. Based on the requirements of the Scappoose Development Code, if this property is annexed 343 acres would automatically receive the Public Use Airport (PUA) zoning designation (with an East Airport Employment Overlay) since the site has an "Airport Employment" Comprehensive Plan Map designation, and approximately 15 acres will be zoned Public Land- Recreation (PL-R) in conformance with the Comprehensive Plan Designation. **Format:** Quasi-Judicial Land Use Decision (verbal and written testimony permitted).

Chair Kulp called the hearing to order reading the docket and format then asked if anyone had an ex-parte conflict.

Vice Chair Jensen stated he needed to reclude himself as his employer is a co-applicant; then left the building.

Chair Kulp asked if anyone wanted to challenge any Planning Commissioner's ex-parte conflict; there were none so she continued with the order of the hearing.

City Planner Oliver read over the staff report, the findings and the annexation approval standards (top of page 47) and asked the commissioners to go to that page. She read item A; *The decision to approve, approve with modifications or deny annexation shall be based on the following criteria; #1 All services and facilities are available to the area and have sufficient capacity to provide services for the proposed annexation area.* Stating that this is what delayed the annexation hearing from December 8th, as staff had to write findings on how we have sufficient capacity and our City Engineer identified some capacity issues; due to these findings there are six conditions of approval tied to the annexation approval which we are recommending; she then turned it over to the City Engineer.

City Engineer Negelspach went over his findings; (exhibit 17 in packet, pages 144-149).

City Planner Oliver asked the commissioners to turn back to page 48; and went over the 6 conditions of approval they are recommending. Adding that with those conditions in place, staff is recommending Planning Commission approval of the annexation application to City Council for final approval, then asked if any commissioners had any questions for her now; they did not, so the applicant OTAK came forward with a power point presentation.

Glen Bolen, OTAK, came forward and gave his company address then went over his PowerPoint presentation; (slides below). He point out that the slides noted with "CONCEPTUAL MASTER PLAN" is only a conceptual plan; they are not proposing these buildings as this is only an annexation application, but stated it's helpful to see what it could look like as businesses come into the city with their Site Development Review applications.

East Airport Annexation Zoning Conceptual Masterplan

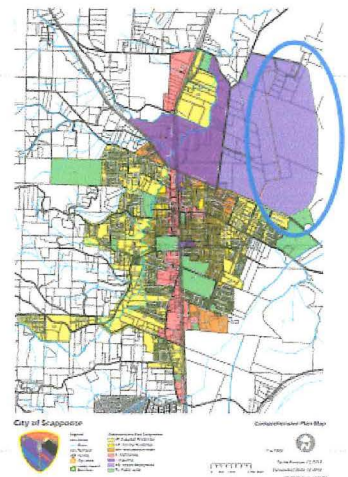
- ▶ 358 Acres
- ▶ 343: Public Use Airport
EAE Overlay
- ▶ 15: Public Lands - Recreation
- ▶ 11 Properties
- ▶ Inside Urban Growth Boundary



Comprehensive Plan

Airport Employment

Public Lands Recreation



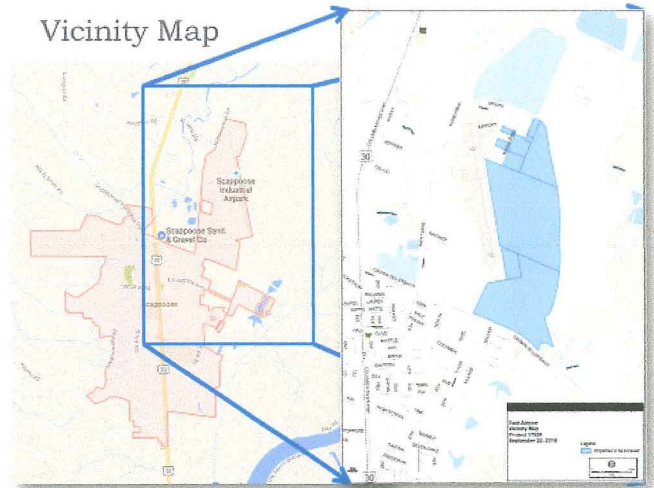
Oregon Manufacturing Innovation Center



Oregon Manufacturing Innovation Center
Conceptual Master Plan
Scappoose, Oregon



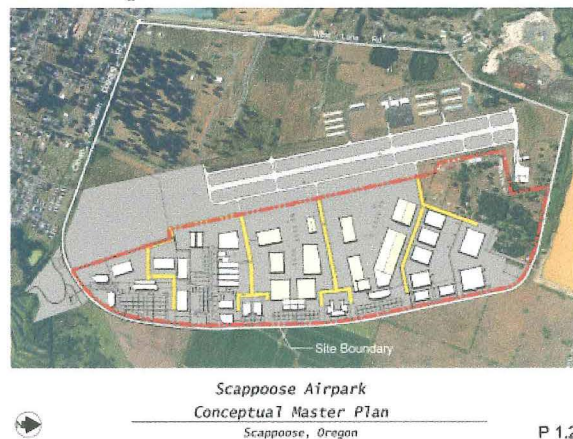
Vicinity Map



Conceptual Master Plan



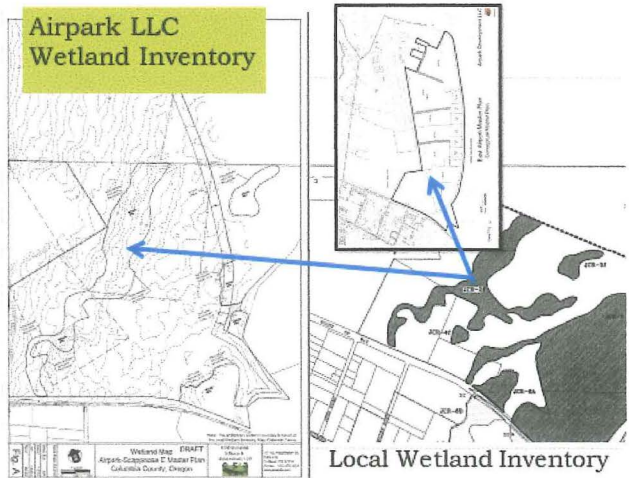
Conceptual Master Plan



Limited Floodplain at Southeast



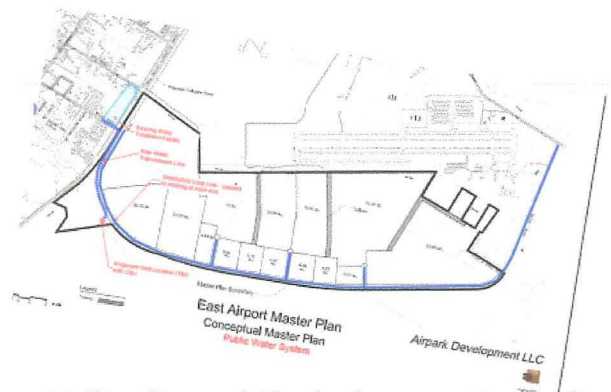
Airpark LLC Wetland Inventory



Local Wetland Inventory

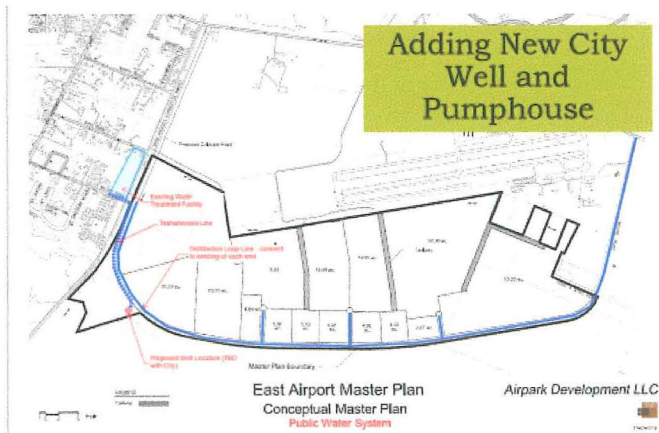


Utility lines shifted when posting online

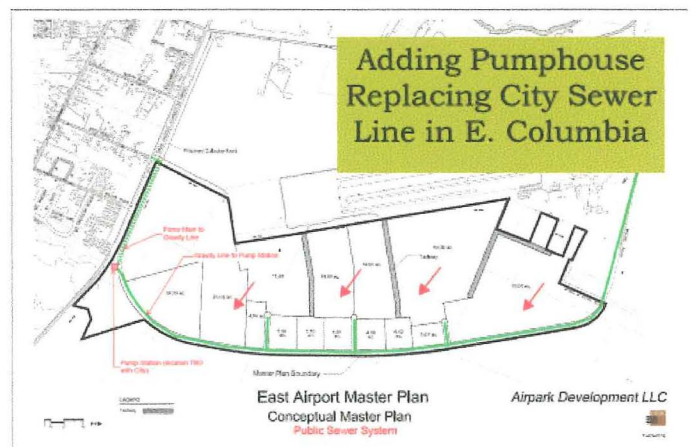


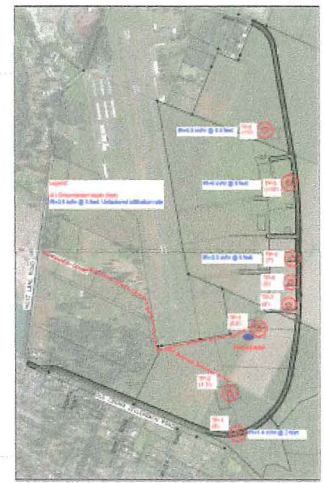
Utility lines shifted when posting online

Water System



Sewer System



[illegible]

Commissioner Blank asked the OTAK engineer if he had read the letter submitted by local resident Patrick Russell; which he agreed he had and they would be reviewing his concerns.

OTAK representative, Glen Bolen also reiterated that this application is only an annexation & zone change request NOT a development request. Pending this approval they will come back with a subdivision of land application which will include the wetland mapping and infiltration. Adding that they had solicited services of an archeological resource company to perform screening of the site and to talk to the farmers along the site. And there will be another round of traffic analysis, the first one discussed tonight just shows they do have the capacity, the next one will show all the mitigation that would need to happen to ensure the current system operates to capacity. Prior to any development happening they will be required to do a Site Development Review for the city to review, similar to what Cascade Tissue had to do for their site. He then asked if the commissioners had any questions.

City Engineer Negelspach replied that there is an existing 18" line in Westlane Road, which was intentionally built over-sized for future airport development. Adding that it was done in advance of the UGB expansion and prior to the Wagner Court road construction but does not have the exact dates.

City Engineer Negelspach replied that it could be similar but there are many design options for storm water retention.

Chair Kulp asked City Engineer Negelspace if the entire build-out was factored into his analysis numbers.

City Engineer Negelspace replied correct it does include full build-out of the annexation area.

Commissioner Blank asked OTAK if they had any issues with the Conditions of Approval as proposed by staff.

OTAK representative, Glen Bolen stated they have reviewed the conditions and do not have any issues.

Commissioner Blank asked City Engineer Negelspace if the issues in his analysis had to be addressed prior to full build-out being allowed since we are only in the conceptual stage.

City Engineer Negelspace replied that the conditions of approval states they would not have to build everything they are recommending prior to developing the parcels.

Commissioner Blank asked City Engineer Negelspace how they would resolve some deficiencies mentioned in his analysis.

City Engineer Negelspace replied that his memo addressed capacity issues we would have at full build-out of the 360 acres. Adding that at the early stages of the parcels being developed we would not have any issues so the conditions were written so the city and the applicant can come to an understanding of phasing these in over time as they add more developments.

Commissioner Blank asked if the 30" pipe is a very important part.

City Engineer Negelspace replied yes, we would want to see that upfront.

Chair Kulp asked City Engineer Negelspace if they could start building roads during some of that construction through there.

City Engineer Negelspace replied yes, they would need to build roads and onsite utilities.

Chair Kulp asked City Engineer Negelspace what would happen if the water supply does not meet the criteria.

City Engineer Negelspace replied that we have capacity now to support some development there but he had to look at the full build-out scenario. Adding that the recommendations like a well were for full build-out not for the early stages of development.

Chair Kulp asked if they are looking at a Light Industrial Zoning and if the community college training facility would have dorms or if it would only be used for daytime classrooms.

City Engineer Negelspace stated they really don't know at this time but his recommendations were based on typical engineering planning practices in terms of his calculations which do not consider specific applications. Adding that if they propose a high demand facility then it would be in their interest and the city's to ensure the current infrastructure met their needs.

OTAK representative Glen Bolen replied that there would not be any dormitory living as it would be a day-

use campus.

Chair Kulp asked the OTAK representative Glen Bolen about the park area on the map.

OTAK representative Glen Bolen replied that it is his understanding that it would be given or transferred to the city.

City Planner Oliver agreed but at this time we won't know what would be proposed there; adding that there are a lot of wetlands near that area so probably a very natural open area.

Chair Kulp asked if there has been any studies on the wildlife that is there and the impact.

City Planner Oliver stated she did not know.

Commissioner Blank asked City Engineer Negelspach if he sees any issues or problems with future development that will have to pay the expenses for these upgrades.

City Engineer Negelspach replied that they recommended in the conditions of approval that they form a Local Improvement District (LID) so that each parcel would participate; they would all collectively fund those improvements. Pointing out condition #5 which gives them some flexibility, that we would be open to alternative suggestions.

City Planner Oliver added that they could even pay for the improvements themselves and not form the LID, but we do have the condition of approval that they sign the non-remonstrance agreement to protect the city should the city decide to do those improvements; they cannot object to it later.

Commissioner Bernhard stated that transportation will be a huge factor; many folks in the community that she has talked to are glad to hear about the airport development but are very concerned about the traffic.

City Engineer Negelspach added that fortunately they have an updated Transportation System Plan (TSP) that helps guide them in the process.

Commissioner Bernhard replied that she knows ODOT will work with us but transportation will be a huge challenge.

Commissioner Blank stated it is helpful that the TSP is done. And he does see on page 21 that ODOT is in agreement and it's encouraging that they have looked at the plan.

Chair Kulp asked if there were any more questions; there were none, so she asked if there were any proponents as the speaker requests forms she has have not been marked as 'proponent' or 'opponent'.

Lancaster Engineering, Senior Transportation Engineer Michael Ard came forward as a proponent, he worked on the transportation analysis for the applicant (submitted as Exhibit 6 page 101); he just wanted to come forward to see if anyone had any questions on transportation.

Commissioner Blank stated his only question goes back to resident Patrick Russell's comments that were submitted related to the roadway that has other uses, as the public has a lot of concerns about accessibility.

Lancaster Engineering, Senior Transportation Engineer Michael Ard stated that those are goals of the project. Adding that the way they looked at it is similar to what City Engineer Negelsbach spoke about in terms of water & sewer; the City has a Transportation System Plan (TSP) that looks out 20 years into the future and asks what our community needs and what the solutions are to the anticipated traffic problems; and having that plan allows them to go to ODOT to show them the City's plan accounts for this level of development. But it does not give the city a schedule of when those particular improvements are needed as there are minimum volume warrants that have to be met before certain improvements are required; for example a signal at Westlane & Crown Zellerbach. Therefore we have to wait a certain amount of time and a certain amount of development needs to occur before they can build a traffic signal at that location. Adding that there will become a point in time when it becomes absolutely necessary to have a traffic signal at that location. As they proceed with development and look at it in more detail, they will take the context of the improvements that are necessary city wide to support the developments and then decide when those improvement must be done; how much development can occur before it becomes necessary or appropriate to install the mitigation. And what can they do to work towards the City's vision of the planning horizon 20 years into the future and how the system will work then. They will be looking at incremental improvements that will over time identify specific intersections or specific roadways and make sure there is sufficient capacity to accommodate the proposal at each level of development as it proceeds; which the Conditions of Approval speak to. In regards to the specific suggestions that were made for that particular intersection and the pedestrian crossings; he can't say with specificity at this point what the precise solutions will be, or to the concerns that were raised, but it will need to be engineered in detail. Pedestrian crossings are always a high concern for a transportation engineer as they are a very vulnerable traffic mode; as people walk across the street they might have a conflict with a vehicle which every time they will lose. Typically if they put in a traffic signal they would also be putting in pedestrian signals so there are no conflicting turning movements at the same time to ensure it is safe for people to cross the roadway.

Chair Kulp asked if they would try to encourage less traffic and more pedestrian or bicycle traffic or other modes of transportation.

Lancaster Engineering, Senior Transportation Engineer Michael Ard was surprised to hear that type of question from an outlying rural community as opposed to a downtown Portland environment where that is very much in vogue. But they do routinely look into transportation demand strategies, trying to encourage active transportation modes like walking and bicycling that have lesser impacts environmentally and in terms of infrastructure footprint.

Chair Kulp stated that when she looked at the trip numbers they are extremely high, for this size of community they are exceptionally high; so to her it seems as if other modes of transportation is something they need to look at as well as for the environment.

Lancaster Engineering, Senior Transportation Engineer Michael Ard stated he appreciated her perspective and was glad to hear that.

Commissioner Bernhard stated that the difficulty she sees with the alternate modes of transportation is the distance they are looking at as it is a long walk from downtown to go out towards the airport.

Lancaster Engineering, Senior Transportation Engineer Michael Ard replied that connectivity is always a concern and building infrastructure for new development areas that have good connectivity helps to create a network that supports those different modes of transportation.

Chair Kulp stated that we do have a public transportation network that could grow with it.

Commissioner Dahla stated that the Crown Zellerbach trail entrance near Westlane Rd. allows for some parking at the trail head with houses on both sides; will it be a one way intersection as there doesn't seem to be much room there.

Lancaster Engineering, Senior Transportation Engineer Michael Ard replied that it isn't intended to be a one-way intersection; they did propose a couple different plans and how to treat those things but the one they will move towards, based on public input, has been the one where the Crown Zellerbach Trail stays in the same location as it is right now. But there will be some modification of the intersection that is necessary as they add that new east leg which is really more of a functionary driveway as well as a walking path right now. Adding that there will be some changes at that intersection and some paving that needs to happen, he has a diagram that shows that roadway coming into the intersection square and then immediately transitioning with an "S" curve to the north so that it's entirely on the subject property, with the intent to have as minimal of an impact there as possible while still providing a connection at the necessary point of connection. Adding that the NW corner has a gravel pit so they can't shift the intersection entirely to the north so they have to shift the roadway to the south where it intersects.

Chair Kulp stated that there was a letter from the Port of St. Helens addressing the runway and the FAA's concerns with traffic; what happens if they decide they don't want that road there.

Lancaster Engineering, Senior Transportation Engineer Michael Ard stated that it is not a high likelihood scenario; commonly when they deal with airports, they have to consider the street lighting that goes in on roadways as there are maximum heights based on the approximate distance to the runways. Stating that it is not until they get down to a less-than 19 foot height restriction that they would start to see concerns about vehicles.

Chair Kulp asked if it was more of a lighting height concern versus the height of semi-trucks.

Lancaster Engineering, Senior Transportation Engineer Michael Ard replied that there is a concern for those but based on the distance from the airport that it would be more in the range of tall illumination being a concern as opposed to the individual vehicles, but if that did become a problem in the future they would locate the roadway further away from the runway.

Chair Kulp asked City Planner Oliver if they were looking at an expansion.

City Planner Oliver replied that the Port's letter did say that future construction considerations needed to take into account a future runway expansion. Although she was unsure what the limit of expansion would be and the applicant would have to work with the Port on that.

Chair Kulp asked City Planner Oliver if it was possible that there would not be a building there.

City Planner Oliver replied that there would not be anything south of the runway anyway as that is a protection zone, which is why we took out that 50 acres since nothing can be built there anyway. Adding that the other consideration is the traffic numbers that were associated at full build out did not take into account the lands that could not be developed, so those traffic numbers are a bit inflated.

Lancaster Engineering, Senior Transportation Engineer Michael Ard replied that is a requirement that comes

out of state law, as they are required to look at the reasonable worst case scenario which generally doesn't take into consideration 50 acres of unbuildable lands for a runway expansion or 15 acres for a park.

Chair Kulp asked if there were any further questions from the commissioners, as there were none she thanked Lancaster Engineering, Senior Transportation Engineer Michael Ard. Then stated the speaker forms do not specify proponent or opponent; so she called them out individually. Local Realtor Betty stated she was an opponent, so Chair Kulp asked if Carolyn Collie wanted to speak first, which she declined.

Local John L. Scott Real Estate Realtor Betty Karsten is here tonight representing two neighboring properties that had approached the group to be a part of the annexation, her clients; Karen Harris and Karyl Larson, then gave her home address as 51637 SW Old Portland Rd., Scappoose. She stated that her clients had indicated to the Airpark Development LLC that they wanted to be a part of the annexation but did not realize the necessity to act now when they got their original letters as it did not specify a deadline. She referred to the plat (Exhibit 4, page 101); their properties are the 2 little pieces that are each 3.22 acres on the south end of Ring-A-Ring Road. Their tax account numbers are; 3106-00-1701 and 3106-00-1700; when looking on page 101 of the packet their properties are directly west of the lot labeled 1800. She is requesting on their behalf if they could be included on this process as her clients had intentions and did make an effort, but just didn't do it in a timely fashion.

City Planner Oliver stated that it ended up being too late so the applicant, Airpark, did contact her to let her know that it was requested but it would have required re-noticing and delay plus they would be restricted to these Conditions of Approval as well. And OTAK presenter, Glen Bolen mentioned to her tonight that he was trying to get a hold of the Harris's and Larson's but could not find their contact info.

Local John L. Scott Real Estate Realtor Betty Karsten added that she wanted to commend the planning staff for preparing the packet for tonight as she has gone through this process with other cities and said our staff has done an excellent job. Adding that her clients would just like to be included in this annexation if at all possible.

Commissioner Dahla asked if it was all three of the properties in white on page 101 off Ring-A-Ring Rd. including the lot between 1300 and 1600.

Local John L. Scott Real Estate Realtor Betty Karsten stated she has not spoken to those people and is not representing that property owner. Adding that she is friends with Karen Harris and they had decided it was to their advantage if one parcel sells the other would also sell; and their back fence abuts the airport.

Chair Kulp asked that the opponent speakers, the Janke's could come forward; Lawrence (Larry) Janke and his son Andrew.

Opponent Larry Janke and his son stated that he submitted his letter prior and appreciates the staff response then gave their address as; 34579 E. Columbia Ave., Scappoose. Stating his property is just to the east of the proposal, and said the staff response to his comments essentially says he is putting the 'cart ahead of the horse'; but unfortunately the horse is looking more like a camel that is going to stick his head into his tent. Adding if there are no development proposals in mind, then someone went through a heck of a lot work and expense to lay out all these tax lots with the proposed sizes. Adding that it would come as a great surprise to him if Joe Weston just wanted to be a goat farmer, so somebody is in the wings waiting to develop that property and any response from the staff that no development is on the roster is just ingenuous at best. Stating that Stan Wagner would be rolling over in his grave, they were neighbors for a long time and they

spent a lot of time on that property; he loved it, he loved his cows, his corn and they would shoot ducks together. His principal issues, which he realizes all of these issues will need to be recognized on an individual basis as each of these non-development proposals come up. He claims they are just inviting a lot of litigation as there will be all kinds of people whose motives are not the same as his; that will 'jump feet first into the trough' which will tie up a bunch of property for a long time since people will fight over what happens. His 2 principal issues are;

~ the beloved ducks; his little piece of wetlands that he owns is a jewel as they have birds of every description which he put into the submitted comments. Adding there are not only birds but small animals, deer, and Canadian Geese. Adding that when there is fog at night, the Canadian Geese will try to land on the lights and many get killed. Stating he has been involved in a lot of annexations representing people and some of them get set aside when something isn't done right. Stating he sees a couple of issues with the increased traffic and increased diesel trucks; one of the principal causes of upper respiratory illnesses are diesel engine particulates. In the summer time the wind blows from the Northwest so those particulates will blow right over to his property and settle on the waters that will eventually kill a lot of vegetation and kill a lot of birds.

~ Water; reduced to being a lawyer he is also a physicist and understands the law of gravity. Adding that no one in this proposal can tell him how much water they are going to get. Adding that he has lived there for more than 20 years; every time something develops up town, his area gets more water; the water level behind his house is consistently higher than it has ever been and it's primarily due to the fact that we have turned a lot of dirt into asphalt and concrete. Stating that Stan Wagner's property was one of the nicest pieces of farm land in South County and probably the best piece of farm land in the county as it was not full of rock, very farmable and basically what they are proposing to do is turn a really fine piece of farm land into a bunch of concrete and asphalt. Adding that water is going to come down hill, and he is going to get flooded; maybe not this week or next year but it will happen, it's inevitable. The drainage district is incapable of dealing with that water at the present time; none of these non-proposals tell him what they are proposing to do with that water, sure they will put it in a pond but will that water just sit in those ponds forever until they evaporate in August and September? Or will the water leach into the substrata and raise the water levels at his house which is downhill. Asking if anyone had given that any thought. Then asked if this is just a proposal to extend the city boundary and none of the other stuff is going to happen, then asked why they are going through all this. Also asking what is the urgency of turning this prime piece of ground & wetlands into concrete and asphalt. Then asked if the commissioners had any questions for him which he would try to answer.

Chair Kulp pointed to a map and asked if all the property was Stan Wagner's and where his property was located.

Speaker Lawrence Janke asked permission to come up to Chair Kulp as he has a hard time hearing; then pointed to a map to show where his property is and discussed some of the history of his property and location of a train trestle; and the impact the development will have on his property and asked about turning it into a goat farm.

Chair Kulp replied that she did not know if they would have a goat farm there but she does know that they are looking at annexing in the property; and they do have their codes in place to do this.

Speaker Lawrence Janke asked what the ultimate plan is as the impact on surrounding properties will be negative.

Chair Kulp stated she could not attest to that and asked if he had done environmental studies that could support his statement.

Speaker Lawrence Janke replied no he can't afford to do that; he would let 1,000 Friends of Oregon do it and thanked them for their time.

Commissioner Blank stated that mentioning litigation is a two way street, we are obligated to follow the rules and the evidence that has been given to them.

Speaker Lawrence Janke does appreciate that they are trying to do their job.

Commissioner Bernhard stated that they only make a recommendation to city council for final approval.

Speaker Lawrence Janke understands that process; that the sooner he gets his foot in the door the better his chances of winning the fight are.

Chair Kulp asked for the next speaker on the request form; Len Waggoner.

Speaker Len Waggoner came forward and gave his address; 33951 Oak View Dr. in Scappoose. He has a handout for everyone; he stated as a citizen of the community there is one thing that really frustrates him with the annexation process and that is the transportation grid. He proposed the city follow up with a bi-pass around town (see last page of his handout); showing Crown Zellerbach connecting to Johnson's Landing Road to the highway. He's assuming the population growth at this airport will be similar to Portland, Hillsboro and Vancouver; since there will be specialty manufacturing and students will be coming from all over the community; it's a huge process. Showing his map, he stated that you can only move so many cars through that intersection during a one-hour period and then if we have a semi from Cascade Tissue making a left turn it will slow the whole process. He stated that the whole transportation plan around the airport needs another look and more in depth; if this entanglement starts when we have 700-800 trips along Crown Zellerbach or E. Columbia then traffic will start searching for other routes to get to the other HWY 30 intersections at SE Maple, SE High School Way or SE Havlik. Stating we need a better transportation plan with alternate routes; we also have trains running through town taking 9-10 minutes to clear the intersections throughout town. Stating that all of these issues really needs another look; he understands the standard traffic engineering logic but we need to look at that logic and ask if our community can survive if the following problems arise. Stating that the high build out with the 1,900 P.M. peak trips; begs the commissioners to take another look at it for our community. He asked the commissioners to look at the transportation problem and get someone to analyze it for our community, get a second opinion other than the applicant's opinion. Adding that he lives in SE Scappoose and noticed that SE 6th St. is already being used as a by-pass through town; we need a better plan for evacuating people from this site. Stating that it is not in the developer's best interest to hold their development for 20 years even though our TSP has a 20 year mentality; it's a today-business they will build what people want now. Stating we need to protect us and our community.

Commissioner Bernhard stated that some of them have been in this community for a long time and there have always been discussions about a by-pass of some sort. Stating realistically in the long term, his proposed by-pass might be an option as it has been discussed several times in the 40 years she's been here and it's still being discussed.

Speaker Len Waggoner stated that this application/development is the biggest deal Scappoose has ever seen as far as industrial development; the biggest financially, mechanically, employer, everything. Adding that there is no reason for us not to do a by-pass.

Commissioner Blank asked speaker Len Waggoner; that he is not necessarily totally against the application.

Speaker Len Waggoner replied that he is not against it, he thinks it's a great idea and a great project. The only thing that makes him feel bad is that at one point his family owned the airport rights.

Chair Kulp asked speaker Len Waggoner if he was just asking the Planning Commission and the City to take a very serious look at the transportation part of the project prior to annexation or in conjunction with.

Speaker Len Waggoner replied whichever way gives them more leverage; if they come to the conclusion that they have to have an alternate road system built then that is your leverage as it can't be retro.

Chair Kulp asked speaker Len Waggoner if he shared this with the applicant; which he replied he did not.

Commissioner Blank asked if he shared this with staff; City Planner Oliver replied it was just now shared. He stated that they have had lots of discussions about a by-pass but the questions are always how to do it, the cost, how to put it together.

City Planner Oliver stated that they could not address it in the city's TSP since it is outside the city's UGB; but the County did identify it in their Transportation Plan update. Adding that Columbia County can only look into a study for the location of the alternative route, noting that ODOT hates the word by-pass.

Chair Kulp stated she did not have any other speaker request forms, then asked the audience if there were any other speakers, either proponents or opponents.

Speaker Marie Gadotti came forward and gave her address as; 33717 Johnson's Landing Road, Scappoose. Stating she only came tonight to see how the process was going to work out, her main concern is the transportation. Adding that if the county is looking at an alternate/by-pass on Johnson's Landing Road & Dike Road; then that would impact every one of the property owners that live off those roads; that they are not able to develop since they are outside city limits but property within the city is able to develop in a way that would impact all the people off those roads that don't live in the city. Johnson's Landing Road to Dike Road to Crown Zellerbach Road is a long, narrow and windy road even if they widen it out; it would impact their farming practices when they use the roadway. Due to the current traffic they are unable to harvest their land between 3-6pm as they are unable to use the roadway and the highway; that if this development is going to impact other people by taking their land or their ability to use the roadways, that all of it needs to be taken into consideration.

Chair Kulp asked for any other speakers.

OTAK presenter, Glen Bolen asked if the commissioner or anyone had further questions for them, there were none.

Commissioner Dahla asked staff about the properties that wanted to be included into the annexation; if the stand alone 3rd property between lots 1300 & 1600 also wanted to be included into the annexation.

City Planner Oliver replied that there were a few considerations that she has discussed with the city's legal counsel on how they could move forward with being included; a new transportation planning rule analysis would need to be done to include those parcels as the site is currently meeting the trips that the TSP accounted for. Those lots combined would be 6 ½ acres which might not have a big impact but staff would

need more time to discuss the proper procedures.

Chair Kulp asked if technically they are still in the county, which staff agreed.

Commissioner Bernhard asked City Planner Oliver what their current use is.

City Planner Oliver stated that there are current residences; they would not be included in the east airport employment overlay but they would have a base zone of Public Use Airport. Adding that there is an issue with that since annexations of non-conforming uses require a statement to be made as to when that non-conforming use would be removed which could also be a consideration.

Commissioner Bernhard asked City Planner Oliver what their chances are to annex in the future, if they were not included in this annexation.

City Planner Oliver replied that it would be no problem for them.

Commissioner Blank asked City Planner Oliver if their annexation would slow down this process.

City Planner Oliver replied that if they were to get included into this annexation; it would slow down their application process.

Chair Kulp asked for clarification; if they were to be included in this annexation then it would slow down this process but if they annexed in later it would not.

City Planner Oliver agreed but they would need a new legal description for the annexation boundary by their surveyor, which they would need to negotiate who would pay for the new survey.

Chair Kulp stated that would be a decision between the applicant and the homeowners to discuss.

Commissioner Bernhard asked City Planner Oliver if the applicant has to approve it.

City Planner Oliver replied that the Port of St. Helens is also in this application; so they could have additional properties join but it would change what happens with this application moving forward.

Chair Kulp asked City Planner Oliver if the applicant decided to include them; then it would delay the application regardless of what the Planning Commission says tonight.

City Planner Oliver agreed since the applicant would have to change the legal description of the annexation boundary, reassess the traffic impact, reassess the capacity issues plus these homeowners would have to sign the non-remonstrance agreement and pay into that since we don't know what those costs are yet. Stating that the code for Annexation of Non-Conforming Use is in Chapter 17.136.080; *when a non-conforming use is annexed into the city, the applicant shall provide a schedule for the removal of non-conforming use for the Planning Commission and City Council; at the time of approval of the annexation the City Council may add conditions to ensure the removal of non-conforming use during a reasonable time period; the time period may vary from 1-10 years at the discretion of City Council.*

Speaker Betty Karsten, representing the homeowners, asked if she could comment on that (Chair Kulp agreed); she stated that the two parcels near the properties she is representing, are owned by the Port of St.

Helens which were also residences when purchased by the Port; that one of the potential purchasers of these properties could be the Port or someone that wants to build a hanger with the house or industrial if they bought the two properties together.

Commissioner Bernhard stated that it does not sound like those properties could be a part of tonight's application.

Commissioner Dahla asked if this gets approved then those properties would not be affected; but if they annexed in the future then they would have to remove their residential structures.

City Planner Oliver replied that it is the act of annexing which requires that they comply with the base zoning which is Public Use Airport. Adding that if the properties are not included in tonight's annexation and it moves forward as is then there is no affect to them.

Commissioner Bernhard asked if they would still have the ability in the future to annex in; which City Planner Oliver agreed.

Commissioner Blank stated that he knows that the Port has approached some of those property owners in the past.

OTAK Applicant, Don Hansen, came forward to comment on the traffic; as he thinks about the process they continue to go through as they started it quite some time ago. When they proposed the UGB Expansion, they looked at traffic then, now they are going through the annexation process with the city and they are looking at the traffic again; and each time it filters it comes into focus. Adding their next step is their subdivision application; so they have collaborated with city staff the whole way and they know there are traffic issues but they have demonstrated that they are manageable and they have demonstrated that they are committed to moving ahead towards a solution to all those issues and it's been on their radar screen and it's been on their radar screen since 2010 and it will continue to be on their radar screen as they intend to go build a great employment district for the north end of Scappoose. Adding that they have evaluated the traffic and utilities so that they are up to standards to connect that employment district to the city. And he wanted to comment on the by-pass; stating that a lot of communities think about by-passes but before they can be considered he encourages the city to engage all their business owners along the highway and tell them it is a consideration because it would reduce the volume along their business frontage; he has been working in Seaside Oregon for the past 3 years and sees lots of similarities with population, one high school on the state highway, lots of congestion along the state highway that goes right down the middle. Adding that they went through their TSP recently as well, and they decided that they would spend their money on other alternative routes; like good parallel routes that ran along 101 through business districts and neighborhood routes; the parallel routes could be really good for bicycling and pedestrians moving from business to business without having to go on the highway.

Commissioner Bernhard stated that an alternative route has been a part of the city's discussion for many years so it is not a new concept; there were proposals to go on the dike or the hillside and the people that owned business along the highway wanted the traffic to continue on the highway; we've had a lot of discussions about alternative routes.

OTAK Applicant, Don Hansen, replied that he was a part of those early conversations when he was doing the housing neighborhood south of the high school when the new Fred Meyer was being considered. Adding that he is glad Mrs. Gadotti is here tonight as she served on the advisory committee when they first started

looking at Urban Growth Boundaries; and made interesting comments about constraints on the south end.

Commissioner Bernhard stated she was Mayor of Scappoose when Fred Meyer came in and is very familiar with all the discussions that transpired since the 1990's plus she was County Commissioner; so she has seen it from all sides and it is important that they get it right.

Commissioner Blank added that when they were proposing to slow down traffic along the highway; they had proposed to put islands with trees down the middle of highway 30 in the business section.

OTAK Applicant, Don Hansen, replied that it would be access control.

Commissioner Bernhard added that our population has almost doubled since she moved to Scappoose; and some people liked that idea and others didn't.

OTAK Applicant, Don Hansen, stated he is easy to understand, at the end of the day they want to build a beautiful business employment district around the airport; it is their number one priority, to do it right.

Speaker Mike Sheehan, resides at 33126 Callahan Rd., Scappoose; wanted to say that we have a problem with the traffic and it's going to get a lot worse; he suggests that the commission come up with solutions to the traffic but in terms of the solutions, what they do in terms of the annexation ought to be limited such that it does not create drastic impacts on the traffic flow through that area; as many try to use the back roads which don't have traffic signals; his suggestion would be that the commission does not approve the annexation until there is a plan such that the traffic problems don't get worst. Adding that as a result of the annexation there should be methods to moderate what the impact is and until those methods are known and used, then there should be a limit on what can go in the annexation area as it will only make things worse and many people are going to get rich at the expense of the community.

Commissioner Bernhard stated that all of this development will take a while, it won't be overnight; each one of these possible projects would be coming before them as they progress so it will be very incremental not overnight.

Speaker Mike Sheehan replied that he does not disagree but you need to set up a standard with respect to the traffic then if you get someone that wants to come in and build a factory or a college with 1,000 students every day; you need to look at the impact then require something to happen to keep the weight of the impact from our current standard for transportation.

Commissioner Bernhard stated that what complicates things is that we already have existing traffic problems.

Speaker Mike Sheehan replied that he agreed but if we recognize that we have a problem that we don't know how to deal with now; then why would you want to make the problem twice or ten times as bad by approving this annexation when there is no plan to mitigate what the impact would be on an already bad situation; let's have an answer before we approve something that is going to make everything worse.

Lancaster Engineering, Senior Transportation Engineer Michael Ard, responded that the City's Transportation System Plan is that document that he is talking about. That is the city's vision on how the transportation system is going to work in the future and that planning has been done and adopted by the city as well as recognized by the Oregon Department of Transportation. Stating that as far as determining what needs to be done to support individual development as they proceed is precisely the thing that is required and

what they intend to do going forward; so basically the things he is asking for is what the city's process already requires.

Chair Kulp closed the hearing at 9:30pm.

Commissioner Blank stated that they have looked at this issue for a long time and asked how they can do it the most effective way for the community at large but also for the businesses. The general consensus is that we don't have a lot of opportunities here and this would provide more opportunities. Adding that the other side of that coin is that we don't want a lot of big changes, we like to keep things as is but the fact is that things will move on; so they are just trying to figure out how they can deal with that, they have been given a list of things that they look at that was brought to them by staff; asking have they done the things that have to be done and are in compliance with saying yes or no based on that; they can look at ways of adding to things or moving things in a different direction. Stating that he is also concerned about the traffic, agreeing that the opportunities are still there and they will be coming in little by little in stages; the city does have a traffic plan but it might not be the perfect plan because alternative routes seem to be the only obvious solution to a lot of traffic, although stating it in the condition of approval isn't necessary since it's already in our TSP. Adding that they have received comments from the public; he does not see that delaying it or putting it off will do anything as this is only a recommendation to City Council who will have the final say and might come up with something different; but they as Commissioners have to look at the legal side of this. Commissioner Dahla agreed with Commissioner Blank; that traffic is the biggest issue with any project coming into the city and he is amazed at the amount of people that have come out tonight. Adding that if the criteria is met then it is their obligation to move the process forward, they can't hold it back based on emotion.

Commissioner Bernhard agreed that they have met all the criteria although she too is concerned about the traffic situation but they cannot solve the traffic issues overnight even if they did put it on hold; they cannot stop progress. Adding that it might not be a perfect situation but considering the fact that they have met the criteria; legally their obligation is to recommend it to City Council for final approval. Stating that there was a lot of work put into this and they met all the requirements; but she does agree with Mike Sheehan that it would be nice if they could figure out a situation to improve the traffic but they can't solve it that quickly. It is a City Council decision not theirs; as long as the applicant has met the criteria that was expected of them then they cannot hold it up.

Chair Kulp thanked everyone for coming out tonight; and especially for all those that spoke tonight as there were many important concerns brought up tonight. Adding that staff has done a great job, staff has done their best for the city and for all of us; they have pointed out many of these issues throughout our meetings in the past; transportation is a serious issue and it is something that they need to continue to look at but they cannot stop progress it will move forward; but as long as developers are willing to listen and work with them to develop ideas; it would be great if they could build bridges over the highway or drive flying cars (joking); they can't argue with what staff puts out there and had no opposition to the 6 recommendations they have listed although they would like to add an environmental review on the wetlands area and to look at the transportation as well as the water & sewer capacity issues. Adding that it still falls on City Council for final approval; we can move forward with serious considerations to these issues and continue to have public input at our next town hall meeting on Feb. 11th where it would be critical to bring up our transportation issues, locations of an alternate route and our Crown Zellerbach Trail. Stating that there is a lot to consider here but at the same time we need to move forward.

Commissioner Blank added that trying to create jobs for the community also means trying to keep people in

the community especially if a number of people don't have to drive into Portland for their job. Adding that the other part of planning this community is to have more affordable housing to allow more people to live here, to work here, to spend money here, to eat here, to enjoy it here and take advantage of it here.

Chair Kulp added that we do have our housing needs study going on as available lands is always an issue; and the packet does have an irrevocable agreement waiver for the applicant which City Council could consider as an option as well versus not moving forward with the annexation.

City Planner Oliver added that she had a suggestion as they move towards a decision; if you do move to approve the annexation that the motion should include a motion to approve with the staff responses to the public comments as additional findings and add the written comments we have received to the staff report as exhibits.

Chair Kulp asked City Planner Oliver if they add the transportation and environmental portion.

City Planner Oliver replied that it was Chair Kulp's call; if you amend the conditions of approval then she will need to know so she can re-write the findings but from what you said it should be a strong consideration for City Council.

City Planner Oliver asked Legal Counsel Rihala to advise; which she stated it would be a shared comment.

Commissioner Bernhard asked if there was way to stress its importance; as these projects move forward that special attention be made to the traffic.

City Planner Oliver replied that our code already requires that they do the traffic impact study and that they address any mitigation that is identified. Adding that for environmental review our code has more to do with the floodplain and the wetlands; whenever we have development applications for projects that impact those they do have to delineate the wetlands and mitigate it which is run by the Department of State Lands; so she is unsure what more they want to add.

Commissioner Dahla stated that there was mention of Native American ancient artifacts; so in the event that one was found during the development what would happen.

City Planner Oliver replied that the property owner is under obligation to notify the state and to report what was found; when the application comes in she will share these regulations with them which they need to respond to if there are any know artifacts on site. Adding that the applicant has already hired someone to start that review on site; which does not mean they will find anything now but it could be when they start digging they will find something and they must stop immediately then a state archeologist would come to the site to do a report.

Chair Kulp stated that she would just like to emphasize our awareness to City Council; that we need to work on transportation, environmental issues, capacity issues and to let the public know that we are trying to be responsible and welcome their input.

City Planner Oliver stated that she could include their concerns about the approval in her City Council staff report; stating that the Planning Commissioners are recommending approval of this staff report and the findings within it however they have additional concerns to express outside of the staff report related to the overall transportation impacts and environmental impacts.

Commissioner Blank asked about the Native American artifacts; read page 24, the finding said that the subject site is not designated as an open space, scenic or historical area by the City of Scappoose; would the historical area cover the Native American artifacts.

City Planner Oliver stated that it is not identified in our Comprehensive Plan as we have to inventory those things and since it's not identified currently; it's unknown since we don't have it documented anywhere.

Chair Kulp asked if there was anything else; and asked City Planner Oliver how she should verbalize the approval.

City Planner Oliver replied that the motion for approval would also include a motion to approve the staff responses to the public comments as additional findings to be included as additional exhibits. Plus staff provided responses to Cascade Tissue and the Janke's; so that packet will be entered as exhibits, except for Mr. Russell since we did not provide a response but we did address it in the hearing. Adding that it might be best, from Legal Counsel's recommendation, that the Planning Commissioners address their issues with traffic and environmental concerns in a memo format to City Council saying that they recommend approval based on its merits and findings but they are concerned about the larger issues in the community moving forward.

Commissioner Bernhard asked if that would be better than to put it in the actual final approval.

Legal Counsel, Shelby Rihala, replied yes as the applicant has met the criteria so the staff report is supposed to respond directly to the applicable criteria. Adding that since their criteria has been satisfied then it would be better in a memo format than be a stand-alone document, separate from the application; encouraging council to remain mindful of the issues as the projects and other projects move forward in the city.

City Planner Oliver stated the annexation would be going to City Council next Tuesday night; she will draft the memo for the Planning Commissioners to approve via email so it would be ready for City Council.

Chair Kulp stated she was available tomorrow and commissioners would just need to respond to an email; then asked for any other questions or issues then asked for a motion to approve.

Commissioner Blank stated that it sounded good; since they have met the compliances, but they still have their own personal opinions that they would like expressed.

Chair Kulp asked if anyone had additional questions or comments; then asked for a motion to recommend approval of Docket # ANX1-16/ ZC2-16; with the 6 conditions of approval recommendations from staff, to include a motion to recommend approval of the staff responses to the public comments as additional findings and included as additional exhibits in the staff report.

Commissioner Dahla motioned for the approval.

Commissioner Blank 2nd the motion.

AYES: Chair Kulp, Commissioner Blank, Commissioner Dahla and Commissioner Bernhard.

NAYS: None

6.0 COMMUNICATIONS

6.1 Calendar Check

City Planner Oliver stated it is late but went over the January calendar. Adding that she will advise the Commissioners on the future Planning Commission Meeting we will have as soon as possible.

Commissioner Bernhard asked what was happening on Feb. 11th.

City Planner Oliver replied that it is the Annual Town Meeting; the topics this year will be park development and housing.

Commissioner Blank stated that maybe one day we could look at park and rides to keep the traffic off the roads.

6.2 Commission Comments

Chair Kulp asked City Planner Oliver if she got the email from the City of Fairview; which she did. Adding that she also looked at the State's website and is looking forward to getting together to discuss updates to our codes. She also liked the layout of the City of Prineville's codes and she also liked the City of St. Helens related to residential and multi-family housing.

City Planner Oliver stated that our code is very difficult to read with just the font and the layout alone, let alone the language. Adding that there will be policy changes as part of the housing needs analysis adoption process.

Chair Kulp couldn't make the last economic development meeting but will be working to get some citizens together to start looking into those codes.

Commissioner Blank stated that they need to look into creating more walking paths or bike lanes.

City Planner Oliver appreciates the commissioners for sending that information her way.

Chair Kulp went over the plan to update the city's code with Commissioner Dahla. Adding that the City of Portland has created a parking management tool.

Commissioner Bernhard added that parking has been an issue here especially at the last apartment built at E. Columbia and Westlane.

Chair Kulp asked Commissioner Dahla if there was anything he wanted to tackle on the code update list; to let them know.

Commissioner Blank added that he would like to see roll away sidewalks.

6.3 Staff Comments

(None)

7.0 ADJOURNMENT

Chair Kulp adjourned the meeting at 10:00pm


Chair Carmen Kulp

Attest:


Elizabeth Happala, Office Administrator III