

SCAPPOOSE PLANNING COMMISSION

Council Chambers at City Hall
33568 East Columbia Avenue

MEETING MINUTES: Thursday, October 12th, 2017 at 7:00 p.m.

1.0 CALL TO ORDER

Vice Chair Jensen called the meeting to order at 7:00pm.

2.0 ROLL CALL

Scott Jensen	Vice Chair	Laurie Oliver	City Planner
Bill Blank	Commissioner	Chris Negelspach	City Engineer
Bruce Shoemaker	Commissioner	Elizabeth Happala	Office Administrator III
Rita Bernhard	Commissioner		
Tim Connell	Commissioner		

Excused; Carmen Kulp Chair
Jim Dahla Commissioner

3.0 APPROVAL OF MINUTES

3.1 September 21st, 2017 meeting minutes

Vice Chair Jensen requested additions to the minutes; on page 15 he would like to add, for clarity, to his comment related to reducing parking requirements that it was to encourage public transportation. And page 20; to add "travel lane widths" to his comment towards the bottom of the page as it only lists the lengths.

Commissioner Blank moved and Commissioner Bernhard seconded the motion to approve the September 21st, 2017 Planning Commission meeting minutes. Motion passed 5-0.

AYES: Vice Chair Jensen, Commissioner Blank, Commissioner Shoemaker, Commissioner Bernhard and Commissioner Connell.

NAYS: None.

4.0 CITIZEN INPUT

There were none.

5.0 NEW BUSINESS

5.1 CONTINUATION DOCKET # ANX1-17/ ZC1-17

Oregon Institute of Technology has requested approval for the proposed Annexation (ANX1-17) and Zone Change (ZC1-17) of approximately 40.6 acres described as Columbia County Assessor Map Number: 3201-D0-with tax lot numbers; -00800, -01000, -01100, -00602, -00603, -00604, -00605, and -00606. The site is located directly west of West Lane Road, east of Columbia River Hwy, and north of Crown Zellerbach Road. Based on the requirements of the Scappoose Development Code, if this property is annexed it would automatically receive Light Industrial zoning since the site has an "Industrial" Comprehensive Plan Map designation.

Format: Quasi-Judicial Public Hearing (both verbal and written testimony may be provided during the hearing.

Vice Chair read the docket item above and the format of the hearing then asked City Planner Oliver for her staff report.

City Planner Oliver stated that since this is a continuation, staff already went over the full staff report and the applicant gave their presentation therefore City Planner Oliver will just be going over the additional exhibits; beginning on packet page 25, as a reminder Cascade Concrete has asked to withdraw their annexation request

therefore staff and the applicant have been working together to revise the conditions of approval related to cost and timing of required improvements. Adding that the staff report would be amended prior to the City Council hearing for approval. Also there were a few findings that changed as well; mainly that the city does recognize that it can provide services to the existing known uses. Stating that OMIC has 2 tax lots; tax lot 605 is the one with the building and the 3 smaller lots are the residential uses, leaving 29 acres out of the 40 that will need to address the water and sewer capacity issues.

Going to packet page 26; the Approval Standards and the findings are listed noting that if the loans are not awarded to the City then owners of the tax lots shall be responsible for the design and installation of the water and utility lines. Adding that at the bottom of page 26 are the revised conditions of approval based on the findings. Then asked the commissioners if they had any questions and reminded them that the record is still open so they can request the applicant to come forward.

Vice Chair Jensen asked if condition number 1 should state; "if they wish to connect or are required to connect" in case there could be a scenario where they are required to connect.

City Engineer replied that if they have an on-site sewer system that fails and it's within 300 feet then they would have to connect to the sewer but outside of that it is only if they elect to connect.

Commissioner Blank stated that it's optional.

City Engineer Negelsbach stated that the consideration of this is if you were going to develop a parcel you would then need to connect.

Vice Chair Jensen asked if there was any room for someone to say that they don't "wish" to connect so then they don't need to do that.

City Engineer Negelsbach replied that if it were an improvement that didn't have any substantial sewer flows then we could consider not connecting them but he can't see that happening.

Vice Chair Jensen asked about item #3; the inflation measure to be used should be listed.

City Planner Oliver asked the City Engineer Negelsbach if the Construction Cost Index was standard.

City Engineer Negelsbach stated he would need to look, but it could be the same index we use yearly to increase our System Development Charges. Adding that they would apply the same methodology that we apply to our System Development Charge increases. Adding that he believes it's a regional average for the Northwest and it's not a Consumer Price Index as this is specifically related to construction.

Vice Chair Jensen asked about item #6, states non-conforming uses abandoned and wanted to know if the definition of 'abandoned' was in the land use code.

City Planner Oliver stated that it was, reading the definition; "if a non-conforming use involving a structure or the property is discontinued from active use for a period of 1-year, any subsequent use of the property or structure shall be conforming".

Vice Chair Jensen asked the applicant to come forward for some questions; (OMIC Applicant Mike Myers came forward). Stating that at the last hearing he had asked if the adjacent mining operation would conflict with the OMIC uses, and the applicant replied that they would get back to the Commission about that but there is nothing in the packet related to the topic.

OMIC Applicant Mike Myers turned to the Property Owner Scott Parker, who then approached the speaker table.

Property Owner Scott Parker stated that there will not be any more mining and the entire parcel is under Federal jurisdiction with the Mining Safety & Health Administration, they have permits to mine the entire site but the

particular parcel they are talking about has been fully reclaimed but has not been fully released for reformation and apologized that his reply did not make it to the packet.

Vice Chair Jensen stated he just wanted to make sure that any vibration does not throw off the advanced machinery being used next door at OMIC.

Property Owner Scott Parker stated staff has questioned him on that as well.

OMIC Applicant Mike Myers thanked City Planner Oliver & City Engineer Negelspace for persevering through the negotiations of changing the conditions of approval to come up with conditions that all the owners feel comfortable with.

Property Owner Scott Parker also thanked staff and said they did a really good job.

Commissioner Blank asked staff if they would be getting to all these.

City Planner Oliver replied yes.

Vice Chair Jensen asked staff if they had anything else they need to cover for this item.

City Planner Oliver stated not unless they had any additional items to bring up, if not then they recommend approval with the changes they recommended to the findings and the conditions.

Commissioner Blank asked the applicant is they had any issues with the conditions of approval.

OMIC applicant Mike Myers came forward to reply that they have no issues with the conditions of approval.

Vice Chair Jensen closed the hearing at 7:20pm for deliberations.

Commissioner Bernhard stated that this has been a long complicated process and just wanted to compliment everyone that has been involved with this process; the staff and the applicant have worked hard to deal with all of the concerns everyone has had with all the complicated issues.

Commissioner Blank stated that it sounds like all the issues have been discussed and resolved.

Vice Chair Jensen stated he is happy with the resolution and thanked staff; then asked for a motion.

Commissioner Shoemaker moved and Commissioner Bernhard seconded the motion to approve the new findings and conditions of approval to recommend to City Council for final approval. Motion passed 5-0.

AYES: Vice Chair Jensen, Commissioner Blank, Commissioner Shoemaker, Commissioner Bernhard and Commissioner Connell.

NAYS: None.

5.2 CONTINUATION DOCKET # SB1-17, SLDP1-17

Airpark Development has requested approval for Tentative Subdivision Plat Approval (SB1-17) to subdivide Columbia County Assessor Map Number 3106-00; tax lot numbers 00200, 00504, and 00103 to create 17 lots in the Public Use Airport (PUA) and East Airport Employment (EAE) Overlay zoning districts. The applicant also requests a Sensitive Lands Development Permit (SLDP1-17) to allow for the alteration of a wetland for road purposes.

Format: This is a continuation and the record is closed to verbal testimony. Written comments were due by September 28th and the applicant's written rebuttal was due by October 5th.

City Planner Oliver stated that the written comments are attached to the the agenda item and staff's response is added as Exhibit 32.

Vice Chair Jensen stated that the record has been closed and we will go to deliberations, but first asked the commissioners for any ex parte conflicts then if any party wanted to challenge any ex parte conflict. Then asked for staff's comments on the new exhibit.

City Planner Oliver stated that the first item on page 30 is OTAK's response to written & spoken comments, followed by property owner Brian Rosenthal's comments on page 35, submitted September 28th. Then on page 37 is Otak's response to Mr. Rosenthal's comments dated Oct. 5th. She then went to exhibit 32, which would be added to the staff report for additional findings. Stating that the first portion is staff's response to Mr. Rosenthal's written comments, the second part is staff's response to OTAK's response to Mr. Rosenthal's comments. Then went over Exhibit 32, Staff's Response to Rosenthal's written comment dated Sept. 28, 2017;

Item 1 related to 5' sidewalks & removal of bike lane on the north.

**If applicant chooses to negotiate privately with Mr. Rosenthal to construct a wider cross-section with a right-of-way width of up to 80' along Mr. Rosenthal's frontage, then staff would not object nor would it have to come back to Planning Commission for approval.*

Item 2 Signalization and northbound turn lane in Phase 1.

Item 3 Land sale/transfer agreement with the developer be conditions upon all intersection improvements of Phase 1.

Item 4 Preserving CZ Trail to remain safe & useable with basic traffic control features.

Staff response to Rosenthal's written comment, dated September 28, 2017:

1. Page 1 concerns regarding the 5' sidewalk and removal of the bike lane on the north side of Crown Zellerbach Road extension:

The City requested a memo from DKS Associates to review and provide a recommendation on the minimum cross section design for this portion of the eastern extension of Crown Zellerbach Road. As noted in the DKS memo, dated September 12, 2017 (Exhibit 14), the cross-section needs for the Crown Zellerbach Road extension were evaluated against the City standards to determine how best to meet the needs of all roadway users with consideration for the existing trail and right-of-way constraints. The new roadway will front industrial zoned lands to the north and the trail to the south, therefore it was determined that on-street parking would not be needed. The collector standard for three-lanes without parking was the starting point for the development of the Crown Zellerbach Road cross-section.

Considerations for the recommended Crown Zellerbach Road cross-section include:

- The new roadway is anticipated to serve a large volume of heavy vehicles due to the surrounding industrial zoned land, therefore the standard 12-foot travel lanes and 14-foot center turn lane should be retained.
- The Crown Zellerbach Trail will provide for two-way bicycle travel and two-way walking trips on the south side of the roadway. The on-street bike lanes and the south side sidewalk should be removed.
- The City standard for multi-use trails (TSP page 46) requires 12-feet wide paved surface in high use areas. The trail should be a minimum of 12-feet wide to serve regional trail demand and be consistent with the existing trail width.

The following minimum cross-section was recommended by DKS:

Crown-Zellerbach Road east of West Lane Road to the project site shall include two lanes (12-feet wide), one center turn lane (14-feet wide), sidewalk (5-feet wide) and curb-tight planter (5.5-feet wide) on north side of street, multi-use path (12-feet wide) and curb-tight planter (5.5 feet wide) on south side of street, drainage, curbs and utility easements within a 67-foot right-of-way. Additionally, an 8 foot PUE would be required abutting the right of way.

The applicant has proposed a 71-foot right-of-way instead, with a 7-foot rather than a 5.5-foot planter on the north side, which is more than what DKS has recommended. Furthermore, the underlined portion of the second bullet point above indicates that DKS recommends that the on-street bike lanes be removed since the Crown Zellerbach Trail will provide for two-way bicycle travel. The City has conditioned the applicant (Condition of Approval #2, Phase 1-Transportation Improvements, A – page 59 of the packet), to construct cross section detail A-A, C-C, and E-E, as shown on Sheet P2.1 of Exhibit 3D. If the applicant chooses, through negotiations held privately with Mr. Rosenthal, to construct a wider cross-section with a right-of-way width of up to 80-feet along the Rosenthal frontage, staff would not object to that, nor would it have to come back to Planning Commission for approval, since it would not trigger a major modification of tentative plat approval.

1. Signalization and a northbound right turn lane requested to be installed in Phase 1:

We feel that Lancaster adequately explained during the first hearing the liability that the City would face should it signalize the intersection prior to meeting the signal warrants as outlined in the Uniform Traffic Safety Manual. It is not something that we can consider until signal warrants are met. Additionally, adding a northbound right turn lane prior to expected impacts would violate the requirement for rough proportionality, also opening the City up to liability. The City has added a condition of approval (#16) that allows for subsequent Traffic Impact Studies to be requested prior to the final plat recording of Phase 3 and/or Phase 4. The Planning Commission could request that we add language to the condition to specify that a Traffic Impact Study could also be requested prior to the final plat recording of Phase 2 as well. This could alleviate some of Rosenthal's concerns regarding traffic counts prior to signalization of the intersection.

Additionally, background traffic was included in the Lancaster Traffic Impact Study for approved projects in the vicinity, and the study also took into account the overall growth anticipated in the area by the TSP (see pages 232 and 233 of the packet, within Exhibit 9 – Lancaster Traffic Impact Study).

2. Request to have Planning Commissioner's make a recommendation to Council that any land sale/transfer agreement with the developer be conditioned upon all intersection improvements being completed during Phase 1 of the development:

Again, we feel that this has been adequately covered previously and we do not recommend that the Planning Commission make this recommendation since it would put the City at risk for liability.

3. The notion that if the City does not install the basic traffic control features during Phase 1 then the City has failed the public in preserving the CZ Trail and ensuring that it remains safe and usable.

The City has retained a top quality traffic engineering firm, DKS Associates, who also prepared the City's 2016 Transportation System Plan, to analyze the submitted traffic study for this project and to offer recommendations for this intersection. As shown within the adopted TSP, the eastern extension of Crown Zellerbach Road was anticipated to utilize a portion of the existing trail property in order to allow for the intersection to align properly, after which point the roadway would move to the north of, and be separated from the existing paved trail. The applicant has depicted that on their plan set. Furthermore, as discussed previously, the signalization of the intersection cannot occur until such time that the signal warrants are met. Lastly, the applicant has been conditioned to provide (condition of approval #2, Phase 1-Transportation Improvements, C) a new trailhead parking lot in order to provide an additional amenity to the community allowing for a safe access point to the existing Crown Zellerbach Trail, to include parking, restrooms, lighting and landscaping.

City Planner Oliver went over the below staff response to OTAK'S response to Rosenthal, dated Oct. 5th, 2017. Stating that OTAK has provided a thorough response to Rosenthal's comments. Restating that the city would not be opposed to the full 80' right of way if the parties agreed to that privately.

Staff response to Otak's response letter to Rosenthal, dated October 5, 2017:

Otak has provided a thorough response to Rosenthal's comments. On page 2, Otak states that the applicant is agreeable to providing the full 12-foot shared use path on Rosenthal's frontage in exchange for dedication of the required right-of-way, and then requests that the City add the following condition of approval:

The applicant shall negotiate in good faith with the owner of Lot 400 for the dedication of the additional land need for a 12-foot wide multi-use path between the intersection of Crown Zellerbach Road and West Lane Road and the eastern edge of Lot 400. If the owner of Lot 400 dedicates the necessary land for the wider path, the applicant shall develop a three lane roadway with planter strips and 12-foot share-

use paths on each side as depicted as section A-A on Sheet P2.1 with the exception of the 8 foot Public Use Easement running congruent with the 12' Pathway. However, if the land is not dedicated, the applicant shall design and construct the new eastern leg of Crown Zellerbach Road as described in the Phase I Improvements, Transportation improvements Condition A.

After consulting with legal counsel, the City notified the applicant that the City does not agree to the addition of the above condition of approval, as advised by our attorney. As mentioned previously in this memo, if the applicant chooses, through negotiations held privately with Mr. Rosenthal, to construct a wider cross-section with a right-of-way width of up to 80-feet along the Rosenthal frontage, staff would not object to that, nor would it have to come back to Planning Commission for approval, since it would not trigger a major modification of tentative plat approval.

The applicant concludes their response letter by restating that signal warrants must be met, prior to the installation of a traffic signal, which the City concurs with. Also, the letter correctly states that each parcel proposed for development will be required to apply for Site Development Review – which will trigger the need for a traffic study, which will identify the PM peak hour trips, based on the specific use being proposed. As included in condition of approval #30, if the PM Peak Hour site trip trigger points are hit, as identified in the Phased Development Mitigations Analysis prepared by Lancaster Engineering (**Exhibit 10**), prior to the Phase in which the improvements are identified, the applicant shall design and construct the necessary improvements prior to building permit issuance for any subsequent development.

This condition was included so that if the trip trigger points are hit prior to the phase in which they were identified, no further construction (or addition of site trips) would occur until the transportation improvements identified in the next phase are constructed. Staff feels that there are checks and balances included in the conditions of approval so that traffic concerns can be monitored over the course of the phased subdivision which will adequately ensure a safe transportation system is maintained.

Revisions to the exhibits, findings, and conditions of approval in the staff report:

On page 9 and 10 of the packet:

The following exhibits will be added to the staff report:

3. DD Crown Zellerbach Trailhead parking lot improvements

13. Preliminary Sanitary and Sewer Report, dated February 7, 2017 and Preliminary Report Supplement, dated September 15, 2017

21. Scappoose Drainage Improvement Company comment, dated September 8, 2017 and West Consultants Review letter, dated September 19, 2017

24. ODOT comments, dated May 1 & 4, 2017, September 8, 2017, September 12, 2017, and ODOT Rail comment, dated September 18, 2017

26. Gail Walker comment, dated September 21, 2017 (received September 20, 2017)

27. Len Waggoner comment, dated September 20, 2017

28. Brian Rosenthal comment, dated September 20, 2017

29. Brian Rosenthal comment, dated September 28, 2017

30. Otak response to public comments received, dated September 28, 2017

31. Otak response to September 28, 2017 Rosenthal comment, dated October 5, 2017

32. Staff response to comments received after the September 21, 2017 hearing

On page 54 of the packet:

17.154.105 Water system. *The planner and public works director shall issue permits only where provisions for municipal water system extensions have been made, and:*

- A. Any water system extension shall be designed in compliance with the comprehensive plan existing water system plans.*
- B. Extensions shall be made in such a manner as to provide for adequate flow and gridding of the system.*
- C. The public works director shall approve all water system construction materials.*

Finding: The applicant has provided a Water Master Plan study with their application (**Exhibit 13**). The proposal used this Water Master Plan, its updates, and the Scappoose UGB Infrastructure Report to design the water provisions and facilities on the site. The Infrastructure Report stressed the future need for water and its storage in the area encumbered by the subject site. The applicant proposes the provision of one municipal well, plus conveyance to the City's water treatment plant. ~~Future development on the site will be required to pay System Development Charges to the City~~

~~proportionate to their impact on the treatment facility and to build additional water storage. At the time of future development, lot owners will be required to pay System Development Charges pursuant Chapter 13.24 of the Scappoose Development Code.~~ All proposed building lots within the subdivision will be served by water lines which must be designed in accordance with the Public Works Design Standards. The applicant proposes installing a new water line in the proposed street and providing a looped connection north of the airport. The Conditions of Approval require that the applicant demonstrate sufficient domestic and fire flow pressure for all lots prior to acceptance of each phase. The Conditions of Approval require review by the City Engineer of all proposed plans. Section 17.154.105 is satisfied.

This edit is to correct the finding which says that System Development Charges (SDC's) are proportionate to the development, which is an error. SDC's are established pursuant to an adopted methodology as specified in Scappoose Municipal Code 13.24. SDC's would always be required of future development and includes facilities for water storage.

On page 67 of the packet:

COA # 12:

12. That the applicant shall acquire the land, prepare legal descriptions, and dedicate by deed right-of-way for the portion of Crown Zellerbach Road outside the boundaries of the subdivision. Construction of this section of road shall be required as part of Phase 1 of the subdivision. This ~~construction shall also relocate the existing driveway for the property at the southeast corner of the West Lane Road/Crown Zellerbach Road intersection from its current location on Crown Zellerbach Road to West Lane Road.~~ The applicant shall also reconfigure a driveway entrance to Columbia County Assessor's Map No. 3212-AD-02200, moving the driveway entrance from Crown Zellerbach Road to West Lane Road, and shall develop a driveway reconfiguration that is consistent with the access spacing requirements outlined in section 5.0070 of the PWDS in order to provide pedestrian access from the parking area to the building currently utilizing the Crown Zellerbach trail for access.

The applicant requested this edit to ensure the requirements of reconstruction were for a reconfiguration of the existing driveway (since the City only permits one driveway per residential property) rather than for the addition of a new driveway. Staff concurs with their request for the clarification.

The following edits were proposed either during the September 21st hearing by one of the Commissioners, or after the hearing by the applicant:

On page 13 of the packet:

However, alterations of wetlands in proximity to the airport require special consideration to ensure that the water bodies do not become ~~bird attractants~~ wildlife attractants that interfere with aviation.

This revision was requested by Commissioner Jensen, to reflect the fact that wildlife is the more appropriate term since it also includes birds.

On page 59 of the packet:

PHASE 1 IMPROVEMENTS

TRANSPORTATION IMPROVEMENTS:

Transportation Improvements:

- A. The applicant shall design and construct the new eastern leg of Crown Zellerbach Road, beginning at the Crown Zellerbach and West Lane Road intersection to the subdivision Phase I northern boundary, as shown in the cross section detail A-A, C-C and E-E on **Sheet P2.1 of Exhibit 3D**. The section is an alternative cross-section to City of Scappoose three-lane collector standard to incorporate the planned extension of the Crown-Zellerbach Road. The cross-section shall include a minimum of; two lanes (12-feet wide), one center turn lane (14-feet wide), sidewalk (5-feet wide) and curb-tight planter (5.5-feet wide) on north side of street, multi-use path (12-feet wide) and curb-tight planter (5.5 feet wide) on south side of street, drainage, curbs and 8-ft public utility easements. The applicant shall ~~acquire~~ provide for the acquisition or dedication to the City of Scappoose the necessary right of way needed from abutting property owners, including the necessary construction, slope and 8-ft public utility easements, and shall reconstruct the west, north, and south legs of the intersection, as needed, to be approved by the City of Scappoose Engineer.

On page 62 of the packet:

PHASE 3 IMPROVEMENTS

TRANSPORTATION IMPROVEMENTS:

Transportation Improvements:

- D. The applicant shall design and construct a northbound right turn lane at the West Lane Road/Crown Zellerbach Road intersection. The applicant shall pay for the full construction of the intersection improvements. The applicant shall ~~acquire~~ provide for the acquisition or dedication to the City of Scappoose any necessary right of way from the abutting property owner(s), including any slope, construction or public utility easements, as required.

On page 64 of the packet:

PHASE 4 IMPROVEMENTS

TRANSPORTATION IMPROVEMENTS:

- D. A traffic signal shall be installed at the West Lane Road/Crown Zellerbach Road intersection, with dedicated left turn lanes for the eastbound and westbound approaches. The applicant shall pay for the full construction of the intersection improvements. The design shall be approved by the City of Scappoose Engineering. The applicant shall ~~acquire~~ provide for the acquisition or dedication to the City of Scappoose any necessary right of way from the abutting property owner(s), including any slope, construction or public utility easements, as required.
- E. The applicant shall pay a proportionate share towards a traffic signal at the East Columbia Avenue/4th Street/West Lane Road intersection. Based on the \$332,000 cost estimate,

the applicant's 55% proportionate share is estimated to be \$182,600. A detailed engineer's cost estimate will be used to determine the cost of the improvements, and the proportional share shall be based on that. The design shall be reviewed and approved by Columbia County and the City of Scappoose Engineer.

The applicant shall ~~acquire~~ provide for the acquisition or dedication to the City of Scappoose any necessary right of way from the abutting property owner(s), including any slope, construction or public utility easements, as required.

- F. A westbound left turn lane shall be installed at the West Lane Road/Honeyman Road intersection. The applicant shall pay for the full construction of the intersection improvements. The design shall be reviewed and approved by Columbia County and the City of Scappoose Engineer. The applicant shall ~~acquire~~ provide for the acquisition or dedication to the City of Scappoose any necessary right of way from the abutting property owner(s), including any slope, construction or public utility easements, as required.

This series of edits was requested by the applicant in order to clarify that the needed right-of-way will be provided for either by acquisition, then dedication to the City, or by direct dedication of right-of-way to the City.

On pages 67-68 of the packet:

16. Due to the longevity of the project and potential changes in the patterns of traffic over the length of the project, the City Engineer and Public Works Director may require updated Traffic Impact Studies be submitted prior to final plat approval of Phase 2, Phase 3 and/or Phase 4, in order to determine if any operational or safety concerns are present. The City Engineer will determine the project study area, intersections for analysis, scenarios to be evaluated and any other pertinent information concerning the study. The applicant shall pay a proportionate share towards mitigation improvements identified by future Traffic Impact Studies.

On page 70 of the packet:

32. That the applicant shall coordinate with the ~~Port of St Helens~~ airport sponsor prior to submitting construction plans to identify alternative design standards for streetlights and street trees within the RPZ.

On page 71 of the packet:

40. That the applicant shall provide an avigation easement to the ~~Port of St. Helens~~ airport sponsor (if required by the ~~Port~~ airport sponsor) and provide a copy of the easement to the City.

City Planner Oliver finished by stating that staff is happy to answer any questions but the hearing is closed so commissioners can go into deliberations.

Commissioner Shoemaker asked if their recommendation is still for approval.

City Planner Oliver replied that staff does recommend approval with the revised conditions.

Commissioner Shoemaker stated his main concern is with traffic and asked if adding a phase 2 condition should be necessary.

Vice Chair Jensen stated there is public concern about the traffic then suggested to staff something short of a traffic

impact study maybe just a traffic count study at Phase 2, then if the numbers are good they don't need to do a full study.

Commissioner Shoemaker & Commissioner Bernhard agreed.

Commissioner Blank asked how they would do it, if there are lines that are driven over.

Vice Chair Jensen replied it is the same way they do the traffic count study, pointing out the circular figures in Lancaster Engineering's Traffic Study (figures 1-3, packet pages 222-224). And comparing those numbers with the new traffic count numbers to see if it would trigger a further discussion with staff. Adding it would be to Condition of approval #16, then asked for any staff comments about adding that condition.

City Engineer repeated Vice Chair Jensen's addition to the Conditions of Approval; if he was asking for a traffic count then if the count is higher than the projected amounts then we would ask for a full traffic study.

Vice Chair Jensen agreed.

Commissioner Shoemaker added that it would save the cost of requiring another full study. Adding that from the public point of view they would see that there were projected numbers that were, or were not met, that did, or did not require another full study.

City Planner Oliver stated for consistency in the language of the conditions, they could just add a traffic study at Phase 2, as Phase 3 and/or Phase 4 are already listed. Stating it could be up to staff to identify what we would like studied. Adding that if they were only interested in traffic counts then it could be narrowed down to just that rather than trying to break up this condition, in case Phase 1 does produce more trips than projected. Therefore condition number 16 would add Phase 2 to the other phases listed.

Vice Chair Jensen thanked staff for that and their usual good job and keeping an eye out for the city's liability issues.

Commissioner Bernhard thanked staff and the applicant for another long process and all those that brought up their concerns.

City Planner Oliver added that she has one correction to make on page 2; staffs response to Rosenthal's comment; striking out "to Council" from the paragraph below item #3 as this will not be going to City Council for approval.

Commissioner Bernard moved and Commissioner Shoemaker seconded the motion to approve with conditions of approval and as amended. Motion passed 5-0.

AYES: Vice Chair Jensen, Commissioner Blank, Commissioner Shoemaker, Commissioner Bernhard and Commissioner Connell.

NAYS: None.

6.0 COMMUNICATIONS

6.1 Calendar Check

City Planner Oliver asked if anyone made it to the grand opening of the Rotary fountain, many did, then went over the calendar.

Vice Chair Jensen asked about meetings in December.

City Planner Oliver replied Dec. 14, for the Housing Needs adoption plus the PUD conditional use permit.

Commissioner Bernhard asked if there were any others for December.

City Planner Oliver replied that many of the agenda items are doubled up since we won't be meeting at the end of

November or the end of December.

6.2 Commissioner Comments

None.

6.3 Staff Comments

City Planner Oliver stated she will be gone for her Planning conference Oct. 25-27th, and is grateful to have these 2 applications done tonight.

Commissioner Bernhard thanked staff for all their time as this has been complicated and started back in the 1990's, adding that the traffic will be an on-going issue.

Commissioner Connell thanked staff for making it easy on them.

Commissioner Blank agreed and stated that there will be a lot going on now out there and feels we did well at setting the ground work. Also wanted everyone to keep in mind all the committees are busy and to keep them in mind.

Commissioner Bernhard stated Veteran's Park is being used all the time and very utilized.

City Planner Oliver added that the 2nd meeting in January they will be bringing the Site Development Review application to Planning Commission for Seely Park as the city was awarded a grant.

City Engineer Negelspach added that it was a \$450k grant for Seely Park.

Commissioner Bernhard asked if the neighbors at the dog park were happy with the new fence.

City Planner Oliver stated that it might not be up yet as they are still working on it.

Commissioner Shoemaker stated that it is not up and they are still fundraising; but in general it will add to their privacy.

7.0 ADJOURNMENT

Vice Chair Jensen adjourned the meeting at 7:57 PM.



Scott Jensen, Vice Chair

Attest:



Elizabeth Happala, Office Administrator III