



## PLANNING COMMISSION

Minutes of March 2, 2011

Members present: Chair Robert Martin, Vice Chair Michael Babbitt, Gail Holmes, Holly Miller, Laura Horsey, Christine Steel and Dean Wood

Members absent: None

Council Liaison: Teri Cummings (not present)

Staff present: John Sonnen, Planning Director; Peter Spir, Associate Planner; Koi Le, Public Works; and Jeff Bennett, City Attorney

### PRE-MEETING WORK SESSION

Planning Director Sonnen recalled the Commissioners had decided to use pre-meeting work session time to go over procedural items and then take time at the end to allow each Commissioner to read the new information that had been submitted after the staff report was published. He reported the City Manager had agreed to provide the Commissioners with generic business cards with a City email address on them. He distributed copies of the information regarding the docketing proposal that had been presented to the Council.

Peter Spir prepared the Commissioners to hear CUP-10-05/DR-10-13/MISC-10-28 by pointing out new material that had been received since the staff report was issued was mostly correspondence about traffic. He distributed revised recommended conditions of approval. He explained Khoi Le had not yet seen them. He advised the Commissioners to think about whether the three-year test period was appropriate. He related that it was a challenge to apply the mixed use zone standards to a church on a 40,000 sq. ft. lot. The staff had initially suggested the applicant seek a zone change, but they had not. Commissioner Horsey related that she had a hard time finding the preapplication conference notes on the website. It was not linked to the agenda. Sonnen planned to look into it. Babbitt related that he had a hard time hearing the HRB audio because of background noises. Sonnen anticipated HRB reviews would be videotaped in the future. Chair Martin advised the Commissioners their job was to focus on whether the application met code criteria during the hearing, even if they might want to see some other zoning or something else happen at the site that would improve the community but would go beyond what the code required. They could talk about that during the Items of Interest to the Planning Commission part of the agenda.

The Commissioners recalled the Commission had been trying to deal with two issues for two years: Was an application really “complete” if changes were proposed to it at or close to a hearing (a 120-day rule clocking question); and how should the Commission deal with material that was submitted just before or during a hearing. Bennett recalled that typically most of those late changes were responses to the staff evaluation of the application. He advised the

clock would not be stopped unless a major change to an application was proposed. The staff reported that in this case the staff, the applicant and the ODOT had discussed the traffic issue and ODOT and the applicant would suggest alternative conditions of approval.

The Commissioners continued to discuss the issue that citizens frequently complained they were seeing information for the first time at a hearing. Bennett advised that any party had a statutory right at the initial hearing to ask that the record be kept open for seven days so they could evaluate new evidence. Sonnen explained that the staff kept the files updated so anyone could come in and ask to see them before the hearing. Babbitt recalled hearing people say at hearings that they had not seen the newest material and staff recommendation on the website. Bennett confirmed they had a legal right to see them and they could come in and ask to see the files, which were public documents. But they did not have a right to require the staff report to remain static after it had been issued. Sonnen explained staff practice was not to alter the staff report and to propose any alterations to the recommendation at the hearing. Then the public would hear them at the same time the Commissioners did. If they felt they did not have enough time to digest it then, they could ask for a continuance and it would automatically be granted. He detailed that the staff released the staff report and written materials ten days before the hearing. Then they compiled everything they received between that time and the Friday before the hearing and sent it to the Planning Commission with a cover memo; posted it online; and sent an email alert to everyone who signed up to be notified about it. So everything was available to everyone up until the Friday before the hearing. Anything that came in after that Friday was presented at the hearing. He advised that any party could submit an enormous amount of new material at the public hearing.

Commissioner Babbitt suggested that one reason applicants might propose last minute changes at a hearing was because they had been unable to connect with the staff in the days before the hearing. He did not believe it was in anyone's best interest to see the changes for the first time in the middle of a hearing. Chair Martin suggested resolving the problem of some people being "blindsided" at a hearing was to not accept any new material between the time the packet was sent out ten days before the hearing and the hearing. That would be the only information available before the hearing. Then every party would get the new information at the same time. Bennett advised the "blindsided" had a statutory right to more time. Chair Martin and Horsey observed someone who had read and agreed with the packet might not come to the hearing, so they would not know about the changes. Bennett advised that just requiring material to be submitted by ten days before the hearing did not protect the public from whatever happened at the hearing. Anything could happen at the hearing. New material could be introduced at the hearing, including new evidence, new experts, neighborhood opposition, ODOT recommendations, etc. Interested parties needed to attend the hearing to protect their interests in case something came up they did not support.

Sonnen equated getting the copy of the ongoing dialogue that had happened that week and the revised conditions of approval at the pre-hearing work session with getting them at the hearing. Babbitt observed the kind of dialogue that had gone on that week produced better applications. He would not stop that kind of communication between the staff, applicant and

neighborhood associations. Sometimes problems were resolved the day of a hearing. Chair Martin acknowledged that when those things were brought up at a hearing at least people who came to the hearing would have a chance to hear it and testify about it. Sonnen added that they could also ask for a continuance. Chair Martin and Horsey suggested the Commissioners discuss this further at a CCI meeting or during Items of Interest to the Planning Commission.

Steel cautioned not to assume that the Commissioners could hold discussions while at the same time sorting, reading and digesting the new material at the pre-hearing work session. Wood agreed and suggested the staff describe what had happened the previous week at the hearing. Then the Commissioners could determine if it was new information; if the application was actually complete; and if the hearing should be continued. Bennett advised they were not obligated to make decision the night of hearing. The law allowed 120 days and the staff would track it for them. Sonnen advised in this case the application was complete. It was the recommendation of conditions of approval that was at issue. ODOT has submitted a recommendation and the applicant had responded by suggesting an alternative. Chair Martin observed the Commissioners could discuss the broader issue during Items of interest to the Planning Commission.

#### PLANNING COMMISSION REGULAR MEETING - CALL TO ORDER

Chair Martin called the Planning Commission meeting to order in the Council Chambers of City Hall at 7:30 p.m. He introduced new Commissioners Gail Holmes and Holly Miller. Commissioner Horsey was not present when the meeting started.

#### APPROVAL OF MINUTES

Commissioner Babbitt **moved** to approve the Minutes of January 5, 2011. Commissioner Steel seconded the motion and it **passed** 6:0. Steel **moved** to approve the Minutes of January 19, 2011 with two corrections. Babbitt seconded the motion and it passed 6:0. Horsey was not present during the votes.

#### PUBLIC COMMENTS (None)

#### PUBLIC HEARING

(Note: The staff reports and all related documents for the hearings are available through the Planning Department.)

#### **CUP-10-05/DR-10-13/MISC-10-28, Conditional Use and Class I Design Review and Expansion or Alteration of a Non-conforming Structure to change a former church to office building at 2015 8<sup>th</sup> Avenue**

Chair Martin opened the public hearing and outlined the applicable criteria and procedure. He asked the Commissioners to declare any conflict of interest, bias, or ex parte contact. Commissioners Wood, Babbitt, Horsey, Miller, Steel and Holmes each reported a site visit. Holmes reported that she served on the Willamette Main Street Board with Mr. Tofte. She

indicated she did not feel she was biased. They had only talked about economic restructuring in the Willamette area.

Alice Richmond, 3939 Parker Rd., did not ask that Commissioner Holmes recuse herself, but suggested she consider whether it would be better to recuse herself and testify as a citizen.

Chair Martin asked City Attorney Jeff Bennett to advise the Commissioners. Bennett explained that conflict of interest was when a Commissioner or a member of his/her direct family would benefit financially from the Commissioner participating in the decision. Bias related to whether or not the Commissioner's discussions with another party were such that the Commissioner would not be able to render an impartial decision. He added that ex parte contacts also needed to be disclosed. Commissioner Holmes declared she could make an unbiased decision because she had not made up her mind and felt it was important to hear the pros and cons. She also clarified that neither she nor members of her family had a potential for being employed if the application was approved. When asked, she explained she and Mr. Tofte knew each other because she chaired the Willamette Main Street executive board and he served on a committee. Babbitt then said he did not see a conflict of interest or bias and would support Holmes' participation in the hearing because of her answers and what he read she had asked of staff in the hearing packet. Chair Martin said he respected her integrity and since there was no actual challenge, there was no need to vote on the matter.

#### *Staff Report*

**Peter Spir, Associate Planner**, presented the staff report (see the Staff Report and the Staff Memorandum, both dated March 2, 2011). The applicant proposed to change the use of the church on the site so it could be used by a technical support/call center business that would employ 54 persons in four shifts between 6:00 a.m. and 10:00 p.m. The staff, applicant and ODOT had agreed that the shifts should be scheduled so they did not impact AM and PM Peak Hour traffic in the 10<sup>th</sup> Street corridor. The applicant's traffic study showed the proposed use would generate fewer peak hour trips than the church had. They would relocate the existing 8<sup>th</sup> Street driveway 205 feet further west on 8<sup>th</sup> Street to avoid conflicts with vehicles stacked to get onto 10<sup>th</sup> street. The business would not draw customers to the site. ODOT was satisfied with the findings and saw no need for street improvements at this time. The application only proposed to make a few other minor changes to the exterior, including adding a few security lights, restriping parking stalls to meet ADA accessibility standards, and adding six bike stalls, and improving ADA access with a few ramps and new door handles. Staff found it would meet Class I design review standards. A Conditional Use permit was necessary to allow Professional Office use in a mixed use zone. A permit for enlargement or alteration of a nonconforming structure was necessary. The site was nonconforming because the parking lot lacked the required landscaping and bike parking and did not meet ADA standards. The structure did not meet the architectural and dimensional standards of the mixed use zone, but the proposed exterior alterations were so minor they did not trigger those requirements. The staff found the proposed use would put fewer persons at this location; it would not generate any customer traffic; and the only noncommercial building near the site was a single family house on 8<sup>th</sup>

Avenue that was probably used for a home occupation. A fence and trees between it and the subject building should buffer glare and noise. The new lighting, parking lot stalls and driveway would meet CDC standards and Class I criteria and reduce the existing level of ADA nonconformity. The HRB had discussed the proposal on February 15 and recommended approval.

Spir went over the revised recommended conditions of approval. He highlighted Conditions 4 and 5, which limited the use to 64 trips during peak hours and called for the applicant to submit a Transportation Demand Management (TDM) report each July for three years. He reported that all parties had agreed the shifts had to be retimed so shift changes did not coincide with peak hour traffic periods and that trip generation had to be monitored. But they differed about what language to use for this condition.

During the questioning period, Babbitt observed that drivers exiting the site onto 8<sup>th</sup> Street would have to turn left and then go through the 12<sup>th</sup>/Willamette Falls Drive intersection. He questioned why the traffic study did not address impacts to that intersection. Spir anticipated the applicant would answer that question. When Horsey asked if Condition 4 would allow the new use to grow its employment, the staff observed it reflected what the applicant asked for and it was the same number of trips the church had generated during peak hours. Horsey wanted to know why past church operation set the limit the new use could not go beyond. Le explained the 2006 Transportation System Plan (TSP) had found the Willamette Falls Drive intersections at 8<sup>th</sup> and 10<sup>th</sup> were operating at an adequate Level of Service (LOS) and would operate at an adequate LOS until 2030. That was when the church was operating. The new use was limited to the same number of trips as the church so it would not affect the LOS.

Horsey wanted to know if it would be City staff who would decide whether the TDM showed compliance and if the Commission could change that condition. Sonnen recalled City staff had proposed to require the applicant to demonstrate the use was in compliance with the trip limitation for the next three years, but ODOT had just asked for Condition 5 language that called for the TDM report. When Horsey asked, Spir said he supposed an applicant could apply for a multiple type of Professional Office CUP, but no one had ever asked for that. The typical request was for a CU permit as an "umbrella" permit that would allow a number of individual uses.

Steel and Wood wanted to know if the City could enforce a left turn only sign that was installed on private property. Bennett advised that City police could enforce the stop sign and left turn only sign even if it were on private property. Le pointed out the proposed design of the driveway featured an island that would prevent drivers from turning right onto 8<sup>th</sup>. Babbitt observed it essentially blocked the roadway. He could not recall any other traffic control devices in the City that forced drivers to turn left. It seemed "dysfunctional." He asked if ODOT required that. Le said he believed the applicant had proposed it in order to direct traffic away from the 8<sup>th</sup>/10<sup>th</sup> intersection which was already at Level of Service (LOS) F. Drivers exiting the site at that driveway would be routed around to make a left turn at 12<sup>th</sup>. He added that the TSP only identified intersections that had potential service issues. It had not identified

any issues at the 12<sup>th</sup>/WFD intersection. Le confirmed for Wood that the conditions of approval only limited peak hour trip generation; it did not limit the total amount of daily trips. Wood observed that would allow the proposed use to grow its employment.

Steel wanted to know if the HRB had seen the modified recommended conditions of approval. Spur advised its charge was to look at the impact of the design on the historic district. It would not serve any purpose to send it back to them.

When Chair Martin asked, Le assumed that in 2006 church traffic was likely turning right onto 8<sup>th</sup> and not necessarily going to 12<sup>th</sup>. Babbitt recalled the left turn sign could be enforced by the police department. Horsey asked what the difference was between a TIA and a TDM. Le explained field counts were the basis for a traffic impact report (TIA). He suggested the Commissioners ask the applicant to talk about the TDM report. He clarified for Chair Martin that the Municipal Code made the abutting property owner responsible for maintaining and repairing a sidewalk. Sonnen clarified that if the TDM report showed the use was exceeding the limit, it would have to take expeditious remedial action or the City would reconsider the permit.

#### *Applicant*

Mimi Doukas, Cardno WRG, 5415 SW Westgate Dr., Portland, Oregon 97221, represented the applicant, Willamette Capital Investments LLC. She said they wanted to be allowed to have a tenant and make minor site changes. They would relocate the driveway, make ADA improvements, and add bike parking and additional lighting. They were not proposing a zone change because that process would require them to do a 20 year analysis and project traffic. But no one yet had a long term solution for the complex traffic problems in the area. The applicant had found a tenant that would not add any AM or PM Peak Hour trips to the intersections. She confirmed that ODOT had asked the applicant to move the driveway and make it left turn out only so there would not be additional pressure on the 8<sup>th</sup>/10<sup>th</sup> intersection. Since left turn only would be hard to enforce with just a sign the applicant designed an access drive with “funny geometry” that would physically encourage drivers to turn left. She explained the 12<sup>th</sup>/Willamette Falls Drive intersection was not an issue because it had low traffic levels, and it was a local street and not part of the primary transportation network. She explained a TIA looked at how the trips generated by the use impacted the regional transportation system, but a TDM looked at how a particular use controlled its own trip generation. It asked about things like carpooling, use of bike transportation, and use of public transportation – not about how the trips flowed into the transportation network. She advised that if the use was found to be out of compliance, it would risk losing its CUP. She did not think there was much chance of that because the proposed use could manage its shifts. Overall the applicant believed they proposed a positive land use solution for the district. They had met with and had the support of the neighborhood association. The new use would bring 54 new jobs to the Willamette District and help support existing businesses there. She testified the applicant would agree to the conditions of approval and asked for approval. They thanked the staff for the good turnaround time that would help them get the new tenant in.

During the questioning period Doukas clarified for Babbitt that the applicant had tried to balance signage and physically “nudging” vehicles left at the 8<sup>th</sup> street access. The applicant and ODOT had discussed that configuration in a conference call. She clarified for Horsey that the “no net increase in trips during peak hours” requirement was a state Transportation Planning Rule enforced by ODOT and it was also written into the West Linn code. A property owner could not make the condition of an intersection that was going to fail in the long term any worse. She confirmed for Steel that there was another driveway on the Willamette frontage and the proposed new lighting fixtures were the same downcast spotlight style as the existing fixtures that were mounted on the building. Existing lighting was going to be supplemented to ensure employee safety between the building and the parking lot.

Alice Richmond, 3939 Parker Rd., observed peak hour traffic had been addressed and the use would provide 54 more jobs and increase City revenue. She advised the City did have another left turn only street. She related that she frequently drove through the site.

Midge Pierce, 1785 Bolton St., spoke on behalf of the Willamette Neighborhood Association. They had voted in favor of the change from a church to a technical call center because it had no negative traffic impacts and would bring jobs to the community. They recognized it could help keep Willamette and its commercial core vital and vibrant. They had heard the applicant’s presentation and liked the plan to improve the landscaping at a place that was more or less the gateway to Willamette. Mr. Tofte had proven to be a good neighbor; he was not an “unknown quantity” in the community; and he had the support of the Association. There was no other testimony or rebuttal.

The staff and Ms. Doukas clarified the site plan the conditions of approval referred to was Site Plan C-100. Holmes clarified the exit onto Willamette Falls Drive was onto a one way parking strip so that was a right turn only without a sign. Chair Martin asked staff about the relative impact on 12<sup>th</sup> Street intersection from the additional traffic generated by the proposed plan. Le advised the TSP studies had looked at how intersections would function at full development and only identified those that had issues. The 12<sup>th</sup>/Willamette Falls Drive intersection was not identified. He advised the Commission could require the applicant to submit a traffic impact study of that intersection. Babbitt reasoned that when the TSP studies were done the experts did not anticipate this site would force drivers to turn left and add more traffic to the 12<sup>th</sup>/Willamette Falls Drive intersection.

### *Deliberations*

Chair Martin closed the public hearing and polled the Commissioners. Babbitt supported the overall application, but he was concerned about the required left turn onto 8<sup>th</sup>. It did not make sense to make drivers turn left and loop around to Willamette Falls Drive; there was not another forced left turn in the City; it would be hard to enforce; and there had been no study of how it would affect the 12<sup>th</sup> street intersection. It would better serve businesses on the opposite side of the driveway to make it right turn out only. He preferred to remove the part of the condition that required the left hand turn.

Horsey supported the overall application. She would have preferred it if the applicant asked for a broader conditional use permit that would allow them to have more office uses than just this particular use (even if they drew customers) in case this tenant's business shrunk. She reported finding it a challenge to make a left turn onto 10<sup>th</sup> when she visited the site. After Bennett advised her that it did not appear that the application created enough impacts to justify requiring more landscaping, Horsey suggested it would be a neighborly thing to do to at the gateway to the neighborhood. Holmes supported the application. It would bring jobs to West Linn. She agreed with Babbitt that the required left turn did not make sense and could cause a traffic flow problem. She agreed it would be nice if the applicant landscaped the gateway area. Steel supported the application, including the forced left turn onto 8<sup>th</sup>. To route drivers away from the 8<sup>th</sup>/10<sup>th</sup> intersection was the best thing to do at this time and the most the applicant should be asked to do. She recalled her site visit and suggested there should eventually be a traffic light at the intersection. Miller supported the application and the forced left turn onto 8<sup>th</sup>. She noted the structure was not the most beautiful building in West Linn, but hoped the new tenant would help make it look better. Wood supported the overall application, but not the forced left turn, which did not make sense. It would require drivers to make two left turns going out and spend more time in the area. It would make more sense to help them get out of the area more quickly. His office was on the corner of 12<sup>th</sup>/Willamette Falls Drive, which was congested at rush hour. It did not make sense to add more trips there. He typically used the 14<sup>th</sup> Street intersection instead. He was in favor of adding more commerce and jobs in the area. Chair Martin supported the overall application, but not the forced left turn. He was concerned about the additional burden it placed on the 12<sup>th</sup> Street intersection. He noted staggering shifts was a creative way to help address the traffic situation.

Le assumed ODOT's intent was to use the forced left turn onto 8<sup>th</sup> to mitigate the impact on 8<sup>th</sup>/10<sup>th</sup> intersection. But he reasoned that if Church traffic had turned both directions from that driveway to continue to allow that would not have any additional impact. So he recommended removing the requirement for a forced left turn.

Commissioner Babbitt **moved** to modify the second sentence in Condition 1. Access as follows:

It shall have a width of 24 feet, ~~and a left turn only exit sign posted.~~

Commissioner Wood **seconded** the motion. Discussion followed. Holmes clarified that still meant the applicant would be moving the exit. Miller asked if the call center would be operating seven days a week. Doukas advised it would be open five or six days a week. Spir clarified for Steel that this condition did not originate with the HRB, but had been negotiated in a telephone conference with ODOT. Doukas pointed out that Gail Curtis, ODOT, had documented that conversation and it was on page 22 of the staff report. **The vote was conducted and the motion passed 4:3.** Steel, Miller and Horsey voted against.

Spir pointed out the above vote meant that Condition 7, which referred to the approved site plan, also needed to be modified to clarify the left turn configuration was to be eliminated.

Commissioner Babbitt **moved** to modify Condition 7. Approved Plan as follows:

The approved plan shall be the Proposed Site Plan (C-100)- except as modified to comply with these conditions of approval.

Commissioner Horsey **seconded** the motion and it **passed** 6:1. Steel voted against.

Commissioner Horsey **moved** to modify Conditions 4. Traffic Study and 5. Traffic to accept the suggestions of the City Engineer. In Condition 4 the word "vehicular" would be inserted after "64" and after "10" so it was referring to vehicular trips. The change to Condition 5 would be to strike the language "for three years." Commissioner Babbitt **seconded** the motion and it **passed** 7:0.

Commissioner Babbitt **moved** to approve CUP-10-05/DR-10-13/MISC-10-28 with the seven conditions of approval and with Conditions 1, 4, 5 and 7 as previously modified. Commissioner Horsey **seconded** the motion and it **passed** 7:0.

#### ITEMS OF INTEREST FROM STAFF

Sonnen recalled the Commissioners wanted to talk about how to address late received written evidence and testimony. Chair Martin polled the Commissioners and then directed the staff to schedule a CCI meeting. Babbitt and Wood asked the staff to describe what the current procedure was and suggest options for the Commissioners to discuss at the meeting.

#### ITEMS OF INTEREST FROM THE PLANNING COMMISSION

Horsey asked for an update on the 10<sup>th</sup> Street Task force. She suggested that if the docketing process did not list a project related to 10<sup>th</sup> Street transportation the Planning Commission should put it on the list. Sonnen reported the City was obligated to update the TSP in two years and it was seeking a state grant to update the 10<sup>th</sup> Street corridor. Meanwhile draft findings from a state study related to a potential roundabout at 10<sup>th</sup>/Willamette recommended signalization, rather than a roundabout. Sonnen did not know the current status of the 10<sup>th</sup> Street Task Force and Le had left the meeting.

Babbitt noted that the application the Commission had just approved did not have enough impact to require traffic mitigation. But that raised the question of which future projects would be made responsible for 10<sup>th</sup> Street improvements and which would be "off the hook." Attorney Bennett advised that Commission findings related to transportation would discuss impact and safety. When it found a safety issue that could be the justification for a condition that the project could not generate any additional trips into the unsafe intersection until the safety issue had been managed. If it found a general capacity issue (for example, the intersection might be safe, but it was slow) it would look at the impact of the project on the

intersection's Level of Service (LOS). It might conclude that it could approve a project that added trips to an already failing intersection because that could not make the LOS any worse. But then he discussed the situation where the number of trips generated by a project would push the intersection into another level of service and a prior project had been required to improve that intersection, but had not done so. He advised the Commission really could not approve the subsequent project and add more trips to the intersection until the condition imposed on the prior project was satisfied and the improvements were made. But new projects could not be allowed to take advantage of the fact that the condition had been placed on the prior project. He advised the Commission to attach the same condition of approval to all subsequent projects until the required improvements were installed.

Horsey observed that sometimes the transportation plan was not sufficiently advanced and defined to know what requirements for improvements to impose on a project. Bennett advised the Commission could identify what improvements were necessary to deal with the impacts of a specific project. It did not have to be in the TSP. The typical traffic impact analysis looked at what improvements were necessary to achieve the appropriate volume to capacity ratio and reported what would be necessary to mitigate the project's impact. The City Engineer would review the report and agree with it or advise that the applicant had not looked at a broad enough study area. He noted the application the Commissioners had just heard did not contain an analysis of the 12<sup>th</sup> Street intersection. Horsey anticipated the scale of what had to be done in that particular area would likely be significantly out of proportion to the impacts from any one applicant. Bennett acknowledged that happened, especially at intersections close to freeways. He listed examples of areas where multiple owners had to partner to be able to afford to make the transportation improvements that were necessary for each of them to develop. He concluded that the Commission could not approve impacts that could not be managed. If it found a safety or capacity issue it had to say "no."

Chair Martin acknowledged the fact that the Commission did not have enough information about the 12<sup>th</sup>/Willamette Falls Drive intersection bothered him. The approval might cause a drop in LOS or a safety problem there. He had been tempted to suggest the Commission wait for more information. But the neighborhood association supported it; the traffic engineer did not identify it as a problem; and the applicants did not want to wait too long and risk losing the tenant. Bennett advised that real estate transactions were time sensitive, but developers would wait if they knew things were moving along. Otherwise they got cold feet. He thought the applicant would have waited another seven to fourteen days if the Commission had asked for a traffic study of that intersection. He suggested that if the Commission felt it did not have enough information it should ask for it, but be sensitive to time and act on it in one week. Sonnen recalled that Le had scoped the study with ODOT and the traffic consultant. Although they focused on the failing intersections and not the capacity of 12<sup>th</sup>, they could have likely provided the answers about 12<sup>th</sup> if the Commission asked for it. Holmes advised it might not have that much impact on 12<sup>th</sup> because it was not a feeder road. Her experience was it did not seem to have the same level of traffic as a main thoroughfare.

Horsey opined the conditional use permit the applicants had asked for was disturbingly narrow in scope. If there was a change of tenant they would have to come back for approval of that tenant. That could be due to a flaw in the code that separated office use into so many SIC codes.

ADJOURNMENT

There being no other business, Chair Martin adjourned the Planning Commission meeting at 10:00 p.m.

APPROVED:



Robert Martin, Chair

04/20/2011

Date