

Public, Hearing continued from 5-4-2023 for Costco Development (H-2023-0007) by Barghausen Consulting Engineers, Inc., located at 3403 W. Chinden Blvd.

- A. Request: Development Agreement Modification to the existing Development Agreement [Inst. #2018-069276 (H-2018-0004), amended as Inst. #2018-114828 H-2018-0066)], which currently prohibits deliveries from occurring between the hours of 10:00 pm and 5:00 am to prohibit deliveries from occurring between the hours of 11:00 pm and 3:00 am.
- B. Request: Conditional use permit to allow extended business hours of operation from 6:00 am - 11:00 pm to 3:00 am - 11:00 pm.

Seal: Thank you, Commissioner Wheeler. All right. Thank you everyone for getting through that one. Right now I would like to continue the public hearing for File No. H-2023-0007 for Costco Development. Am I -- I was going to say, you looked at me like I'm out of sync here.

Allen: Mr. Chair, Members of the Commission, you don't want to continue the hearing, you want to open the hearing -- the continued hearing; correct?

Seal: I thought we had continued this before.

Allen: It was a continued item, yes. I'm sorry. You --

Seal: Am I okay?

Allen: -- threw me. We will go forward.

Seal: I have said things incorrectly before. You are correct.

Allen: All righty. So, we have the conditional use permit before you tonight. The site consists of 17.2 acres of land. It's zoned C-G and it's generally located at the southwest corner of West Chinden Boulevard and North Ten Mile Road at 3403 West Chinden Boulevard. This property was annexed back in 2018. A development agreement was approved as a provision of annexation that was later amended. It prohibits trucks from delivering merchandise between the hours of 10:00 p.m. and 5:00 a.m. The Comprehensive Plan future land use map designation for this property is commercial. The applicant is requesting approval of an amendment to the existing development agreement to change the restriction on delivery hours to prohibit deliveries between the hours of 11:00 p.m. and 3:00 a.m., which is one hour later at night and two hours earlier in the morning. This application does not require action from the Commission, only by City Council. An associated conditional use permit is also requested for the proposed extended delivery hours, as the C-G zoning district limits business hours of operation from 6:00 a.m. to 11:00 p.m. when the property abuts a residential use or district. Extended

hours may be requested through a conditional use permit as requested. The reason for the applicant's request is to improve warehouse logistics and alleviate congestion during the morning and evening hours at the loading docks. An increase in the volume of truck deliveries is not proposed. Two delivery trucks, occasionally three, are anticipated between the hours of 3:00 a.m. to 5:00 a.m. The modified hours will allow trucks to deliver goods upon arrival, instead of waiting in queue during restricted hours, which forces multiple trucks to wait overnight in the parking lot, causing congestion in the morning hours and puts pressure on warehouse staff to work faster than normal to clear the backlog. Likewise, there is pressure to finish deliveries by the evening cutoff time, so that trucks don't have to wait overnight. These issues would be alleviated by extending the hours for delivery. Noise generated from deliveries after the semi trucks are parked at the loading docks consist of engine idling, backup beepers from the forklifts that are unloading, traveling into the trucks and, then, backing into the warehouse to stack the palletized merchandise and bang noises that radiate from the trailers when the forklifts enter and leave the truck created by the small elevation change between the trailer bed and the loading dock leveler. There is a total of four loading docks located on the northwest corner of the building. Right here. It's circled in red. Single family residential homes in Bainbridge Subdivision are being constructed -- constructed directly to the west of the site and are still under ownership by the developer. Olivia Apartments exist to the south of this site. There is approximately 115 feet between the west side of the Costco building where the loading docks are located and the rear lot lines of the nearest residential property. On the south side there is approximately 80 feet between the south side of the Costco building and the backside of the nearest apartment building and over 350 feet from the loading docks. A dense landscape buffer with a six foot tall solid wood fence exists between Costco and the residential uses to assist in buffering and noise mitigation. A sound measurement report was submitted that finds the proposed extended delivery hours will not create significant impacts. During the public hearing before the Commission and City Council for the annexation of the subject property for future development of Costco Wholesale, much testimony was provided from neighbors pertaining to the impact the Costco development would have on their quality of life. Many of the concerns noted pertained to noise, including noise generated from deliveries and trucks idling waiting to unload. To address neighbors' concerns the applicant committed to restricting the hours of operation so that no deliveries would occur between the hours of 10:00 p.m. and 5:00 a.m., stating that they would have the ability to stage deliveries because the trucks come from their own depots. That apparently hasn't been happening, as a side note, because trucks have been staying overnight, which shouldn't be happening. Written testimony in opposition of the proposed extended delivery hours has been received from adjacent residents as follows. A petition -- a petition was received with 33 signatures from the residents of Cadence, Bainbridge Subdivision, the western occupied portion of Bainbridge to the west of this site. A letter and five videos were received from Megan Coleman, Table Rock Management, on behalf of Olivia Apartments directly to the south, with evidence obtained from their own investigations of Costco's delivery truck, noise and its negative impact on their residents, which totaled approximately 122 people. A letter was received from Wade Ramsey from the homeowners association board of directors of Bainbridge Subdivision, which lies south of West Lost Rapids Drive and west of North Tree Farm Way. The primary objection noted

is the use of the Tree Farm and/or Lost Rapids Drive by delivery truck traffic creating noise pollution and impacting sleeping residents in the surrounding community. In addition, the letter requests the modification to delivery hours is denied or at a minimum stronger action and street signage, including pavement markings, are required to make it clear that semi trucks may not utilize Tree Farm or Lost Rapids Drive to access and/or depart the site consistent with the access requirements in the development agreement and I will just note that real quick. The DA states the primary service access for Costco delivery trucks and other local vendors shall be from the driveway access from North Ten Mile Road, approximately 660 feet north of West Lost Rapids Drive. The driveway access from Lost Rapids Drive -- driveway approximately 350 feet west of Ten Mile Road may be used when access to the Lost Rapids and Ten Mile traffic signal is needed. A note through traffic -- no through truck traffic sign was required to be installed between the North Tree Farm Way intersection and the West Lost Rapids Drive service driveway access, which has been done. Three other letters of opposition were received from Mike and Melissa Bernard, Roger Nielsen and Liz Criddle. Again all in opposition. Because of the great amount of testimony provided from neighbors that resulted in the current limitation on the business hours of operation and the great amount received in opposition to the proposed modification, staff is not in support of the change that would likely increase the negative impact on adjacent existing and future residents in the vicinity and thus recommends denial of the conditional use permit. Staff will stand for any question.

Seal: Thank you, Sonya. Would the applicant like to come forward? Good evening, sir. Just need your name and address for the record, please.

Ferko: Can you hear me?

Seal: Yes, sir.

Ferko: Hi. Good evening. My name is Chris Ferko. I'm with Barkhausen Consulting Engineers. Do you need my address as well?

Seal: Yes.

Ferko: 18215 72nd Avenue, South Kent, Washington. 98032.

Seal: Thank you. Yep. The floor is yours.

Ferko: All right. Thank you. Thank you for listening to our request tonight. I want to first introduce some people that are with me. John Ellingsen, who is a Costco Real Estate director, as well as Michael Yantis, who is an acoustical consultant who prepared the study that's before you tonight and what I want to do is run through a -- a PowerPoint presentation here and sort of read through some notes relative to our proposal. First off, though, I want to thank staff for their help with the application. They have been terrific throughout. We just respectfully disagree with their recommendation. So -- how do we change --

Allen: You should be able to hit the arrows on the keyboard or use the mouse.

Ferko: Okay. There we go. Great. Thank you. So, Costco standard is to avoid conditions of approval affecting its business operations. However, Costco heard the neighbors concern several years ago and attempted to address them with the modified receiving hours, as well as good site design and defined delivery routes. We feel that this proposal falls within the spirit of that condition. Now, that Costco has been operating for the last several years it has found that completing all deliveries during the restricted time frame has been very difficult. While Costco can schedule delivery times at the depot, it cannot control when the deliveries show up at the site due to traffic. Consequently, there has been more idling, on-site maneuvering, queuing and challenging receiving operations and -- and just to clarify with regard to the trucks overnight, we -- we confirmed with the warehouse management that trucks do not -- are not allowed to wait on site overnight. So, if they missed the delivery window they are they are told to come back the next day. Costco considered options to address this problem. First reducing the volume of trucks, which isn't an option, because it will decrease the availability of goods inside the warehouse. Also expanding the receiving docks isn't possible, because there isn't enough room to the west. So, Costco commissioned a professional sound study to evaluate and expanded delivery window for the same volume of trucks. So, the sound study collected data for two days along the south and west property lines and, then, evaluated the -- the data according to HUD guidelines. HUD guidelines are the most accurate method of assessing the acceptability of noise in a residential area, including sounds that have the potential to cause sleep interference. They acknowledge that windows could be opened or closed at the discretion of the resident. The HUD guidelines for acceptable residential use is 65 decibels or less. The predicted sound levels at the residences to the west are well within this guideline. Notably, the city's original decision anticipated that there would be homes next to loading docks and required the construction of a roughly six foot berm and, then, a six foot fence. The houses on the other side of the fence are also restricted to one story in height. The homes that are further back are protected from noise by intervening buildings and landscaping and the attenuation of sound over distance. Oh, I should make a clarification on this slide relative to the box trucks before 8:00 a.m. So, Costco is -- is not proposing that type of restriction. They are proposing no trucks whatsoever going behind the warehouse. So, that's a restriction that they will put in place. Also the original decision restricted truck routes. Trucks are required to use the north driveway on North Ten Mile Road. Trucks can also use the driveway on West Lost Rapids Drive to access to the signal at North Ten Mile Road. Finally, semi trucks are not permitted to travel behind the warehouse. In fact, all trucks will not be allowed. To make sure that trucks follow the correct route Costco will install wayfinding signs and provide directions to delivery drivers at the depot. Costco will also prohibit all trucks behind the warehouse. This addresses two key community comments. First off, the trucks are not traveling behind the warehouse as was a primary concern of the Olivia Apartment complex to the south. The noise of trucks traveling behind the warehouse was a concern of theirs. This proposal to prohibit trucks going behind the warehouse addresses that. Second, the trucks will not travel on West Lost Rapid Drive. As staff just mentioned there is a -- a sign posted that shows that no trucks are allowed to go that direction. That was a concern of that neighborhood as well. So, in summation,

the additional delivery hours will provide Costco with the flexibility to resolve periodic variations in delivery times and minimize the time that delivery vehicles spend on site. The site sign travel routes and operation will maximize sound attenuation to adjacent residential properties. As such the request to extend the receiving time one hour in the evening and two hours in the morning is consistent with the intent of the original approval. It is also consistent with Costco's intent to being a good neighbor and a successful business in the community. So, that concludes my comments. Our team is available to answer any questions you may have.

Seal: Commissioners, do we have questions, comments? Commissioner Smith, Commissioner Wheeler, anything to question or --

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: I -- I have a lot of questions on this, to -- to be frank and perhaps this is -- because this is -- I haven't been at the previous hearings on this prior to its continuance. But I -- I guess my -- my main question for the applicant beyond convenience and -- and, you know, marginal logistical strain, is -- is there anything about the current delivery, you know, the -- the current statute -- or current law around when Costco is able to receive shipments that is overwhelmingly harmful to the operation of the store, beyond, you know, logistical issues of -- of -- of, you know, I guess more marginal concern. I'm asking I guess is are there any severe impacts of things as they stand to Costco's business and ability to operate?

Ferko: The -- the impacts are that there is some congestion that occurs basically in the middle of the day -- of the day when there are both delivery trucks, smaller delivery trucks kind of competing a little bit with trucks that come to pick things up at the warehouse and leave and so the issue is with all that activity going on there is a lot of movement outside and inside the warehouse that causes some concerns, not just with logistics, it can be a safety consideration as well and, ultimately, it just makes it very difficult to -- to get all the deliveries made in time and everything tends to back up and so -- so, it's -- it's a concern that has brought us here to request this approval.

Seal: Okay. Thank you very much.

Ferko: Thank you.

Seal: Madam Clerk, do we have anybody signed up to testify?

Hall: We do. Wade Ramsey.

Ramsey: Good evening. My name is Wade Ramsey. I live at 4013 West Lost Rapids Drive in Meridian in the Bainbridge Subdivision. I did send a slide over with a map this morning that would make it a little easier to identify our area. If you can.

Allen: I'm sorry, I didn't hear you.

Ramsey: If -- if there is a slide -- I e-mailed a slide -- a slide to the city clerk this morning. It would be easier to identify our neighborhoods involved.

Hall: Sir, may I ask are you representing an HOA?

Ramsey: Yes. Bainbridge.

Hall: Thank you.

Seal: Madam Clerk, do you want to go ahead and reset the timer on him.

Hall: Sir, around what time did you send the e-mail? I'm sorry, I'm having trouble finding it.

Ramsey: About 11:00 o'clock this morning.

Hall: We found some, but --

Ramsey: That's fine.

Hall: What name on the e-mail would it be coming from?

Ramsey: It was under my name and it was a PDF.

Hall: Ramsey?

Ramsey: It was a Google Maps PDF is what it was.

Starman: Sir, if you would like, we could probably have staff put a Google map up on the screen for you.

Ramsey: If you can do that that would probably be sufficient.

Starman: If that would work.

Ramsey: If you can do that that's sufficient.

Starman: Sonya, is that possible to -- thank you.

Hall: Sir, I apologize, I do not have record of that e-mail.

Ramsey: That's fine. Can you pull up a Google Maps of the area?

Hall: They are working on it, yes.

Ramsey: Great. Thank you. I will continue, then if that's okay. So, I'm president of the homeowners association for Bainbridge. I'm here representing the 572 homes -- or about 1,100 voters that live within our community. Thank you. By the way. In -- on that map the loop of Lost Rapids to Tree Farm, which is the south and west of the Costco, that's my neighborhood Bainbridge. Immediately south is the Olivia Apartments and immediately west of Costco is the Cadence at Bainbridge neighborhood. I suspect you are going to hear from both those groups tonight. For Bainbridge the board membership has discussed this proposed conditional use permit change and is in opposition to this change as initially outlined in my letter of May 1st. Our current concerns are related, like the Olivia property and the Cadence property, to the increase in noise and traffic, especially in the middle of the night. The current conditional use permit does not permit deliveries between the hours of 10:00 p.m. and 5:00 a.m. Costco assured area residents, as noted on page seven, paragraph three, of the staff report that they had full ability to control the delivery times, because those trucks were coming from their own distribution centers. As noted it's not clear why that has suddenly changed. At our May board meeting and our June annual meeting for Homeowners this issue was discussed. The board unanimously agreed to engage on this issue and stand in opposition. Our membership was also overwhelmingly opposed to this change. This is an important issue to my community. We have also serious concerns that Costco has not lived up to the existing conditional use permit and its provisions related to truck traffic. Currently inbound truck traffic comes north on Ten Mile, turns west onto Chinden and enters the Costco lot nearest the loading docks via the northwest entrance. Outbound semi trucks are to exit reversing the same path, leaving via the northwest entrance to the -- of the Costco area, turning east on Chinden and, then, south on Ten Mile Road to get back to the highway. In rare circumstances if an outbound semi truck needs to go west on Chinden they are allowed to exit on the southeast of the Costco property immediately east of the Olivia Apartments turning east on Lost Rapids to the intersection of Ten Mile and, then, using the intersection signal to go north on Ten Mile and, then, west on Chinden. Again -- thank you. The current CUP does not permit any of that traffic for deliveries between 10:00 p.m. and 5:00 a.m. and does not permit any inbound traffic regardless of time via Lost Rapids. However, as outlined in the Olivia documentation online and observed by our own membership, semi trucks do, in fact, enter the Costco property via the Lost Rapids Road, including during the 10:00 p.m. to 5:00 a.m. prohibitive window. As required by the existing conditional use permit, there is a small, perhaps ten inch no truck traffic -- through traffic sign on Lost Rapids after turning west from Ten Mile. It is located among other signs and is easily missed. The map shows location -- it is on the northwest corner of the Ten Mile and Lost Rapids intersection. Like I said, it's about a ten inch sign. That sign may be seen by a truck driver after he or she is already on West Lost Rapids Drive and by then it's too late to do anything other than proceed down West Lost Rapids Drive. There should be a no truck traffic sign on the intersection turn signal posted to indicate no trucks can turn left from northbound Ten Mile onto Lost Rapids. There is not. More concerningly, we have observed semi trucks exiting the Costco property via the southeast and turning west onto Lost Rapids. Those trucks, then, pass Keith Bird Legacy Park, down Tree Farm Way and use the intersection light with Chinden to go west on Chinden. That path is expressly prohibited by the current conditional use permit, but there is no

street markings or signage anywhere to communicate that to drivers. We have been told that before that there would be and there was not. The noise of semi truck engines, brakes and driving is a problem for all those homes along the Lost Rapids and Tree Farm route, including during the prohibited times. Beginning at 7:00 a.m. each morning there are several school bus stops along Tree Farm and Lost Rapids and children crossing the road. There are children throughout the Olivia Apartments, Keith Bird Legacy Park and the bike paths that are on both sides of Lost Rapids and Tree Farm Way throughout the early morning hours and daytime. While we wish they would all be careful they aren't and anything we can do to minimize truck traffic along that Tree Farm, Lost Rapids loop would be wise. While our current state is problematic from noise and semi truck perspective, we fear this will only get worse once Chinden -- the Chinden Road widening project is completed and Chinden is four lanes all the way to the Caldwell interchange and I-84. For trucks needing to go westbound on Chinden there must be more structural or education around that drive path. I would remind the Commission Members of the findings on page 12 of the revised staff report. There are eight applicable findings and four of those encourage denial of this request. Finding two, which concerns the proposal being harmonious with the Meridian Comprehensive Plan. The finding is that it is not harmonious. On finding three concerning whether the change will be compatible with other areas in the neighborhood, the finding is that it is not compatible. Finding four concerning that it is not -- does not adversely impact other properties. The finding is that the proposal will adversely affect -- affect the neighboring properties. Finding number seven concerning whether or not the proposal will be detrimental to any persons, property or general welfare. The finding is that it will be detrimental. As mentioned this is an important issue for our 572 homeowners. We are unhappy and opposed to the current way semi trucks enter and exit the Costco property, including after 10:00 p.m. and before 5:00 a.m. as permitted. The trucks create noise we did not anticipate. At times we were told they would not. The semi trucks take a route through our neighborhoods we were promised that they would not. At times they should not. We are opposed to any change that would relax the existing conditional use permit and, if anything, we would ask to see a change that is more restrictive than anything else. Thank you. Our residents in Bainbridge voters appreciate your time and attention.

Seal: That wasn't your timer. That was just an Amber Alert.

Ramsey: I thought it might be. Any questions for me?

Seal: Commissioners, do you have any -- do you have any questions for Mr. Ramsey? None? Okay. Thank you very much. I appreciate it.

Hall: Angela Ware, if you can, please, unmute.

Ware: Hi. My name is Angela Ware and I work with the management of Olivia Apartments, which is just south of the Costco. We have said the majority of -- or a lot of what we were going to say, but in general we went out in the mornings and listened for the sound. There are some berms there just south, but we have units that are on the second and third floor which do not have any sound attenuation. That is the -- that could

be and is impacted by the trucks and increasing the time period for which they can do that -- I understand that they speak about it not coming around the drive aisle, but what we found as -- as Wade spoke, was that they are not also supposed to be coming through North Lost Rapids and yet they -- they -- we found that they were doing that and on that side when they are come in through that drive aisle on North Tree Farm Road there are no berms and no separation for those residents who are sleeping. So, we find that impacting -- you know, the greatest impact being that we can do signage and that still may not prevent trucks from going in directions that are impacting to our residents and it's about 122 residents that are impacted and we found that, you know, sleep interruptions can happen -- or the World Health Organization said that sleep interruptions can happen at 45 decibels and my understanding from the Costco report was that it was based on windows being closed, the decibel levels and, you know, I would hate to require residents to not -- not be allowed to open their windows if they want to get fresh air in the evening. So, for that reason we oppose this change.

Seal: Thank you very much. Commissioners, do we have any questions? No? Thank you.

Hall: I'm sorry. Is there as Megan Coleman also with you?

Ware: She is with me, but I am speaking on her behalf.

Hall: Okay. Thank you. I have no one else signed up.

Seal: Is there anybody else in Chambers that would like to testify? Come on up. I was going to say raise your hand, but you beat me to it. So, you are good.

Criddle: Can you hear me?

Seal: Yes, ma'am.

Criddle: All right. My name is Liz Criddle and I'm at 6215 North Vicenza Lane. I just wanted to add to Wade and what the staff report said. Costco is not complying to their delivery hours as of now. My husband has called the warehouse and he actually called the police and they asked, well, what are you calling me for? So -- because at one point I think we were told to make an official police report that there are -- is noise. Sometimes it's 3:00 a.m. He is waking up quite often and I hear it, too. It's the forklift. It's not necessarily the beeping, it's the forklift and I thought it was a trash compactor just going pound, pound, pound. But that's all I wanted to say is that Costco is not following the guidelines that they said they would. I understand it's tough and trucks do park in the parking lot overnight. I'm there, I can see it, and I have seen them driving behind the warehouse as well and like -- like when they start they can't stop, you know, no way to do a u-turn. But, anyway, that's all I wanted to say, that they are not complying now and didn't even think about the increase in traffic when I -- when Interstate 16 goes through. So, anyway, that's all.

Seal: Thank you.

Criddle: Thanks.

Seal: Appreciate it.

Criddle: Can I go?

Seal: Yes, ma'am. Is there anybody else in Chambers that would like to testify? Anybody online you can raise your hand? Seeing none, Commissioners, if we have no further questions -- or sorry. I'm -- I'm at the wrong point right now. So, would the applicant like to come back up.

Ellingsen: Good evening. My -- my name is John Ellingsen. I'm with Costco Wholesale Real Estate. My address is 999 Lake Drive, Issaquah, Washington. 98027. So, again, thank you for your time this evening. We appreciate all of the -- the -- the neighborhood comments. We did, as a matter of course, meet with several groups or two groups, excuse me, both with Olivia and I believe it was the Bainbridge Development as well, but, again, I want to reiterate that our intent here is to remain compliant with the spirit and intent of the original condition. We are not asking to eliminate the condition, we are just looking for a minor modification in order to allow us to operate more efficiently on site and so with that, as we were tasked with this request, we wanted to ensure that we could move forward with something that wouldn't introduce a new impact or increase in impact on our neighbors. We wanted to continue to be a good neighbor and -- and operate harmoniously with both the established commercial side of things, as well as our residential neighbors to the south and to the -- and to the west. So, with Mr. Ramsey's comments talking about the truck route on Lost -- on Lost Rapids, my understanding of that original condition was that the Lost Rapids access was made available only during those times that the driveway off of Ten Mile Road was congested. So, it was a secondary route, if you will, to eliminate trucks from lining up on Ten Mile and not being able to make that left turn if they are able to get in on -- on -- on that first. If that's a misunderstanding and we need to clarify that, we are more than happy to do that. But that's how we were operating on -- on -- on the site. In terms of trucks traveling further to the west on Lost Rapids, I'm not aware of that particular issue and we don't allow our trucks to -- to run that -- that direction. It's possible that there is a lot of other commercial activity in the area, perhaps those trucks are there and we would be more than happy to work with staff to come up with better signage there for that contingency, but understand that we can continue to educate our drivers to avoid -- avoid that -- that route. So, I -- I think that addresses Mr. Ramsey's comments. Ms. Ware from Olivia Apartments -- we understand those concerns and clearly those apartments with particularly three third floor apartments adjacent to our south drive aisle could be problematic. So, we do recognize that and are going to fully restrict any truck movement on the south side of -- of our site. That's not to say that there -- there won't be vehicles that drive back there periodically. Those things are going to happen. It's a fire access. It's an open area that we do need to maintain and so it's possible the videos that we did receive and the -- the sound readings I believe was a truck with a trailer. It wasn't a delivery vehicle for Costco that was using -- using that, from what I recall. But moving forward we will -- we will ensure that that -- that restriction

remains in place. And, then, Ms. Criddle on -- on her -- her last comments, I think echoing Mr. Ramsey, the issue of Costco not complying with the current conditional use permit I do take some exception there. We work very hard to comply with decisions of approval, conditions of approval and ensuring that we are -- we are a good neighbor here in Meridian and I think there are -- there are other commercial developments in the area. We can't control those. If trucks do happen to come on site after hours unscheduled, that's a problem that we will continue to -- to work on. But those kinds of things are outside of our control and we do our best to maintain those things that are in our control to, you know, hopefully be a good neighbor to both Olivia Apartments and Bainbridge. I think that addresses all of the comments that we heard, but if there are any other questions I'm happy to address those.

Seal: Okay. Commissioners, do we have any further questions for the applicant?

Smith: Mr. Chair?

Seal: Go ahead, Commissioner Smith.

Smith: I guess a -- a question for the applicant that out of -- out of curiosity. Have you personally lived near -- in -- in a situation near a site that regularly reaches these decibel levels -- you know, a freeway off ramp, a warehouse, anything like that?

Ellingsen: I'm sorry, could -- could you -- I -- I had a difficult time hearing that. He was asking if I had personal experience?

Seal: Uh-huh.

Smith: Yeah. Or any of the applicant -- of the applicants -- you know, any of the applicants here have you personally --

Ellingsen: Yeah. Well, I -- I would -- I would answer that with, you know, I have -- I have worked with -- with Costco -- for Costco program for over 20 years, an employee for the last two and a half and in the development world for 30 years and we base our sound design and operations off of quantifiable objectable -- objective -- objective data, not off of, you know, a presumption or a feeling that something may be an impact. So, I say that, because when we evaluate issues like this, to ensure that we are doing the right thing and moving forward with a sound proposal, we -- we determine the facts and evaluate those to make a decision. We try to keep subjectivity and feelings out of those decisions to ensure that we are not creating an impact.

Smith: Mr. Chair?

Seal: Go ahead.

Smith: I -- I respect that. I think part of what is at question here is -- at least for me personally is the reliability of some of the data, the -- the weight placed on some of the data and while we could have a larger philosophical discussion about this, I will admit -- I

will admit the gist of this is that subjective experiences do tend to shape the interpretation of objective data and so that's why I was asking and you don't need to -- to answer that, that's -- having lived near an off ramp that was under construction and -- and repair for some time, I could personally attest that I have never been more fatigued and tired than I have been in those six months of my life and while 40 to 50 decibels might not be earth shatteringly loud or, you know, your drum rupturing, the equivalent of someone starting a conversation in your home certainly with someone -- you know, especially folks who might have insomnia or things like that, it certainly can be waking and can impact sleep quality. So -- so, that -- this is my issue and -- and I will leave it open for you to comment on that if you would like or if you would like to answer the original question.

Ellingsen: Yeah. Thank you for that, but I -- and I appreciate the comment. I -- there is a reason why there are guidelines and standards for evaluating this type of situation and the HUD residential sound guidelines, as I understand it, are the -- are the most robust and -- and reliable measurement for acceptable sound levels in a residential environment. So, they break that -- that down into an acceptable range, unacceptable and there -- there was a third, I apologize. But -- you know. So, there was -- there are benchmarks in which to measure those -- those kind of impacts and if we are within an acceptable range that - - that analysis is done over a certain period of time -- over a 24 hour period of time taking into account those noise levels through that period and how that could potentially impact a residence and so we are relying on -- on that standard to -- to make this proposal.

Seal: Okay. Commissioner Smith, anything further?

Smith: Sorry. No, not at this time. Thank you.

Seal: All right. Any other questions, comments? All right. Thank you very much. I appreciate it. And with that I will take a motion to close the public hearing for File No. H-2023-0007 for Costco Development.

Lorcher: So moved.

Wheeler: Second.

Seal: It's been moved and seconded to close the public hearing for File No. H-2023-0007. All in favor, please, say aye. Opposed nay?

MOTION CARRIED: FOUR AYES. THREE ABSENT.

Seal: Who would like to go first?

Smith: Mr. Chair? Oh.

Seal: Commissioner Smith, go ahead.

Smith: Just some thoughts and -- and I apologize if I have been too obvious in my

predisposition here. I think, Chairman Seal, you said something well in the previous public comment -- or previous discussion around the previous application if this -- if it were school -- if it weren't a school it would be an easy no. I think this is for me one of the situations where, you know, the past application being a school takes it from an easy note to a more difficult discussion and this -- the facts surrounding this application make it very hard for me to move beyond it now. I -- I personally don't -- I -- I'm -- I'm -- I'm a big fan of Costco, to be clear. If you look at my -- our Costco brand credit card statements you will see, you know, we -- we shop there regularly. But I -- I just cannot bring myself to understand -- you know, the concept of neighborliness has come up a couple times and I can't understand another situation in which it seems to me to be neighborly to -- you know, if -- if -- if my neighbor is throwing a party and I ask if they can keep it down and they tell me, hey, you can shut your window or if, you know, something happens because if someone else is misplanning of, you know, the timing of -- of an event they are throwing, one of my neighbors and -- and making that my problem around, you know, extending the -- the -- the sound -- the timeline for sound -- noise curfew, I just don't understand any other context in which it kind of seems to be the act of a good neighbor to place the responsibility and the impact of dealing with these issues on -- on one's neighbors and so to -- to be frank, I think, you know, Costco made the concession when this site was approved on keeping those -- that -- that time -- that window for its deliveries with the -- the impact -- you know, if it's 42 decibels instead of the 45, that one might deem, you know, to be adequately harmful -- and the EPA shows that 40 -- 40 -- and this is in public comment, some of the documents linked from the EPA, shows that 40 decibels is unacceptable in residential areas and so this is why I was asking, you know, about personal experiences, because like, you know, I can attest that it -- I would agree it's unacceptable. So, I -- I just don't see -- personally I don't see a route that would lead me to accept this barring, you know, additional conversations with the neighborhood to bring things in -- into alignment if neighbors could come to agree on some -- you know, some modifications, some compromise with the support of those -- those neighboring residents I -- I could potentially be -- you know, made -- made to be more amenable to this. But in its current state I -- I -- I don't see a path forward to -- to me approving this. It's just like kind of where -- where I'm at to, you know, make things clear.

Seal: Okay. Commissioner Lorcher?

Lorcher: Commissioner Seal, I own a transportation company and I have big diesel trucks. As a matter of fact, one of my trucks starter was going out and for the entire trip that -- he was gone for a week he never shut off his truck, because that would require him to be stuck in nowhere in Nevada and that would be even more expensive for us. So, things happen in trucking. Weather happens in trucking. Trucking is very fluid. We never guarantee a time of delivery, because a person could have a flat tire in front of you or cut you off or like in the city of Boise 3.5 inches of rain within, you know, 90 minutes. Anything can happen on the road and we need to be prepared for that. So, Costco can control when the truck leaves their warehouse, but they cannot control when they get to the store and for whatever reason, if it is without the 11:00 to 3:00 or 10:00 to 5:00, whatever time were -- or the 6:00 to 11:00 -- we have talked about so many times. But, you know, then they are required to stay overnight and they only can drive so many hours in a day,

because they -- whether they are intrastate or interstate they have rules and regulations. With that in mind, knowing all three Costcos, the one on Cole Road, the one in Nampa and the one here in Meridian, Meridian is unique, because it is surrounded by neighborhoods, where the other two have a little bit more wiggle room, because it's more commercial or industrial. So, to be a good neighbor to the hours would be -- and with the overwhelming concerns of the neighbors would be an injustice to the neighborhood that they are -- are trying to serve. So, it would be a no for me as well.

Seal: Commissioner Wheeler, do you have anything to add?

Wheeler: Mr. Chair, yeah. This is just really hard for me to -- to get behind based upon what was already previously agreed to when it first came through and also with the -- the neighbors -- residential -- and residential feedback on that. The -- you know, one of the things of being able to enjoy real estate is peaceful and quiet enjoyment means -- and we are trying to accommodate that and I think it's just something we need to continue with. So, I'm -- I'm going to -- I'm not going to be in support of this.

Seal: Okay.

Lorcher: Mr. Chair, I could do a motion.

Seal: Feel free.

Lorcher: After considering all staff, applicant and public testimony, I move to recommend denial to City Council of File No. H-2023-0007 as presented in the hearing on June 15th for the following reasons: Overwhelming concerns of noise, traffic and negative impact to the neighbors to the extent of the receiving hours at this time.

Wheeler: Second.

Seal: It's been moved and seconded to recommend denial to City Council of File No. H-2023-0007 as presented during the hearing of June 15th, 2023. All in favor of the denial please say aye. No nays. It is denied.