

# SCAPPOOSE PLANNING COMMISSION MINUTES

Thursday, Aug. 26<sup>th</sup>, 2021 at 7:00 p.m.

**Due to COVID-19 restrictions, attendance could be virtual**

## 1.0 CALL TO ORDER

## 2.0 ROLL CALL

### Commissioners;

Scott Jensen Vice Chair  
Bill Blank Commissioner  
Rita Bernhard Commissioner (virtual)  
Jeanette Santiago Commission  
Marisa Jacobs Commissioner

### Staff;

Laurie Oliver Joseph City Planner  
Chris Negelspach City Engineer  
Elizabeth Happala Office Administrator

### Excused;

*Bruce Shoemaker Commissioner*

### Applicants in attendance;

*Ken Sandblast, Principle at Westlake Consultants*

*Daniel Stumpf, Traffic Engineer at Lancaster Mobley (virtual)*

*Jeffrey Hinton, Project Manager at Westlake Consultants (virtual)*

### Audience;

*Rich Brown, Dutch Canyon Estates HOA*

*Ray Davis, Dutch Canyon Estates HOA (virtual)*

*Henry Schulte, Compass Realty*

## 3.0 APPROVAL OF MINUTES

### 3.1 March 25, 2021 minutes

### 3.2 May 13, 2021 minutes

Vice Chair Jensen asked the commissioners if they had any comments or corrections to the minutes. As there were none, Commissioner Blank moved to approved both minutes as presented and Commission Connell second. **Motion Passed 5-0. AYES: Vice Chair Jensen, Commissioners Blank, Connell, Santiago and Jacobs.** *(Note, Commissioner Bernhard joined after this approval)*

## 4.0 CITIZEN INPUT

*Due to Covid19 the City of Scappoose will also be accepting public comments by email or calling into the virtual meeting.*

None were presented.

## 5.0 NEW BUSINESS

### 5.1 DOCKET # SB1-20

Westlake Consultants is requesting approval of a Preliminary Subdivision Plat to subdivide ~5.7 acres of land described as Columbia County Assessor Map Numbers 3213-CD-04502, 3213-CD-04500, and 3213-CD-04501 to create 33 lots in the Moderate Density Residential (R-4) zoning district. The site is located southwest of the SW Callahan and SW Old Portland Road intersection.

**Format:** *Limited Land Use Decisions do not allow verbal testimony during the hearing since they do not require interpretation or the exercise of policy or legal judgment; however, written comments are permitted prior to the deadline if submitted before 5:00 p.m., Wednesday, Aug. 25th, 2021.*

Vice Chair Jensen read the docket item and order of hearing, then asked for any ex-parte contacts or conflicts of interest. As there were none, he called for the staff report presentation.

City Planner Oliver Joseph began the staff presentation with items included in the packet. Beginning with the observations followed by the public comments received and then the applicable approval criteria, staff recommendations for approval along with the conditions of approval. She ended her presentation by stating that the Conditions of Approval were sent to the applicant before tonight's hearings.

*Commissioner Bernhardt just joined the meeting virtually and asked how to mute her mic.*

Vice Chair Jensen asked if any commissioners had questions about the staff report, as there were none he called for applicant's presentation.

Applicant Ken Sandblast with Westlake Consultants approached the podium stating that he is representing the property owner Chuck Nakvasil. Adding that they have been working on this project for quite some time coordinating with the city and Rich Brown with the HOA of Dutch Canyon Estates I who is here tonight, related to the ongoing storm water issue. As mentioned in the staff report and the conditions of approval, they will be retrofitting the stormwater facility to bring it up to standards particularly where the outfalls are coming into it, they will go to the middle of it to take the soil and the deposition of soil and material off site to get down to expose the 10-15' gravel layer that infiltrates, which is close to triple digits per hour. Currently there is a cap at the top of it and this new project is willing to accept the conditions of approval to fix that issue. Adding that they have been working well with the HOA members Rich Brown and Ray Davis as well as the HOA management companies for both Dutch Canyon Estates I and II. He stated that he talked to Rich Brown earlier in the week and he told him that the HOA is in the process of updating their CC&R's which makes the timing right for their project. Adding that they will continue to work with the HOA as they will have engineering and platting to do over the next few months to make it easier to maintain for the HOAs in the future. He then thanked City Planner Oliver Joseph for doing a great job in the staff report and tonight's presentation. He also stated they accept the Conditions of Approval and ask for the commissioner's support. He also addressed the public comment related to the white pine trees, asking everyone to look at their Existing Conditions plan page and stated the tree locations match the site visit reality which shows the trees are close to the property line and are primarily on the neighbor's property. Adding that the area would be within the 20' rear setback requirement and no grading is proposed there. He acknowledges the need for coordination between property owners to discuss the trees that might have trunks on the property line, adding that they will be talking to them about the trees and any fencing that will go in either by the builder or the future property owners. Stating that as they work on final engineering they will resolve any issues with the property owners, as they've already demonstrated their willingness to do so with the storm water issue. He stated they think this is a great project that required some thinking-outside-the box, then asked the commissioners if they had any questions.

Commissioner Jacobs thanked the applicant for explaining the tree issue, she understands that we don't have code requirements for fencing although wanted to know if the project would consider it, with the exception of the tree area, if they would install a fence line along the Holsheimer property.

Applicant Ken Sandblast replied that they would consider it although Chuck Nakvasil has owned the property for a long time, and he would not be the builder. Adding that he would accept any language on it knowing that, in reality, most home builders also build fences, although at this time they do not know who the home builder will be.

Commissioner Jacobs thanked him for mentioning their dialog with the HOA and how the retrofit would benefit the whole city. She also asked if the retrofit would help the MacNeil's property.

Applicant Ken Sandblast agreed that it definitely would. Adding that their property is downstream and when the current system doesn't work properly the overflow heads south over the roadway to their property. He stated that when they do the final engineering and retrofit it by removing the cap, that whatever length they leave open will be sized properly and they could oversize it to give them the capability to put more water in the ground in case there happens to be a super storm event. Adding that the length of the soil cap is so long allowing for all the water to come in which could still get treated then it will hit the new weirs before going into the gravel, disappearing into the ground and no longer on the roadway.

Commissioner Jacobs asked about the traffic study, either for them or for staff, as she noticed the traffic study was dated 2019 and 2020. Adding that since we've all been in a shut down capacity she wanted to know if there was any consideration made that many people were not on the roads at those times. And should they feel confident that they have an accurate depiction of total trips.

Applicant Ken Sandblast replied that the pandemic hit during the Spring of 2020 and if the numbers came from 2019 and early 2020 then they are good numbers as they would pre-pandemic.

City Engineer Negelspace asked everyone to turn to page 119 in the packet, stating that there is a paragraph that addresses the change in analysis due to the pandemic. And it's not uncommon for traffic engineers to account for changes in traffic.

City Planner Oliver Joseph agreed, added it was in the middle of the page. Stating that the traffic engineer is on the line attending virtually if she had additional questions.

Commissioner Santiago stated that she understands he said that he didn't know who the builders were although wanted to know who would know the answer.

Applicant Ken Sandblast stated that typically there is no interest in the owner to seek a builder until this is approved through Land Use.

Commissioner Santiago asked staff if this is the first time it's been presented to the Planning Commission.

City Planner Oliver Joseph replied yes. Stating that typically what happens with projects is once entitlements are issued, in other words Land Use is approved, you will not have a developer or builder who would want to purchase it before those approvals are made. Once the Land Use is approved, then it could be sold with the entitlements in place.

City Engineer Negelspace added that there are various stages of land development related to value. Adding that non-entitled land has one value then entitled land would have more value and once the subdivision is platted or subdivision is built with finished lots, that would add more value to the land. Property owners can sell it at any stage, stating this owner wanted to take it through this entitlement stage.

Commissioner Santiago asked if there is any estimated time to see this built.

City Planner Oliver Joseph replied that the approval is for one year from the notice of decision and there is a one-year extension that could be easily granted. Adding that their next step would be to find someone to build it out, retaining ownership or selling it, which is entirely the property owner's decision.

Applicant Ken Sandblast agreed and stated that it will move towards engineering in the not-too-distant future. Adding that sometimes owners don't sell after they go through the process.

Commissioner Blank added that the nearby developments did the same thing where they went through the land use process then sold it to a developer. Stating that he strongly agrees that if you wanted fencing or something like that, it would need to be in the Conditions of Approval, or the builder might not do it.

Applicant Ken Sandblast agreed that the Condition of Approval is a guide for everyone to see.

Vice Chair Jensen asked City Planner Oliver Joseph if this would be coming back to Planning Commission.

City Planner Oliver Joseph replied no, unless they tried to make a major modification to the conditions of the approval.

Applicant Ken Sandblast agreed and stated that is why they added the storm water project into their application so they would not need to come back to bother everyone for it.

Commissioner Connell asked if Phase I through III were built by the same developer.

City Engineer Negelspach stated that he thinks it was DR Horton although he believes for Phase I they sold some lots then bought some back.

City Planner Oliver Joseph stated Office Administrator Elizabeth Happala is shaking her head yes since she works with the builders once it gets past this phase.

Vice Chair Jensen thanked the applicant for his presentation then asked for staff response.

City Planner Oliver Joseph stated that the comment about the fencing isn't tied to a criteria, she doesn't believe it would be appropriate to add it to the Conditions of Approval, although she could revise the staff report to add it as additional findings under private agency comment as a third bullet point. Just to state that during the course of the hearing the Planning Commission wanted to strongly recommend the provision of fencing based on the two public comments received, whereas it would not be tied to a criteria. Adding that there were past instances where we went back into the minutes to find that the applicant did agree to it, and not tied to a criteria like it is in the Conditions of Approval.

City Engineer Negelspach stated that the other option would be for the developer or the property owner to agree to it with the end user, then there could be an agreement or terms put in place. Although at this time we do not know who the builder or end user will be.

City Planner Oliver Joseph added that the fencing is a common amenity that was also installed in the previous I through III phases.

City Engineer Negelspach added that he believes DR Horton has it in their policy for one to be installed within 180 days of the sale or something similar.

Commissioner Blank asked what City Planner Oliver Joseph thought about the traffic counts and if they should be concerned.

City Planner Oliver Joseph replied no, since they did adjust for it. Adding that she has seen similar language in other traffic counts as well to adjust for it.

Commission Santiago asked how long the traffic studies are good for.

City Engineer Negelspace stated that those numbers are valid for the life of the project since there are no more lots proposed.

Commissioner Jacobs questioned if the approval is good for 1 year plus one extension, then the study would be good for 2 years. Then if it does sell then they would need to do a new study.

City Planner Oliver Joseph replied that they would then need to apply for a new subdivision application once this approval expired with new studies.

Vice Chair Jensen closed the hearing for commissioner consideration. Adding that he agrees with City Planner Oliver Joseph that the fence would not fit into the Conditions of Approval and does like the idea of putting into the findings.

City Planner Oliver Joseph stated that she would propose the statement that the Planning Commission strongly encourages the provision of fencing along the perimeter of the subdivision in response to the two public comments submitted by the Holsheimer's and MacNeil's.

Vice Chair Jensen said it sounded perfect.

City Planner Oliver Joseph stated it would be added on page 23 above "Findings of Facts". And the reference would be to the revised staff report dated the 26<sup>th</sup>.

Commissioner Blank stated that a lot of the issues have been addressed like the storm consideration on lot 33 and they accepted the conditions of approval. Plus everything else meets criteria that staff has shown.

Commissioner Jacobs stated that she appreciates the strong recommendations about the fence to protect our neighbors on both ends. Adding that it looks pretty straight forward with respects to the report and findings. And thanked City Planner Oliver Joseph for a comprehensive report that was easy to follow. She wants to add a note for the commissioners to consider as our community is growing, and these once-farmlands continue to be sold and develop that our traffic is going to continue to increase. She appreciates the concerns of the individuals that came forward about the traffic, adding it will something we should keep our eye on.

Commissioner Santiago agrees with everything that was said and appreciates staff for the additional language about the fence.

Vice Chair Jensen stated that Commissioner Bernhard needs to press #6 if she wants to add any comments.

Commissioner Bernhard thanked Vice Chair Jensen and said everything looked good to her and all her concerns have been addressed.

Vice Chair Jensen stated that it is always great to hear that an applicant is working with the adjacent landowners to address everyone's concerns and agreeing to make everything better for their

neighbors and the community as well as themselves. Stating its wonderful that all parties are working together.

Commissioner Connell motions to approve the Docket SB1-20 with the additional comments about the fence and conditions of approval. Commissioner Santiago second. **Motion Passed 6-0. AYES: Vice Chair Jensen, Commissioners Blank, Connell, Bernhard, Santiago and Jacobs.**

Vice Chair Jensen thanked and congratulated the applicant.

## **6.0 COMMUNICATIONS**

### **6.1 Calendar Check**

Vice Chair Jensen went over the calendar in the packet.

City Planner Oliver Joseph added that there would not be a Planning Commission in September, although might have both meetings in October.

### **6.2 Commissioner Comments**

Commissioner Blank thanked staff.

Commissioner Connell asked if traffic accidents and violations are considered in traffic studies.

City Planner Oliver Joseph replied that traffic crashes are documented.

City Engineer Negelspace added that crashes are documented through Oregon Department of Transportation.

Commissioner Jacobs thanked City Planner Oliver Joseph for a thorough document.

Commissioner Santiago also thanked City Planner Oliver Joseph.

Vice Chair Jensen thanked all the staff as they make it a pleasure for him to serve on the commission.

City Planner Oliver Joseph replied that the applicant was great to work with throughout the process.

### **6.3 Staff Comments**

City Planner Oliver Joseph added that the Hood to Coast is this weekend, please be aware of the traffic. She expects OMIC new building and another subdivision in October. Adding that the Peace Candle apartments are under construction now.

City Engineer Negelspace stated that there are projects that should start in the fall that the commission already approved; an 8-plex on Maple St., Maple St. Cottage Housing, and Elm St. lots.

Commissioner Blank asked about the Scharf's apartments.

City Planner Oliver Joseph stated that it expired, unfortunately.

City Engineer Negelspace added that Covid was responsible for some of that since the product cost increased and lumber prices tripled.

Commissioner Santiago asked if there is anything in our regulations that state something about the pandemic.

City Planner Oliver Joseph replied no, since it was before that, it was close to the expiration then they requested a 1-year extension. Adding that they thought creatively on how to address it but it didn't work out.

City Engineer Negelspach added that they offered to allow him to start the grading which would have put it into a construction phase to lock in the land use although they didn't want to risk it as they were unsure if they could finish the project with the cost increases.

City Engineer Negelspach added that the East Airport phase 3 & 4 project is busy and the biggest project for them with lots of moving parts while trying to wrap up portions of Phase 1 & 2. The new well is on-line and in production test mode to see how much water it can provide for our system, and a sewer pump station. Plus a pump station at OMIC for their remodel which would allow them to have more than 15 people in the building.

Commissioner Blank asked about the designated park.

City Planner Oliver Joseph stated the Ad-Hoc committee that was formed is going to present their recommendation to the council although she has not heard yet. Adding that it will not get built unless the city receives a grant. Stating that if they do, then it would come before Planning Commission.

Commissioner Blank asked about the pool.

City Planner Oliver Joseph replied that its officially off the table.

Commissioner Santiago agreed.

Commissioner Blank asked about the Scharf property for a pool site.

City Planner Oliver Joseph stated that most of that property is in the floodplain.

Vice Chair Jensen added that we would need a million-dollar donation every year if we wanted a pool.

Commissioner Santiago asked staff when we will get together for an overall plan of the city.

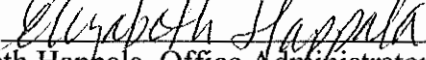
City Planner Oliver Joseph stated that she did review the RFP for the 50-year plan which would begin with the community outreach, the housing needs analysis and an economic opportunities analysis. Adding that she did apply for a grant for the housing needs analysis although the state did receive several applications, she should hear from the state in early September.

Commissioner Santiago asked about the community outreach.

City Planner Oliver Joseph stated that she would have the consultants put together a very robust outreach with open houses and surveys which could align with the Annual Town Meeting.

## **7.0 ADJOURNMENT**

Vice Chair Jensen adjourned the meeting at 8:16 p.m.

Attest:   
Elizabeth Happala, Office Administrator

  
Vice Chair Jensen