

SCAPPOOSE PLANNING COMMISSION MINUTES

Thursday, September 22nd, 2022 at 7:00 p.m.

1.0 CALL TO ORDER

Chair Jensen called the meeting to order at 7pm

2.0 ROLL CALL

Commissioners;

Scott Jensen Chair
Bill Blank Vice Chair
Bruce Shoemaker Commissioner
Rita Bernhard Commissioner
Marisa Jacobs Commissioner
Ty Bailey Commissioner
Harlow Vernwald Alt. Commissioner

Excused;

Monica Ahlers Commissioner

Staff;

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

Audience/attendees;

Brandon Leskowske, (City Councilor)

Kim Holmes (virtual, serves on Parks & Rec Committee)

Paul Fidrych (virtual, serves on Parks & Rec Committee)

Applicant Team;

Dan Vasquez, BBL Architects

Kendall Liday, property/business owner

Seth Kiser (virtual)

3.0 APPROVAL OF MINUTES

3.1 August 25, 2022 Planning Commission Meeting

Chair Jensen asked the commissioners if they had any comments or corrections to the minutes. As there were none, Commissioner Blank moved to approve minutes as presented and Commissioner Shoemaker second.

Motion Passed 7-0. AYES: Chair Jensen, Vice Chair Blank, Commissioners Shoemaker, Commissioner Bernhard, Commissioner Jacobs, Commissioner Bailey and Commissioner Vernwald.

4.0 CITIZEN INPUT

Brandon Leskowske, currently a City Councilor, Budget Committee member, Urban Renewal Committee member and most recently running for Mayor in the fall, although commenting tonight as a private citizen. First, he would like to thank the commissioners for their service to our community as these can be thankless jobs and he knows the commitment it takes and wanted to acknowledge that tonight. The topic he wanted to bring up was the discussion that took place in previous meetings regarding meeting times for the commission. He said he knows that the Planning Commissioners have a lot of authority that allows them to make those decisions, although he would like them to consider all community members in their decision. He said he saw the comments related to the Economic Development Committee that meets at noon, although as a community member it would be extremely difficult to access the Planning Commission at that time of the day, as he usually leaves the city for work during normal working hours. Adding that for the commission to be accessible to our community members, he would like to ask that if the time is changed that it be as inclusive as possible to meet the needs and accessibility of all of our community members. In addition, he asked the chair if he could add a comment about something that was not on the agenda, which the Chair allowed. He stated that over the years, and most importantly over the last few weeks, that there was confusion as to the role of this body. Adding that he believes our citizens are not as informed as they should be and knowing how the City Charter is designed which allocates certain designation and authority to the

Planning Commission, he asked if they could do some outreach to our community to help support them in understanding the roles and responsibilities of our appointed Planning Commissioners. He stated that he is asking this, as misinformation can cause more problems than good for our community when our citizens are unaware and uninformed that can cause rifts by not bringing our community together, which is ultimately our biggest goal. Adding that maybe working with city staff for informational posts on the city's social media platforms or a user-friendly brochure versus just the City Charter. He ended his public comment by thanking each of them for the service to our community and allowing him the opportunity to speak tonight.

As a follow up, Commissioner Blank asked City Planner Oliver Joseph if we put out a brochure not too long ago.

City Planner Oliver Joseph replied that we did put a pamphlet out about how to testify in a public land use hearing and that might be the one he's thinking of. Adding that they could do a social media post about it.

5.0 NEW BUSINESS

5.1 Docket # SDR3-22, PLA1-22

Kendall Liday has requested approval of an application for Site Development Review (SDR3-22) to allow for the construction of a new 4,942 square foot dental office and associated site amenities. The applicant also requests approval of a Property Line Adjustment (PLA1-22) to remove the common property lines on the site, resulting in one legal lot of record. The applicant proposes to remove the existing buildings on site as part of this project. The site is located at 52539 NE 3rd Street, southwest of the NE 3rd Street and NE Prairie Street intersection, on property described as Columbia County Assessor Map # 3212-AC-04200 and 3212-AC-04300.

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 judgement; however, written comments are permitted prior to the deadline of the public comment period (by 5:00 p.m., Wednesday, September 21, 2022).

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

City Planner Oliver Joseph asked staff to check the virtual waiting room for those joining on-line. She then began a presentation of the staff report beginning on page 8 then ending with staff recommendation of approval beginning on packet page 27, then asked the commission for any questions.

Chair Jensen called the applicant forward as there were no commissioner questions.

Applicant Dan Vasquez of BBL Architects came forward and stated their current address in West Linn and introduced his client, Kendall Liday. He stated that his client has an existing business here in Scappoose although it is in a smaller building with limited parking and limited access. Adding that her goal is to build a larger standalone 2-story building, with more parking, accessibility, and more visibility on a lot she has already purchased. *(plan drawings were pulled up on the screen)* He added that it's a large first floor and a portion of it has a 2nd story space with a larger parking lot to meet the parking requirements with two modes of access and is a lot more advantageous as far as being a presence for the community in this new building.

Property/Business owner Kendall Liday stated that her legal name is Williams now that she got married and is a former resident of Scappoose after growing up here. Adding that she has been a dentist here for the past 18 years now and has stayed in the building that she is in currently, leasing from Dr. Andreotti, who was her previous practice partner. Stating that they are growing so much now that they are outgrowing the building and are having parking issues. She stated that her and her husband purchased property nearby under a separate business name, Jaw Ventures, and will own the new building and that her business, Healthy Smiles,

will be the lessee. She stated that the new building will add 3 more rooms for treatment which was their focus, and their goal is to bring on another general dentist, as she is already so busy and cannot work more days as it's too hard on her body and mind. Her other goal is to bring a specialist to town as she has already been contacted by specialists in Beaverton that want to bring their services out here, which are not currently in our community. She said she plans to work for 16 more years in order to pay off this new building and then asked if anyone had any questions for her.

Commissioner Blank asked if she had a partner in this.

Property/Business owner Kendall Liday replied that he is retired and is meeting with a broker to sell the other building as soon as she moves out.

City Planner Oliver Joseph stated that she had no additional staff response to add as it is straightforward and stated that we've demonstrated that it is meeting our criteria. She added that there was no public comment on it as she sent notices to the surrounding properties within 200 feet of the property boundary, and no one had any concerns.

Commissioner Bernhard stated that she goes to Kendall Liday's dental office and has since Andreotti was there for 40-years now, saying that it won't impact the way she makes her decision tonight as she is basing it on the criteria that were set forth and wanted it on the record.

Chair Jensen closed the hearing for commissioner deliberations.

Commissioner Blank stated that it was pretty straightforward as it met all the criteria.

Commissioner Shoemaker stated that it was so detailed and well done.

Commissioner Bailey stated that the drainage was detailed and done well all the way through.

Commissioner Bernhard added that she likes the idea of additional services being brought to our community.

Commissioner Bailey moved to approve Docket # SDR3-22, PLA1-22 as presented with 25 Conditions of Approval. Commissioner Shoemaker seconded.

Motion Passed 7-0. A YES: Chair Jensen, Vice Chair Blank, Commissioners Shoemaker, Commissioner Bernhard, Commissioner Jacobs, Commissioner Bailey, and Commissioner Vernwald.

6.0 COMMUNICATIONS

6.1 Calendar Check

Commissioner Blank stated that this Saturday will be the last day for the Farmer's Market this season.

Chair Jensen went over the calendar.

Commissioner Blank asked where the Parks and Recreation Committee meets.

City Planner Oliver Joseph stated that they meet here, in council chambers. Then asked why he asked.

Commissioner Blank stated that he was curious since meeting times for Planning Commission might change.

City Planner Oliver Joseph stated that she would talk about that during staff comments.

6.2 Commissioner Comments

Commissioner Blank and Commissioner Shoemaker brought up the previous discussion about meeting times.

6.3 Staff Comments

City Planner Oliver went over the upcoming meetings as it will be a busy fall. Stating that the next hearing will be Oct. 27th for the Buxton Ranch Planned Development. She wanted the Commissioners to be very careful about their ex parte contacts for this as there are a lot of people in the community already talking about it. Adding that in order to ensure a fair trial, we need to make sure that all the Planning Commissioners are receiving the same information at the same time. She stated that the meeting will be here in Council Chambers and also stated that if anyone in the community comes up to you and wants to talk to you about it that you should let them know that you are a decision maker and cannot discuss it outside of the Planning Commission hearing and that they should understand and respect that, hopefully. She stated this will help us keep a clean record and have a fair process. Adding that at the beginning of the hearing as they always do, you will be asked to declare any ex parte contact you've had, and you'll need to state if you can remain impartial and neutral in your decision making. She stated that if you do have a conflict of interest that you'll want to recuse yourself from the hearing and not participate, and to please let her know ahead of time to make sure that we have a quorum. She welcomes any questions on this anytime and stated that they can contact the Oregon Government Ethics Commission to get an opinion on the matter as they will issue you an official opinion. She also stated that it is likely to be a contentious hearing and for some of you, this may be the first experience of that, so it will be really important to stay focused on the criteria for approval. She stated that it will be a very large application and documents. Adding that she wanted to give the commissioners a heads up that they might need to block out some time to review all the information in the upcoming packet as it's probably the largest consolidated application we've had. She reminded the commissioners that she is available for any questions and that your conversations with staff are not considered ex parte contact so that you can reach out to staff as often as needed.

Commissioner Jacobs asked if the commissioners could receive the packet sooner than the standard 7-days due to the size and amount of information they'll need to process.

City Planner Oliver replied that it was a great question, although she is a bit hesitant as it wouldn't be fair to our other applicants as it is stated in our code that packets be presented 7 days prior. She will ask the city attorney if there would be any issues if we gave it out sooner. She also stated that she will have the city attorney at the hearing as a resource for the commissioners as she is predicting quite a bit of public testimony.

Commissioner Bernhard asked if the size of this room would be adequate.

City Planner Oliver Joseph replied that she is not planning on holding the meeting anywhere else. Adding that if we are bumping up against capacity then we'll have to work through that. She stated that we want to make sure that everyone has ample time to be heard and that the comments aren't repetitious. She also stated she would review the room capacity as we get closer to the hearing to get a sense on attendees.

Commissioner Blank stated he recalls moving chairs closer to the front and adding a row of chairs in order to accommodate more people, with the fire marshal's approval.

City Planner Oliver agreed and stated that the Planning Commissioners role will be to make a recommendation to City Council, so you're not the approval body, but making a recommendation to City Council for their final decision. Adding that Planned Developments are an overlay to the existing zone that acts as a zone change and that is the reason this requires City Council approval, since it's a change to the zoning map from R-1 zoning to R-1 PD. She then added that the next Planning Commission meeting in November will be for the Oxbow Headquarters site development review and property line adjustment to combine the parcels with sensitive lands development permits for wetlands and floodplain. Adding after that the commissioners will meet for a 48-unit apartment complex, although the date is tentative for December 8th, which is pushing up against their 120-day clock. She also thanked the Commissioners for serving as she appreciates everything they do for the city.

City Engineer Negelspach went over current projects occurring in the City;

- East Airport is doing well, wrapping up utility work although it's not public right of way yet and is an active construction site.
- Peace Candle apartments has one building that should be completed next week.
- The Peace Candle repairs are in process, as they are working on manufacturing the wick. It was recently painted.
- Maple St. 8-plex is being wrapped up, paving should happen soon for frontage improvements.
- Thompson Woods subdivision near 6th & Elm is done with their site improvements. It was the same developer as Casswell Park, everything went smoothly with that developer.
- Duplexes on JP West, SE of Maria Lane, are going well so be aware of the construction traffic there.
- Maple St. Cottages, end of SE Maple that Planning Commission approved the annexation a couple years ago for small homes on small lots, the developer is waiting on market values.
- Moore Road water line project, which is north of the airport, is a big 18" water line loop that will go around the airport properties.
- Food Cart Pods, they are putting together final civil plans for review.
- City projects:
 - o Columbia River PUD frontage improvements at their substation site on E. Columbia.
 - o Tesla stations near the library on SE 2nd, he's reviewing construction documents.
 - o Bella Vista water line improvements from EJ Smith Road up the hill
 - o EJ Smith pump station by the bridge, pump improvements
 - o Paving overlays around NW Bella Vista, west & north of EJ Smith, next year.
 - o SE Havlik Dr., south of Fred Meyer, repave but first need to upgrade all the ADA ramps
 - o Pave the gravel road by the Senior Thrift Store, if there's enough money left
 - o 50-year plan
 - o Resolution for road vacation from ODOT on NE 1st St., for a parking lot

Commissioner Blank asked about Christmas lights on the candle for the holidays.

City Engineer Negelspach replied that he would not be doing it, although he could add Commissioner Blank to the volunteer list.

Commissioner Blank asked about the severe flooding near the EJ Smith area.

City Engineer Negelspach replied that when there is a significant storm, the flood waters rise up in a matter of hours when we have 12 hours of rain, so people don't have time to react. Adding that if we can anticipate an atmospheric river a week out then maybe public works could have sandbags available, although it is those properties that are known to be in the floodplain and built before FEMA standards that continue to flood. He added that the city could purchase those flood prone properties to take them out of development, although that is typically hard to do.

Commissioner Blank stated he had to knock on someone's door to let them know that they needed to leave or do something before they got flooded, and the new homeowner had no clue.

City Planner Oliver Joseph commented about the discussions about potentially moving our meeting time to 6pm, she did check the city charter and it's very clear that the Planning Commission sets their own time. Adding that if anyone wanted to make a motion to change the time like it was mentioned, then that could be decision that you all could make. Adding that if you do want to change the meeting time that she would need to know immediately because she has two applications that she'll be sending out notices on soon. Adding that it could be something that they could take time to discuss and if the majority wants it then it could be something that is implemented January 1st or later, although she would need to know tonight if they wanted to change it sooner.

Chair Jensen replied that there should not be any immediate changes to keep the record clear.

Commissioner Shoemaker stated it should be a notice that goes out months in advance before changing it.

City Planner Oliver Joseph stated that there was mention that other committees meet at different times.

Commissioner Blank stated that they should take time to decide on it with some pros and cons.

Commissioner Bailey stated that we can schedule a meeting to discuss it.

City Planner Oliver Joseph thanked the commissioners for that and she will put it as an agenda item for their first meeting in next year, if that works for everyone.

Commissioner Jacobs asked about the Buxton notice, if it has already been sent out to the neighbors.

City Planner replied no, as they go out 20 days prior to the Planning Commission hearing and for anyone that is listening, this set so that every application is treated the same. Adding that for quasi-judicial decisions, which Planned Developments are, she will notice properties that are within 300' from the property boundary of the entire tax lot of the project site. Adding that the notice will be in the newspaper as well and in the usual places that we post public notices.

Commissioner Jacobs asked about the 2nd part of the Public Comment as she is unclear in terms of what their 'ask' was of them on how to educate the public and would be open to hearing more specifics as to what that comment is about so she can have a better understanding of what they were asking them to do.

Chair Jensen replied that is not necessary as outreach is more of a staff job.

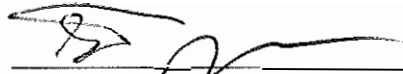
City Planner replied that she was going to ask Brandon separately as to what the thought was as far as the type of information that might be most helpful for the public to understand or to define those roles as she is not aware of any confusion about that but would seek to understand that a little bit more to properly address it with the public.

7.0 ADJOURNMENT

Chair Jensen adjourned the meeting 7:58 pm

Attest:


Elizabeth Happala, Office Administrator


Chair Scott Jensen