

**SCAPPOOSE PLANNING COMMISSION MEETING MINUTES**  
**Thursday, April 27, 2023, at 7:00 p.m.**

**1.0 CALL TO ORDER**

Chair Scott 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  
Monica Ahlers    Commissioner

*Excused;*

*Marisa Jacobs      Commissioner*  
*Ty Bailey            Commissioner*  
*Harlow Vernwald   Commissioner*

**Staff;**

Laurie Oliver Joseph   City Planner  
NJ Johnson              Associate Planner  
Susan M. Reeves        City Recorder  
*Excused; Elizabeth Happala, Office Administrator*

**Applicants in attendance;**

Applicant, Brett Kahr

Remote: Applicant, Ryan Marsh

**3.0 APPROVAL OF MINUTES**

**3.1 December 8<sup>th</sup>, 2022, Planning Commission Meeting**

Vice Chair Blank moved, and Commissioner Shoemaker seconded the motion to approve the December 8<sup>th</sup>, 2022, Planning Commission Meeting minutes. **Motion Passed 5-0. AYES: Chair Jensen, Vice Chair Blank, Commissioners Shoemaker, Commissioner Bernhard, and Commissioner Ahlers.**

**4.0 CITIZEN INPUT (items not on the agenda)**

There were none.

**5.0 NEW BUSINESS -**

**5.1 Docket # SDR 1-23**

Ryan Marsh has requested approval of an application for Site Development Review (SDR 1-23) to allow for the renovation and change of use of an existing building (previously Sears Hometown Store and Glowing Putters) as well as improvements to various site amenities. The applicant is proposing to convert the existing building to a gym and yoga studio. The site is located at 51581 Columbia River Highway, northwest of the Havlik Drive and Columbia River Highway intersection, on property described as Columbia County Assessor Map #3213-B0-01700.

*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 (must be received by Wednesday, April 26, 2023, at 5:00 p.m.).*

Chair Jensen read the opening statement. I am calling this hearing to order to consider an application for Site Development Review. Limited Land Use Decisions do not take verbal public testimony because they do not require a public hearing or the interpretation or exercise of policy or legal judgment. Any written comments shall be included in the record. Only the staff, the applicant and the Planning Commission will have an opportunity to speak. There shall be no audience demonstration or other conduct which would disrupt the hearing. Does any planning commission member wish to declare any ex parte contacts or conflict of interest regarding this matter?

Chair Jensen asked does any party wish to challenge any commissioner's impartiality or legal capacity to

participate in this matter. The order of the hearing will be the staff report, then the applicant's presentation, then a staff response. Thereafter, the hearing will be closed for consideration of the matter by the commission.

Commissioner Blank explained he was over in that area and saw the mural on the building.

Associate Planner NJ Johnson stated good evening, Commissioners. Thank you all for taking the time out of your previous week to review the materials the applicant has provided us and staff's findings as well as, of course, being here tonight. I'll be going over the staff report tonight. We're going to follow a format that you're all familiar with at this point. I'll begin by going over the observations of the staff report, which begin on the bottom of page 19 of your packets. I'll then list the relevant approval criteria for this proposed development and let you know which pages correspond with the findings of each chapter of the Scappoose Municipal and Development Codes. Lastly, I will let you know staff's recommendation and our recommended Conditions of Approval. After that, we will pause in case there are any questions for staff before getting into the applicant's presentation. Starting with the staff report, which begins at the bottom of page 19 of your packet...

### **SUBJECT SITE**

- The subject site consists of an approximately 1-acre parcel of land that is currently occupied by an existing building, which was previously the Sears Hometown Store and Glowing Putters, as well as a parking lot, and landscaping. Within the same parking lot, but on a separate legal lot, there is a tax preparation office as well.
- North of the subject site is a single-family home being used as a preschool. However, staff has held an inquiry meeting to discuss developing this property and surrounding properties into a three-parcel restaurant complex. West of the subject site is a business complex under the same ownership as the subject site. South of the subject site is the Fred Meyer shopping center. East of the subject site is Columbia River Highway and beyond that is Goodwill and the Candlelight Apartments.
- The subject site and all surrounding properties are zoned Expanded Commercial and are designated as Commercial on the Comprehensive Plan Map.
- The subject site is not located within the Special Flood Hazard Area and there are no wetlands or steep slopes on the site.

### **OBSERVATIONS**

#### **REQUESTED APPROVAL**

- The Scappoose Development Code specifies that an applicant may request approval of a modification to existing development by providing a copy of the proposed modified Site Development plan and providing a written rationale for the changes. If certain triggers are hit, however, the applicant must submit a new Site Development Review application and the Planning Commission must approve the modification. In this case, the triggers were:
  1. A change that requires additional on-site parking in accordance with Chapter 17.106
  2. A change in the use as defined by the Uniform Building Code
  3. An increase in traffic to and from the site and the increase can be expected to exceed fifty vehicles per day
  4. A change in land use
- The applicant proposes a change in land use from general retail sales for the previous Sears Hometown Store to a gym and yoga studio use. The footprint of the building will not change.
- This will change the occupancy of the building according to the Uniform Building Code from an M – Mercantile use to A-3 - Assembly.
- Based on the new proposed use as a gym and yoga studio, the Transportation Analysis Letter indicates that the new use could generate up to 88 additional weekday trips.
- Based on the new proposed use, an additional 6 parking spaces are required.

- These changes constitute a major modification to existing development and the Planning Commission is the approval authority.

#### RIGHT-OF-WAY/PUBLIC IMPROVEMENTS

- The property has frontage on Columbia River Highway; however, there is no access to Columbia River Highway from the subject site. Instead, its primary access is via an access easement and drive aisle that is to the south of the property and owned by Fred Meyer Stores, Inc.
- No street improvements will be required as part of this development.
- Any sidewalks along the frontage of the property that are cracked, lifted, or may create a tripping hazard will be required to be replaced by the applicant.

#### VEHICULAR ACCESS/OFF-STREET PARKING

- The site currently provides two vehicular access points from the Fred Meyer parking lot access drive to the south of the property and one access point from the business complex to the west of the property. The applicant is not proposing to create or remove any access points.
- The Scappoose Development Code requires one parking space per 300 square feet of gross floor area for indoor participant sports and recreation as well as one parking space per 1,000 square feet of gross floor area for wholesaling, storage, and distribution. Based on the 9,685 square feet of floor area for indoor participant sports and recreation and the 2,783 square feet of floor area for wholesaling, storage, and distribution, the applicant must provide 36 parking spaces. The applicant proposes to provide 36 parking spaces, none of which are compact spaces, and 2 are accessible spaces.
- Additionally, 11 bicycle parking spaces are depicted on the Parking Plan, which exceeds the amount required by the Scappoose Development Code.

#### TRAFFIC GENERATION

- The applicant submitted a Transportation Analysis Letter (on file as Exhibit 4) which provided a few different trip generation scenarios. The trip generation calculations show that the proposed project, at most, is projected to generate a net increase of 7 AM peak hour trips, 4 PM peak hour trips and 88 average weekday trips.
- The Transportation Analysis Letter provided a safety and operational evaluation, as required. Trip generation, site distance, crash data, on-site circulation and connectivity, and pedestrian and bicycle facilities were also evaluated.
- As stated in the Transportation Analysis Letter, the proposed development is expected to have a minimal impact on all study intersections. Lancaster Mobley does recommend one measure of mitigation and that is to remove or properly maintain any obstructing hedges or foliage along the south side of the site to allow for at least the minimum required stopping sight distances at the two site accesses along the parking lot drive aisle, which has been included in the recommended Conditions of Approval.

#### LANDSCAPING, SCREENING, AND STREET TREES

- The applicant submitted a Landscaping Plan (on file as Exhibit 3G) which depicts the provision of trees, shrubs, and groundcover throughout the subject site.
- Street trees will be required along Columbia River Highway, meeting the requirements in Scappoose Development Code Chapter 17.104 - Street Trees. The applicant proposes to plant 2 street trees in total, as seen on the Landscape Plan.
- The property to the north contains a single-family home being used as a pre-school. The applicant has proposed to provide buffering and screening along the northern property line adjacent to the single-family home between the existing parking lot and the property line. The applicant proposes a 5-foot cedar screening fence, along with trees, shrubs, and groundcover, as seen on the Landscaping Plan.

#### LIGHTING

- The applicant submitted an Exterior Lighting Plan (on file as Exhibit 3J), which depicts the location of exterior lighting throughout the site.

## PUBLIC AND PRIVATE AGENCIES

- The City of Scappoose City Manager, Police Chief, Public Works Director, Columbia County Building Official, Scappoose Rural Fire Protection District, Columbia River PUD, and the Oregon Department of Transportation have been provided an opportunity to review the proposal. The City of Scappoose Police Chief, Public Works Director, and the Columbia River PUD stated that they have no objection to this application's approval as submitted and did not provide further comment.
- The Columbia County Building Official provided a referral comment stating that the property owner will need to obtain a change of occupancy permit and provide plans with code analysis (on file as Exhibit 5). This requirement is included in the recommended Conditions of Approval.
- The Scappoose Rural Fire Protection District provided a comment (on file as Exhibit 6), which cited the fire codes that must be met for this change of use. The Fire District's comments are included in the recommended Conditions of Approval.
- The Oregon Department of Transportation was provided the opportunity to comment but did not respond to the referral.
- Notice of the application was mailed to property owners within 200 feet of the subject site on April 13, 2023. As of the date of this report, there have been no comments made by nearby property owners entitled to notice.

### **Moving to the findings of fact, staff's findings related to...**

- Scappoose Municipal Code Chapter 12.10 - Visual Clearance Areas can be found on pages 22-24.
- Scappoose Development Code Chapter 17.68 - Expanded Commercial, pages 24-25
- Chapter 17.100 - Landscaping, Screening, and Fencing, pages 25-29
- Chapter 17.104 - Street trees, pages 29-30
- Chapter 17.106 - Off-street Parking and Loading Requirements, pages 30-41
- Chapter 17.120 - Site Development Review, pages 41-46
- Chapter 17.154 - Street and Utility Improvement Standards, pages 46-51
- Chapter 17.164 - Procedures for Decision Making – Limited Land Use Decisions, page 51

Based on the Findings of Fact and the materials submitted by the applicant, staff recommends that the Planning Commission approve Site Development Review 1-23, subject to the Conditions of Approval listed on pages 51-54. For this application, staff is recommending 18 Conditions of Approval, with a mix of standard Conditions we recommend for all Site Development Review applications and then a few related to this site and development specifically. That concludes staff's presentation of our observations, findings, and recommendation. At this time, I can take any questions that you'd like to ask staff before we move to the applicant's presentation.

Brett Kahr, Lower Columbia Engineering came forward to field any questions.

Commissioner Bernhard stated that it looked straightforward, and she did not have any questions.

Commissioner Ahlers asked about the parking area as there are other adjoining businesses with parking.

*Brett Kahr, Lower Columbia Engineering response was inaudible as he sat too far from the mic.*

Commissioner Blank asked about the hours of operation.

Applicant Ryan Marsh stated the hours would be 5:30 am to 9:30 pm.

Chair Jensen would like to see a condition of approval about the parking.

Application Ryan Marsh stated that they would have conversation with the adjoining businesses and have

spots indicated for Peak Performance and use a tow company if needed.

Commissioner Blank asked if they have any concerns about the conditions of approval.

*Brett Kahr, Lower Columbia Engineering response was inaudible as he sat too far from the mic.*

City Planner Oliver Joseph explained that they were able to give the applicant the Conditions of Approval ahead of time for them to review.

Commissioner Blank asked about their opening date.

City Planner Oliver Joseph stated they are planning for beginning of June.

Commissioner Blank asked about buffering and screening.

City Planner Oliver Joseph stated it would be required depending on the use.

Commissioner Blank asked about charging stations in parking lots, if they were to add it in the future.

City Planner Oliver Joseph replied that it would still count as a parking stall similar to ADA parking stalls although charging stations are not specifically identified in our current code. Adding that it could be brought up in our 50-year plan.

Chair Jensen asked if any other commissioners had questions for the applicant. As there were none, he asked for staff response.

City Planner Oliver Joseph stated that they have been working in the building for some time now and no additional comments at this time.

Chair Jensen asked about adding something in the conditions of approval about the parking stalls that would give staff some standing in order to resolve any issues.

City Planner Oliver Joseph replied that she would not recommend changing the conditions of approval as the current code covers shared parking and they are already meeting their parking standards on site. She feels it should be left up to the applicant to deal with it on a private matter.

Commissioner Blank asked about the access as their lot abuts Fred Meyer.

City Planner Oliver Joseph stated that they have given the applicant a recommendation to acquire an access easement although they already have two legal access easements on their site.

Chair Jensen closed the hearing and moved to deliberation by the Planning Commission.

Commissioner Blank moved, and Commissioner Bernhard seconded the motion to approve **Docket # SDR 1-23**, an application for Site Development Review (SDR 1-23) to allow for the renovation and change of use of an existing building (previously Sears Hometown Store and Glowing Putters) as well as improvements to various site amenities. The applicant is proposing to convert the existing building to a gym and yoga studio. The site is located at 51581 Columbia River Highway, northwest of the Havlik Drive and Columbia River Highway intersection, on property described as Columbia County Assessor Map #3213-B0-01700.

**Motion Passed 5-0. AYES: Chair Jensen, Vice Chair Blank, Commissioners Shoemaker, Commissioner Bernhard, and Commissioner Ahlers.**

## **5.2 Meeting Start Time Discussion**

City Planner Oliver Joseph explained last fall there was a request from Commissioner Jacobs regarding a 6pm start time.

Chair Jensen feels since Commissioner Jacobs is not present, we should table this.

Commissioner Bernhard is concerned with the early time and making sure the Planning Commissioners can make it in time.

## **5.3 Team Agreement**

City Planner Oliver Joseph explained the Team Agreement is something that we try to have the Planning Commission adopt every year. She went over the Team Agreement and the updates she recently made and is proposing.

Chair Jensen recommended a suggestion and stated since there is a change, let's wait until the next meeting to review it again.

## **6.0 COMMUNICATIONS**

### **6.1 Calendar Check**

Chair Jensen went over the calendar in the packet.

### **6.2 Commissioner Comments**

There were no Commissioner comments.


### **6.3 Staff Comments**


City Planner Oliver Joseph explained three Planning Commissioners terms are expiring. She gave updates on some applications that will be coming before the Planning Commission.

Associate Planner NJ Johnson thanked the Planning Commission for staying active and being involved in Council work sessions.

## **7 ADJOURNMENT**

Chair Jensen adjourned the meeting at 7:40 pm.

  
\_\_\_\_\_  
Chair Scott Jensen

Attest:   
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Susan Reeves, City Recorder