

CITY OF SCAPPOOSE
PLANNING COMMISSION
SCAPPOOSE, OREGON
THURSDAY, JANUARY 22, 2009

CALL TO ORDER

Chair Negelspach called the Scappoose Planning Commission meeting to order at 7:00 p.m.

ROLL CALL

The regular meeting of the Scappoose Planning Commission was held January 22, 2009 at 7:00 p.m. in the Council Chambers located at City Hall at 33568 East Columbia Avenue in Scappoose, Oregon with the following present:

Planning Commission:

Chris Negelspach	Chair
Paul Shuman	Vice Chair
Bill Blocksom	Commissioner
Raul Torres	Commissioner
Anne Frenz	Commissioner
Bill Blank	Commissioner
Don Dackins	Commissioner

Staff:

Brian Varricchione	City Planner
Susan Reeves	City Recorder

Excused: Commissioner Cairns

CITIZEN INPUT

None

NEW BUSINESS

Discussion on Highway 30 Street Trees and Pedestrian Accessibility

City Planner Brian Varricchione gave a brief summary regarding the Highway 30 Street Trees and Pedestrian Accessibility.

Chair Negelspach asked if anyone had comments regarding this issue.

Herbert Smith, 51956 SE 6th Street, Scappoose explained he was the one who went to the newspaper and had them do the story on the sidewalks. He stated this seems to have been a problem for a long time especially by the school. He stated it seems that it just keeps getting pushed under the sidewalk, so to say and he doesn't understand why. He is sure Scappoose has made repairs on other items that are way past this. He stated if you live in a city you should be able to use that city that you live in and there is no way with his electric wheelchair that he can

go on the sidewalks. He has to go along Highway 30 and he is a foot and a half to two feet from semi trucks. He stated something needs to be done. He doesn't know if Scappoose feels somebody needs to get killed before they fix the issue. It just doesn't seem right to him.

George Hafeman Jr, 33824 SE Oak, Scappoose, explained he has property along Highway 30. He explained years ago when Marty Renwick was the City Engineer he recommended to the State of Oregon that these trees not be put in. He also recommended the trees not be put in and the reason the trees were not put in St. Helens was because of the problems they projected with this situation. He stated Marty Renwick had said they were the wrong trees, they would grow into the sewer systems so he feels the State of Oregon, who pushed this on us, should actually be responsible, not the City. He stated unfortunately the State passes it on to the City. He stated the City had talked to him about fixing the sidewalk in front of his office and he sent the City a letter and stated if the City wanted him to fix the sidewalk then he would take the tree down. He wasn't going to pay for something that he told the State of Oregon, he doesn't blame the City, that shouldn't be put there. He stands by that today. He doesn't feel any repairs should be made until those trees come down. He feels it is a nice idea for landscaping to have something there but not trees. He stated he has no objections to plants or something of that nature but not the trees that are currently there.

Herbert Smith stated if this sidewalk was in front of my residence and was in bad shape the City would make me fix it and pay for it right. Chair Negelspach replied that is his understanding. Herbert Smith replied I guess that kind of says what he wanted to say. Chair Negelspach stated that you're bringing this to light. He stated the article in the paper kind of got the City moving on this.

Shaina Sullivan suggested the plantings be native. She explained the type of tree has an effect on the ecosystem.

Commissioner Blank asked when the trees were planted. City Planner Brian Varricchione replied he hasn't found out what year they were planted. Commissioner Blank asked if there has been an arborist out to look at the trees. City Planner Brian Varricchione replied it has not been done recently. He does believe several years ago when the City had the Urban Forestry Advisory Board they had an arborist look at those. He stated this has been a topic for many years but there has never been any action up until this point.

Commissioner Blocksom asked Commissioner Blank since he was involved with the Downtown Overlay is there a requirement to have trees along the highway. Commissioner Blank replied there are some landscaping requirements. He stated the overlay was to give guidelines to improvements to that area. He stated one of the things they wanted to do was get some street trees out there that looked good and the suggestion was the trees and sidewalks along Highway 30 needed to be looked at. He stated the advice at that time, as he recalls, the consultants came in and made some other suggestions on how we could improve our City and the appearance of our City. That is basically what he can recall from that time. He stated nobody came up with any funding for the projects to get accomplished.

Commissioner Blocksom explained he has ridden his bicycle and walked on the sidewalks. He worked for a large company in Portland for a number of years and they had to replace many sidewalks that were a whole lot better than ours. He knows there is a real potential for a lawsuit. He stated down further towards Fred Meyer the trees are behind the sidewalk.

Commissioner Blocksom stated he doesn't remember the Planning Commission being involved when the street trees were planted on Highway 30.

Chair Negelspach asked is there any ODOT requirement for street trees along Highway 30. City Planner Brian Varricchione replied they contacted ODOT but have not heard back.

George Hafeman replied there are no trees along the highway in St. Helens.

Commissioner Frenz agrees with the letter that was submitted that states let's do something aesthetically pleasing.

Chair Negelspach asked City Planner Brian Varricchione if he knows what utilities are under the sidewalks. City Planner Brian Varricchione replied there is a water line under portions of the sidewalk and there is also fiber optic.

Commissioner Torres feels the Planning Commission can't make a decision on what type of tree to replant unless there is more research is done.

Commissioner Blocksom moved and Vice Chair Shuman seconded the motion to make a recommendation to City Council to remove the trees, repair the sidewalks and bring up to ADA standards and not replace any trees in the sidewalk in the affected area.

Commissioner Frenz doesn't feel the Planning Commission should close to the door to planting the trees that might be feasible. Commissioner Dackins agrees.

Chair Negelspach feels the easy thing for the Planning Commission to do is remove the trees, repair the sidewalk and bring the sidewalks up to ADA standards. He stated he is wondering how this will be paid for. He feels there needs to be a cost study done to remove the trees, repair any damage done by the trees to the water line, the cost to repair the damaged sidewalks and an additional study that is done to mitigate some of the tree areas.

Commissioner Blocksom is not saying not to plant trees, just they should not be in the sidewalk.

Commissioner Blank would also make a recommendation that the Council determines the more critical areas. Commissioner Blocksom stated that is the City Council's decision. He said maybe the City can work with the school district during the demolition of the school.

Mary Ann Lloyd said there is a very large senior population that comes up from High School Way to go to Fred Meyer and that is probably the most dangerous section.

Motion passes (7-0). Chair Negelspach, aye; Vice Chair Shuman, aye; Commissioner Torres, aye; Commissioner Dackins, aye; Commissioner Blocksom, aye; Commissioner Frenz, aye; and Commissioner Blank, aye.

City Planner Brian Varricchione explained if the Council decides to remove the trees the Planning Commission is the deciding authority for the tree removal so it would be coming back before the Planning Commission.

DOCKET # SDR3-08/PTR3-08

Consideration of an application for Site Development Review (SDR3-08) submitted by OHM Equity Partners. The request is for review of a proposed 600 square foot addition to an existing commercial building (the former “Carole’s Place” restaurant) to be used for a financial institution. The site is located at 52381 Columbia River Highway, between J.P. West Road and Maple Street, on property described as Columbia County Assessor Map # 3212-CA-02800. The Planning Commission will also hold a Quasi-Judicial Public Hearing to review a related application for Public Land Tree Removal (PTR3-08) to permit the removal and replacement of the existing street trees adjacent to Highway 30.

Format: Quasi-Judicial Land Use Public hearing & Limited Land Use Decision

Chair Negelspach opened the hearing at 7:55 p.m.

Chair Negelspach read the opening statement and guidelines for the hearing. There were no objections to the Commissioners hearing this matter. No Commissioner had any issues regarding the matter. All Planning Commissioners are aware of where the site is located. He explained the Planning Commission’s decision can be appealed to the City Council.

City Planner Brian Varricchione read over the staff report. He explained just this evening he received a copy of the preliminary storm water plan from the applicant and they really haven’t had time to review it closely. He explained the applicant does request that the Planning Commission remove the condition of approval related to the storm water plan that the City is recommending. He would ask the Planning Commission not to remove it, the reason being it has not been reviewed and City code does require submittal of a plan. He explained there was one letter received from a neighbor and the Planning Commission received a copy this evening. He explained staff is recommending that the Planning Commission approve this.

There was discussion on the drive-up aisle and having enough room.

Commissioner Blocksom asked if the trees that will be planted could be put on hold until Council makes a decision. He explained since it is required at present is there some way the Planning Commission can write in the recommendations that those trees that are in the sidewalk not be put in at this time and only be put in if the new city plan or sidewalk plan is approved. He stated we don’t want them to have to put the trees in while everybody else take theirs out and still have trees there. City Planner Brian Varricchione replied the short answer is no because the current code requires it so they would need to be put in. He stated there is nothing stopping the

Planning Commission to specify the trees need to be planted behind the sidewalk if room exists.

Commissioner Torres asked if the trees have to be replaced one for one. City Planner Brian Varricchione replied they would need to replant at least three; potentially more depending on the species.

Joe Kessi, OHM, Scappoose, applicant and Shaina Sullivan are here this evening. Joe Kessi explained the project we have here is a financial institution. He stated one thing this site has going for it is it has highway visibility. He stated it has several horrible things going for it. He stated the site is too small and it has the Downtown Overlay which forces them to put the buildings up front. He stated if you look through the architectural drawings they did a great job and they are willing to spend some serious money to upgrade the way that site looks and to upgrade the surrounding area. He explained they are aiming for this project to be LEED (Leadership and Energy and Environmental Design) certified and it would be the first one in Columbia County. He explained you don't normally see a project of this size going for that rating because it is horrendously expensive.

Shaina Sullivan explained the United States Green Building Council puts out a point check list of the ways to build a building green. She explained there are 69 credits and the ratings go from certified to platinum. She explained since it is the first building in Columbia County their goal is certified but if all goes perfectly as planned it could be silver. The items they are focusing on are recycling and accessibility to recycling, the building footprint and the materials that are being used. They are reusing a lot of the walls that are already there. The fencing is all going to be from recycled materials. All the plants are native plants and they will soak up the water and help the ecosystem around that. She explained the plants are all approved in the City of Portland to be planted as well because of all the great things they do for the soil. She explained the other great thing they are doing is proposing no irrigation so they aren't using water that they could be drinking. All the water to water the plants will be coming off the roof. Joe Kessi explained how the building water will run off and be used.

Commissioner Blocksom asked Joe Kessi if he is planning on leaving the evergreen trees or are they coming out? Joe Kessi replied they are planning on leaving them.

There was discussion regarding ODOT and Joe Kessi working with them regarding not eliminating a driveway.

Commissioner Blank asked Joe Kessi if he has any issues with the conditions of approval. Joe Kessi replied there are two, possibly three items. He explained the first issue is with condition number 11. He said since they are going for a LEED certification on this building which means they can't tie storm water into any city facility, so that means they have to deal with that on site. His concern with this is he has had dealing with the City Engineer and he is really concerned with because the site is so small, because the building is where it is, because the traffic pattern is where it has to be that the City Engineer may impose some standards on them that are probably a little more stringent than they need to be. He explained the site has been impervious for years and years and there has been no flooding on the site that he knows of. He explained he has no issues

with any of the neighbors regarding water since he has owned the site. He would just ask that we would not go overboard. He stated any help along that matter would be greatly appreciated.

Commissioner Blank asked if there is something that staff might suggest, is there any flexibility in that due to the unique situation of being that type of certification.

City Planner Brian Varricchione replied unfortunately for Mr. Kessi this is not a matter that is under the authority of him or the Planning Commission. The storm water report would need to be submitted to the City Engineer for review. He explained given the fact that there will be a net reduction in the impervious area and the general proposal is in line with the City of Portland's manual he thinks the level of detail would perhaps be less than it may have been encountered on prior projects. Joe Kessi replied he can live with that.

Joe Kessi stated the other issue he has is condition number 4. He asked if they could do lighting on the building and not in the ODOT right of way. He explained if they have to do the lighting in the ODOT right of way it requires another permit, which is another fee and requires different standards. City Planner Brian Varricchione explained there is already existing lighting, not pedestrian scale, they are higher. He stated there is a requirement that states very specifically that street lighting is required on all streets from local to arterial (Highway 30 is an arterial). He explained the condition of approval is in there because it is in our code. He explained in the code it does state "The required improvement for the downtown overlay costing over 10% of the value of the proposed alterations do not need to be made." Commissioner Blank explained the concept was to spruce up areas with lighting or poles with hanging baskets.

Chair Negelspach asked Mr. Kessi if he would be opposed to placing the trees back behind the sidewalk. Joe Kessi stated they are proposing a planter area behind the sidewalk already. Shaina Sullivan explained they would be more than happy to do any planting that the Planning Commission requests, however she spent hours on the street tree list and there is nothing native. She explained for them to be LEED and for them to participant in making everything environmental friendly. She doesn't believe there would be room behind the sidewalk for the one species they chose. If she could choose trees that are Northwest native she is sure she could find something to accommodate.

Commissioner Torres asked City Planner Brian Varricchione what room do we have with that list to compensate if we have native plants that meet other city guidelines or requirements that we may be able to incorporate that. City Planner Brian Varricchione replied considering he now knows that ODOT has a tree list he thinks if there were other native species on that list he feels that would be acceptable.

City Planner Brian Varricchione explained as he stated early the storm water issue would need to go by the City Engineer. He explained regarding condition number 4; what the applicant proposed for the lighting at the site itself appears adequate. He explained his personal opinion is that the additional street lighting is not necessary for an illumination standpoint but he did put that condition in there based on the code that says pedestrian scale street lighting shall be provided shall be provided along arterials, major collector, minor collectors and local streets.

Pedestrian scale streets lights shall be no taller than 20 feet. He explained that is where that one came from. He explained one potential change to that condition would be to say something about the illumination levels.

Chair Negelspach opened the section of Docket # PTR3-08

Chair Negelspach read the opening statement and guidelines for the hearing. There were no objections to the Commissioners hearing this matter. No Commissioner had any issues regarding the matter. All Planning Commissioners are aware of where the site is located. He explained the Planning Commission's decision can be appealed to the City Council.

City Planner Brian Varricchione explained ODOT is making the applicant remove the trees as part of the development in order to repair the sidewalk and staff has no objection to that.

Commissioner Blocksom replied he is not in favor of replacing them in the sidewalk. He said something needs to be worked out with the City Planner in regards to what type of plant will meet the requirements that Shaina Sullivan has and the requirements with the City of Scappoose.

Chair Negelspach proposed allowing the applicant to propose other native species.

Chair Negelspach closed the hearing at 9:14 p.m.

Commissioner Frenz feels this is going to be a tremendous improvement from what is just sitting there now.

Chair Negelspach explained the Planning Commission needs to discuss the potential of allowing other native tree species that are not on the approved tree list because the condition specifically calls for the use of the current list. Also need to consider condition number 4 and condition number 11. Commissioner Blocksom explained the foot candles needs to be put in condition of approval. Commissioner Blocksom explained as far as condition number 11 he feels it is fine the way it is. He explained if the applicant was to have a dry well or hook in to ODOT's drainage facility then he would have to have a permit. If he is not going to hook in to it then it is a mute statement and being there doesn't hurt anything.

Chair Negelspach and Vice Chair Shuman discussed the Planning Commission could probably add a statement that says the City shall consider approving additional native street trees.

Commissioner Blank moved and Commissioner Blocksom seconded the motion to accept an application for Site Development Review (SDR3-08) and Public Land Tree Removal PTR3-08 submitted by OHM Equity Partners with amended condition of approval number 2 allowing additional native trees to be considered and condition number 4 amended so pedestrian scale lights are only if the applicant needs the minimal foot candle requirement on the sidewalk. Motion passes (7-0). Chair Negelspach, aye; Vice Chair Shuman, aye; Commissioner Torres, aye; Commissioner Dackins, aye; Commissioner Blocksom, aye; Commissioner Frenz, aye; and Commissioner Blank, aye.

Commissioner Blank complimented Joe Kessi because he is trying to make this the first LEED project in Columbia County and he believes we should see more of them. Chair Negelspach agrees.

COMMUNICATIONS

Calendar Check: next Planning Commission meeting will be February 26, 2009 work session on potential updates to the development code.

City Planner Brian Varricchione explained at the next City Council meeting there will be short presentation by the consultant team that developed the new maps.

Planning Commission Comments

Commissioner Blank feels we need to start looking in the ordinances to see if there are some changes that need to be updated.

Commissioner Torres talked about possibly coming up with minimal standards for the LEED projects.

Staff Comments

City Planner Brian Varricchione discussed the issue of UIC's that the City needed to register with DEQ. The City actually received money back because some of the UIC's were already registered. There were a couple of DEQ representatives at the City Council meeting and their basic recommendation was the City should work toward dropping the totally number below 50 for City owned drywells. They seemed very willing to partner with us. There is definitely some hope.

ADJOURN

Chair Negelspach adjourned the Scappoose Planning Commission meeting at 9:32 p.m.

Chair Negelspach

Susan M. Reeves, CMC
City Recorder