



SCAPPOOSE PLANNING COMMISSION
Council Chambers at City Hall
33568 E. Columbia Avenue
THURSDAY, MARCH 11, 2010 at 7:00 p.m.

CALL TO ORDER

Vice Chair Shuman 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 March 11, 2010 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:

Paul Shuman	Vice Chair
Don Dackins	Commissioner
Bill Blank	Commissioner
Raul Torres	Commissioner
Ron Cairns	Commissioner

Staff:

Brian Varricchione	City Planner
Susan Reeves	City Recorder

Excused: Chair Negelspach, Commissioner Frenz and Commissioner McGarry

APPROVAL OF MINUTES

Commissioner Dackins moved and Vice Chair Shuman seconded the motion to approve the January 14, 2009 Planning Commission meeting minutes as corrected. Motion passed (5-0). Vice Chair Shuman, aye; Commissioner Dackins, aye; Commissioner Blank, aye; Commissioner Torres, aye and Commissioner Cairns, aye.

CITIZEN INPUT

None

NEW BUSINESS

Discussion of possible revisions to the Downtown Overlay provisions of the Development Code

City Planner Brian Varricchione explained that at past Planning Commissioner meetings, staff has identified a need to update the provisions of the Downtown Overlay to provide clarification on a number of minor issues.

City Planner Brian Varricchione explained Lisa Smith (former Scappoose City Councilor and City Planner) has volunteered her time to review the Downtown Overlay and provide suggestions for refinements. Tonight she will discuss her ideas and seek feedback from commission members. She is here to offer a bit of history on the Downtown Overlay and offer some suggestions on ways to enhance this and improve it to further the overall goals of having a vibrant downtown, some of which have been started to be achieved over the years and some of which still have a little ways to go.

Lisa Smith, Scappoose, explained her house is about 2 blocks from City Hall. She stated she wants to thank the Planning Commission for taking the time to volunteer and be Planning Commissioners. She did that many years ago and she still has a great appreciation for people who are willing to serve on the Planning Commission.

Lisa Smith explained she is here this evening because she started trying to figure out how to add value to some residential property. She stated when you start to talk about adding value to property there are a lot of things that can be done. She stated what started this discussion is there is a group of properties, not just hers, that are located in kind of an isolated space between the Light Industrial zone and City Hall. So those properties have some unique situations that they have to address. She explained she started thinking about that and she went through several drafts of her ideas thinking about a 2nd Street overlay, things you could do. She explained she spent a lot of time talking with Brian Rosenthal about the Downtown Overlay and how the overlay affects your ability or inability to build a building. She stated this was an ordinance that was developed at a time when Fred Meyer had just built and the City's concern at that time was that new commercial space could draw from downtown and so we wanted to do things that keep downtown vibrant. She explained the State of Oregon was offering what they called a Quick Response team and they came out and did the downtown plan. She explained the City did take a lot of data from the plan and put together the Downtown Overlay. She stated it works for a lot of cases but it also had some problems and that is why she is here tonight.

She explained the City is currently involved in another document that has great potential to affect the downtown area. They are working on the big economic opportunity analysis and it will ultimately result in UGB expansion, her guess is at the south end and out by the airport. She stated in the meantime we have a lot of small investors as well and there are things that we can do to encourage them to do things with their property. She stated one of the issues in the current Downtown Overlay is that street frontages aren't straight and building frontages are. She stated the City has a requirement for no set back at all and it has been some flexing that has been done to make buildings possible. She explained there are conflicts sometimes between awnings and street trees and overhead electrical wires and building heights. She stated one of those conflicts that has become apparent and obvious and is a detriment to attempting to build and pull a building all the way forward is on Columbia Avenue due to where the location of the building should be and the overhead power line. She explained allowing more uses can make property

more valuable. She explained removing restrictions on redevelopment for existing buildings is a key piece of modifying the Downtown Overlay. She stated the way the code is structured right now it is very hard to administer that portion and it is a disincentive to the people who own the buildings to do anything. She stated the dollar figure that is included that triggers a series of required improvements came from the 90's, inflation has pretty much made it that a paint job pretty much triggers it.

Lisa Smith explained the overlay itself is limited to predominately commercial properties. She explained one of her thoughts is to expand the overlay to include the section of properties they looked at earlier. She stated on those properties right now you could construct four-plex multi family housing on 12,000 square feet. She explained what you can't build is four single family residences on that same property. She explained that is a problem because she doesn't, nor does her neighbor want more rentals. She explained that is one of things the Planning Commission has an opportunity to resolve. She explained another thing that does is to put bodies in the area to be the pedestrians that come to the small businesses. She explained there needs to be some guidelines of size. She explained those are some of the issues that she is trying to address and put into a draft so it can come to the Planning Commission.

Lisa Smith explained she spoke to the City Council to see if, based on feedback from the Planning Commission, they would give consideration to the City initiating this application. She explained what she is looking for tonight from the Planning Commission is a recommendation to the City Council to initiate that application or if the Planning Commission feels very strongly about it the Planning Commission is also authorized under the Development Code to initiate applications.

Vice Chair Shuman asked if Lisa Smith has her draft of changes that she is willing to share with the Planning Commission. Lisa Smith explained the Planning Commission would get a copy of that as part of the process. She stated she and City Planner Brian Varricchione have one policy disagreement they've discussed and that they could offer both options to the Planning Commission to assess.

Commissioner Blank gave some history on how the subcommittee of Scappoose Economic Development Business Advisory Council got started. He stated out of that it became a quasi official thing with the City. The committee developed a design standard for it which basically got Lorelei Village off the ground and Brian Rosenthal's property off the ground with some of those recommendations. He stated the other thing is basic things about that was the street frontage. He explained there are reasons to want the building up front and parking in the back. He stated Lisa Smith has a good valid point, at the time when they put the requirements for existing property owners to improve their property they hit a criteria of some many thousands dollars and when that kicks in then they had to make changes, he feels they should look at that again. He mentioned painting codes/colors and stated they are hard to restrict. He stated if you look at our color code standards they don't meet and maybe we need to look at those kind of things.

Vice Chair Shuman stated since it went in to effect in 1999 and it is probably is a good time to check it.

Lisa Smith replied she thinks so. She stated it is not so critical when you have boom economic time and it is just not such a problem.

Commissioner Blank asked if Lisa Smith when she is talking about residential does she mean 1st Street. She replied 1st and 2nd Street.

Vice Chair Shuman asked City Planner Brian Varricchione what is our goal here. City Planner Brian Varricchione replied the goal here tonight is to see if the Planning Commission would like to take this further. The Planning Commission could recommend to Council to make this happen. He stated it would be faster if the Planning Commission initiates the application.

Commissioner Blank moved and Commissioner Cairns seconded the motion to initiate the application to amend the Downtown Overlay. Motion passed. (5-0). Vice Chair Shuman, aye; Commissioner Dackins, aye; Commissioner Blank, aye; Commissioner Torres, aye and Commissioner Cairns, aye.

Vice Chair Shuman stated hopefully when this comes before the Planning Commission it will be the only thing on the docket. He feels it is pretty important to have a lot of time for discussion. City Planner Brian Varricchione replied hopefully we can make that work.

5.2 DOCKET # ASU1-10

Consideration of an application from Christine Oakland and Tim Johns for Authorization of Similar Use (ASU1-10) to allow an auction house within the Light Industrial zone. The site is identified as Columbia County Assessor Tax Map 3212-DC-01900 and 3212-DC-02000 and is located on the northeast corner of SE Elm Street and SE 2nd Street.

Format: Quasi-Judicial Land Use Decision

Vice Chair Shuman read the opening statement and guidelines for the hearing. No Planning Commissioners had any issues regarding this matter. There were no objections to the Planning Commission hearing this matter. The decision of the Planning Commission can be appealed to City Council.

Vice Chair Shuman opened the hearing.

City Planner Brian Varricchione read over the staff report. He explained as noted this is a request for an authorization of similar use; there is a specific user and a specific site in mind and those actually need to be separated for the purposes of analysis. The analysis requires two steps, first to look at whether auction houses are similar to other uses in the LI zone and then if the answer is yes, the second would be for the applicant to apply for site development review for approval of a specific site.

He read over the approval criteria: The Planning Commission shall approve or deny an unlisted use application based on findings that:

- A. The use is consistent with the intent and purpose of the applicable zoning district;
- B. The use is similar to and of the same general type as the uses listed in the zoning district;
- C. The use has similar intensity, density, off-site impacts and impacts on community facilities as the uses listed in the zoning district.

City Planner Brian Varricchione explained looking at those approval criteria the first step is to look at the purpose of the Light Industrial zone which is the zone in question. He stated the purpose of the LI zone is to “Provide appropriate locations for industrial use including light manufacturing and related activities with few, if any, nuisance characteristics such as noise, glare and smoke.” An auction house would not generate light and smoke emission or have offsite impacts provided of course if there are no outdoor loudspeakers for auction purposes or anything like that.

City Planner Brian Varricchione explained the second portion to look at is whether the use is similar to other uses in the zoning district and staff’s conclusion is yes it is, it is similar to a number of uses that are which are listed in there. The closest one that it is similar to is animal auctions and participation sports and recreations also has some similarities. He explained the reason behind that is auctions and sports activities tend to attract people in clumps, in contrast with retail where customers come throughout the business hours. He explained because there are so many that would come to one of these events at the same time clearly there would be traffic and parking demand.

City Planner Brian Varricchione explained based on the approval criteria that the code outlines it is staff’s recommendation that the Planning Commission classify this as a use similar to others within the light industrial zone. He explained under the rules on site development review the Planning Commission would have to review and approve use of this specific building before the change of use could occur. He explained in order for this specific site to be used as an auction the applicant would need to come in front of the Planning Commission and submit the site development review application and clearly demonstrate that it met all the approval criteria. He explained he has some doubts that they would be able to achieve that due to the high parking demand for auction facility but that is really a separate question. He explained the one in front of the Planning Commission tonight is, are auction houses similar enough to other uses in the light industrial zone to be allowed. He stated based on the discussion earlier staff is recommending that the Planning Commission conclude that it is similar and approve the application.

Commissioner Cairns stated if we approve this tonight the applicant would still have to come before the Planning Commission with the plans. City Planner Brian Varricchione replied correct. He stated basically the decision that the Planning Commission has authority over tonight is sort of a logic questions, is the use similar or is it not.

Commissioner Torres asked about the different zones in the area that the applicant is looking at. City Planner Brian Varricchione replied Elm Street is the dividing line, south of there is residential and north of there is industrial.

Tim Johns, Scappoose, applicant is here tonight.

Commissioner Blank asked the applicant why do you think we should allow auctions. Tim Johns replied for one thing Christine and he are at partners in the organization we will be hiring approximately 8 other employees and they plan on having local employees. He explained their plan is to have standard auctions once a week in the evening Thursday or Friday. He explained they would draw in approximately 150 to 200 people. He explained it will bring a lot of people into the City.

Commissioner Blank stated there are different types of auctions such as industrial auctions, institutional auctions, estate auctions, auto auctions; you name it there are some form of auctions for that. He asked if we approve auctions here then we are approving all kinds of auctions, correct? City Planner Brian Varricchione replied the request is for an auction house. Tim Johns replied if he had to answer that it would be for estates. Commissioner Blank explained he is just trying to get a sense of what the language would consist of if Planning Commission did put it in there.

Lisa Smith, Scappoose, opponent, explained she wants to offer the Planning Commission another perspective on the logic. She explained she lives two blocks from City Hall and two blocks from the location of the proposed auction house as well. She explained the neighborhood does go to residential zoning on the south side of Elm Street and it goes to residential zoning on the north side of Santosh, with the exception of the block between 2nd and 3rd, where half of the block is also light industrial. She thought it was interesting that Commissioner Blank asked the question if we are opening this up to all auction, her first response based on 20 years of planning is yes, functionally that is what occurs. She explained the Planning Commission is looking at authorization of a similar use and that is always a matter of how someone is reading the code, with the exception of the phrase in the light industrial zone related to animal sales. She stated the use that is listed there is animal sales and services, including auctions, kennels and veterinary. She explained in each instance the code is talking about the product that is being sold not the method of selling the product. She explained in the municipal code under the business section is where Scappoose defines auction and it is pretty much a generic definition. She stated it is a form of selling merchandise and the code is structured around the forms of sales, the code is structured around what is being sold. She stated the participant sports language probably fits better than animal sales. She explained that is a category listed in two places in the Scappoose zoning. She pointed out things being listed in another zone. She explained she finds it disturbing many times that Planning Commissions are not offered both alternatives in situations like this. She explained you can also deny this application because your reading of the code is that these activities are permitted in another zone as a form of retail sales. She stated she does want to officially request should the Planning Commission approve this as an unlisted use that she received written notice and opportunity to participate in the written comment period for any site development review.

City Planner Brian Varricchione replied ultimately the Planning Commission has discretionary authority on this. He explained he has presented one line of logic and Lisa Smith has presented another and he thinks Bill Blank being the most familiar Planning Commissioner with auctions, has his views on what may or may not occur. So if the Planning Commission wishes to approve the application, the findings for approval are in front of the Planning Commission tonight. If the Planning Commission wishes to disapprove the application or examine it further then information could be brought to the Planning Commission at a future meeting.

Vice Chair Shuman closed the public hearing for deliberation at 8:05 p.m.

Commissioner Blank explained he likes auctions, he is not against auctions. He explained he has some questions for that location. His concern is for parking. He forgot to ask if this is an indoor or outdoor auction. He is just questioning the location. He feels if you put the word auctions in to light industrial zones he feels, personally, it opens up something.

Commissioner Dackins feels Commissioner Blank has pretty much summarized it. He has been thinking there are all kinds of auctions. He is concerned about the space in that area for an auction.

Commissioner Torres feels Commissioner Dackins and Commissioner Blank really hit it. There is a lot of consideration as to the neighborhood, parking and infrastructure that they are not hearing about and that doesn't fit well with him. Vice Chair Shuman replied that would be the area so how do you feel about auctions in light industrial.

Commissioner Blank stated it could be in a different location because we have a lot different areas for light industrial that might be very appropriate. He stated maybe to deny auctions would be unfair for those people when they wanted to get something in there and the site specific thing then becomes an issue which we have to decide at that point and time. He stated so maybe it is okay to say you can auctions but be careful where you place those auctions.

Vice Chair Shuman stated based on the application itself and allowing auction use in light industrial he doesn't have an issue with that. They would need to review each application for site development review when it comes up.

Commissioner Dackins stated he has given this a lot of thought and to be honest it doesn't sit too well with him so he will make the motion to deny the application.

Commissioner Dackins moved and Commissioner Torres seconded the motion to deny the application from Christine Oakland and Tim Johns for Authorization of Similar Use (ASU1-10) for an auction house within the Light Industrial zone.

Commissioner Cairns explained he doesn't see any reason to deny it. He doesn't see why they should tie up the whole City for one location.

Motion does not pass (2-3). Commissioner Dackins, aye and Commissioner Torres, aye. Vice Chair Shuman, nay; Commissioner Blank, nay; and Commissioner Cairns, nay.

Commissioner Cairns moved and Commissioner Blank seconded the motion to approve the application from Christine Oakland and Tim Johns for Authorization of Similar Use (ASU1-10) to allow an auction house within the Light Industrial zone. Motion passed (4-1). Vice Chair Shuman, aye; Commissioner Dackins, aye; Commissioner Blank, aye; Commissioner Cairns, aye. Commissioner Torres, nay.

City Planner Brian Varricchione explained there will be an appeal period approximately two and half weeks.

COMMUNICATIONS

Calendar Check ~ next meeting April 8, 2010

Commission Comments

Commissioner Blank explained his comments are looking at the meetings of the ad hoc committee trying to make economic development improvements they are getting a lot of different bits of information from different people who are providing us some ideas on how we can expand the community and he has a lot of documentation so if anybody wants to contact him about that he would be happy to talk to them about it.

Staff Comments

City Planner Brian Varricchione gave an update on Veterans Park construction.

Adjournment

Vice Chair Shuman adjourned the meeting at 8:23 p.m.

Vice Chair Shuman

Susan M. Reeves, CMC
City Recorder