City of Scio
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SCIO PLANNING COMMISSION MEETING MINUTES
WEDNESDAY, June 26, 2019

7:00 PM

Dollar General – Public Hearing

Participants: Richard Androes, Beau Buganski, Ron Loewen, John Whalen, Cliff Wooten, and Nicole Zedwick.

Staff present: Dave Kinney, Planning Consultant, Ginger Allen, City Manager, and Ryan Quigley, The Dyer Partnership – City Engineer.

CALL TO ORDER: Chairman Wooten called the regular meeting of the Scio Planning Commission to order at 7:00 p.m.

COMMISSION MEMBERS PRESENT: Commissioners Richard Androes, Beau Buganski, Ron Loewen, Nicole Zedwick, Cliff Wooten, and John Whalen.

STAFF PRESENT: Planning Consultant Dave Kinney, Ginger Allen – City Manager, and Ryan Quigley, The Dyer Partnership – City Engineer

APPROVAL OF MINUTES: The minutes of the May 29, 2019 Training Session were reviewed and approved. A motion to approve the minutes as presentd by Commissioner Buganski and seconded by Commissioner Androes. Motion passed 5/0.

CORRESPONDENCE: None

BUSINESS:

Prior to opening the Public Hearing Chairman Wooten thanked the audience for attending the meeting stating that Scio is your and our town and we are all friends and neightbors, we need to conduct ourselves so that we are arguing back and forth and keep your statements to three to five minutes. All I ask is that you keep your statements focused to the Comprehensive Plan Map Amendment and the Zoning Map Amendment and not an application because those items will be discussed later. This is strictly those two items.

PUBLIC HEARING: PL2019-03-Hix Snedeker Development, LLC – Comprehensive Plan/Zone Change – 38848 Highway 226

Commissioner Wooten then opened the Public Hearing asking the commissioners for Declarations of Ex-parte Contact.

Wooten – no ex-parte contact.

Loewen – Heard from his wife about the buss on social media. Dave Kinney then stated, "Ron you also have a piece of business property near by, Ron replied, "yes, two doors down". Wooten asked Loewen if he felt he could make an unbiased decision? Loewen stated, "yes, I think so".

Buganski – No ex-parte contact.

Androes – Flipped through some social media, no ex-parte contact.

Zedwick - Fliiped through some social media but had not contact.

Whalen – Same social media situations as Zedwick and Androes, with no contact.

Applicant Presentation of Application

Chairman Wooten asked the applicant to present their application and to state their name and address for the record.

Tre Glenwright stated his name and that he works for Jade Consulting who represents the Hix Snedeker Development, LLC, the preferred developer for Dollar General. Glenwright requested the commission to rezone and adjust the Comprehensive Plan from industrial to commercial. Dollar General is looking at a 1.34 acre site piece of property and this will be the first phase of this approval process.

Glenwright stated that a full detailed package submitted with applications for everything required if in the event the commission approves the project. The reasoning for the detail is to show that the project could be built, how it would be built and what the impacts maybe and to property near by.

Applicant stated that applications have been made with DOT (Department of Transportation) regarding traffic studies, as well as submittals made with the Corp of Engineers. Thus, a lot of preliminary work has been done prior to tonights presentation.

Glenwright presented two color rendering showing site layout, stating that the size of the store will be 9100 square feet, with 28 parking spaces. A national trend shows that 28 parking spaces is sufficient for parking. The renderings also illustrated the truck delivery, dumpster and storm water features on the site. A verbal description of the building was presented emphazing an enhanced version of the store compared to the typical Dollar General stores.

Inside the information packet Dollar General illustrates how they meet both state and local requirements, including two variances requested: 1) Wetlands Field and 2) Transportation Improvements, for which neither variances would be deal killers for Dollar General should the variances not be approved. All of the necessary state and federal submittals with DOT and Corp of Engineers have been submitted and are in a holding pattern until a decision is made on the zoning change. Wetlands will be mitigated off-site. The city's map does not show wetlands identified by Dollar General engineers. Glenwright asked if there was any questions?

Seeing no questions Chairman Wooten went on to the city staff report.

Staff Report by Dave Kinney, Planning Consultant for the City of Scio

Kinney summaried the city staff report.

- The hearing tonight is to focus on the request for a Comprehensive Plan Amendment, a Map Amendment and Zone Change from Light Industrial to Commerical.
- Applicant has submitted additional application materials for a partition to split off 1.34 acres from a larger parcel, a variance to reduce the parking requirements mentioned, a site and development plan and building plans for the 9100 square foot Dollar General building , a flood plain development permit, allowing them to do cut and fills on this site and a wetland mitigation application to the U.S. Army Corp of Engineers and the Department of State Lands that would allow them to do outsite mitigation of the wetlands found on the property.

The land is currently designated in the city's Comp Plan and on the zoning map for light industrial use. In that light industrial zone retail stores are not permitted. In order to develop for commercial use one must apply to change the zone from light industrial use to commercial use. The applicant is requesting that the 1.34 acre site be rezoned to commercial. (Kinney demonstrates on overhead a zone map).

When the planning commission and city council looks at this type of application, they must pay attention to specific criteria, not just whether someone likes it or doesn't like it but does it fit with the city's overall Comprehensive Plan and does it fit the policies and the goals established in the plan document.

Oregon State wide planning goals requires that cities have to address state wide planning goals from citizen involvement to what land use like commercial, residential, or public, pay attention to natural resouces, air, water and land resources, steep slopes, flood plains and wetlands, economic development potential of the community, and whether or not the city has adequate infrastructure to accommodate the development and lastly whether the transporation facilities, Scio finished the last chapter of their Comp Plan in February of 2019. Kinney spoke to the development requirements in the Scio Comp Plan:

- Buidlable land goals to serve growth between 2015-2035.
- Recommendations made for commercial growth. Commercial lands be located in the old downtown area north of Thomas Creek and along the 226 corridor.
- Natural resources are to be protected wetlands within city limits/
- Low quality wetlands have been identified on this particular property.
- Land must be available for new commercial activities.
- Transportation goals and policies now require certain street improvements up to urban standards.

Whalen – What does urban level means? Kinney - curbs, sidewalks, gutters, etc.

- Pay attention to ingress and egress onto the site

Kinney concluded by stating his recommendations:

a. There is a need for addition vacant commercial and industrial properties, north main street of along the 226 corridor.
b. Given the city comp plan there is a need to protect or avoid development of wetlands. Commission needs to decide if the applicant can obtain off- site mitigation.
c. Flood Development Permit, as part of the site development, make sure flood waters can flow around the site and that there is sufficient cut and fill provision made for the site development.

Kinney asked if there were any questions:

Whalen - who says how much we have for the next 20 years. Kinney, it is a guessing game. There is a formula used and provided by the state of Oregon. Kinney gave a brief explanation of the formula using existing commercial land in conjunction city populations the size of Scio.

Wooten – Made a statement regarding the State of Oregon application and methods used toward the application of wetlands credits. There was a brief discussion on this topic concluding with Kinney stating that the Commission has the has the right to allow an applicant to use a wetlands bank for mitigation purposes. Wooten asked can the city overrule the State of Oregon and not allowance to use wetlands bank? The Comp Plan language is vague and not clear on that option. Kinney – you have the right to allow the applicant to use a wetlands bank.

Whalen – It is common to make that trade, using a wetlands bank? Kinney, yes it is, particularly in low quality wetlands. It's very common.

Wooten: Page 23 of the staff report, City concludes that the applicant does not comply with city requirements, sidewalks? The applicant is proposing a plan that does not comply with the street plan, sidewalks, etc. Lack language referencing the wetland mitigation bank.

Zedwick: Read a segment of the staff report from page 27 and asked if the development would create other problems for adjacent property owners? Kinney, if the site is developed properly it should not create problems for neighbors.

Loewen: My concerns are that if we do not have raised gutters higher than the crest of the road and if Tharps land gets developed in the future where is that water going to flow through? I do think it can be done.

City Engineer Ryan Quigley - Dave and I agree, we've walked the site and have preliminary reports and they have worked to accommodate the water flow, they have room within the plans to make some changes to help accommodate those changes, not totally addressed here yet, but they can get there with the space that is provided.

Androes and Loewen engaged in a conversation regarding their concerns and issues that might be created by sidewalks, if not done correctly.

Buganski - On the East side of the property, when the fill is remove, will it have a negative impact on adjacent properties.

Quigley: Using the conceptual drawings , Quigley explains that there is a design that can accommodate the water over flow from the site itself. There could be some issues around the site.

Wooten interjects comments regarding sheet flooding asking where the water goes around the footprint. Quigley explained that the site was actually higher than the baseflood elevation.

Kinney: At the mid point of building 318.5 slab will be 2" above baseflood elevation at 320.5 give or take.

Buganski - My concern was any negative impact for the property behind the site. Kinney responded that the site will have to have the ability to flow around the site and get back to the highway and the Peter's Ditch outlet. Is there was going to be a flow through foundation and Loewen explained that it was not needed due to the elevation of the aggragant slab.

Whalen - Why was the application incomplete in May what was left out? Kinney stated that the storm drain analysis was not provided in the first submittal, there were 3-4 small things, joint wetlands permit had minor errors and a couple of other issues that were all corrected with 3-4 days and resubmitted with a completed application.

Wooten asked the commissioners if they had any further questions. Seeing no questions Chairman Wooten continued the meeting recognizing written testimony to be entered into the Public Hearing record. The letters were from:

1. Nathan and Roberta Reed, 1205 S. Parton Street, Santa Ana, California, 92707
2. Odie Vogel

Copies of the letters were given to each of the commissioners for review and the original copies are part of the permanent record.

Wooten then went to the audience, asking to hear from the proponents, reiterating that each person needed to state their name and address for the record.

Proponents:

Roger Loewen, 38876 N. Main Street, Scio, Oregon - I support Dollar General

Apponents:

Stephen Reese, 38805 Gilkery Road, Scio, Oregon – My property is the right on the first corner. I have a lot of experience with flooding. The water goes where the water wants to go. Every year, probably about 3-4 times, water cannot get under Gilkey Rd. fast enough and my property fills up like a bath tub and there is nothing I can do to stop it. When I look at your fill and grade report, I question the validity of the report. It doesn't make sense that a 9000 square foot retail space can be lifted, with fill on the property, two feet above base flood elevation and still provide those catch basins. Now the water will go where the water wants to go. Right now at the Pacific Power sub-station the water can be two feet deep. I'm aftraid with all of the hard scape the water will become deeper, power will be out longer and how is this going to effect me down stream? You're at 320 feet and I'm at 307 feet. Anything that impacts up on Highway 226 is going to impact me. Either of the north side or the south side, if Peter's Ditch fills up water cannot get off my property and I have had water underneath my house two or three times. I would hope that you would deny this just on that. Then the turning radius of the trucks making deliveries, I am afraid that's not going to happen and they will be backing off of 226 and how often are they going to have trucks there restricting traffic on 226? I would just hope that you would deny it based on that.

Melody Scofield, 38813 Garden Drive, Scio, Oregon – Co-owner of Scio Hardward and Merchantile: Exhibit A – A copy of Ms. Scofield's public statement is attached.

May Garland, 38795 N. Main Street, Scio, Oregon – Exhibit B- A copy of Ms. Garlands public statement is attached.

Roger Gaither, 38795 N. Main Street, Scio, Oregon – Roger choose to go up to the front of the audience due to a visual aide that he had brought to the meeting. Roger began by introducing himself to the commissioners and to the audience stating that he is married to May Garland and that they own their home on main street. They have lived in Scio for 29 years and have a vested interest in this community, in which they both have been active during their entire time in Scio. Using the visual aide (a map showing his bicycling route from the west cost to the east coast). Roger stated that he and May had riden from the west coast to the east coast, which took them into 80 different towns, most of them small towns like Scio. This was one of 10 bicycle trips made by Roger across the country from the seat of a bicycle. Roger formed definite opinions about the quality of the cities that he has passed through and those that he has stayed in. Many of the communities have viable core downtowns where you can walk to everything. Scio has a viable downtown that you can walk too; we have all of the services, we would like to have more, of course. Numerous cities that splintered their downtown via the automobile begin to desinigrate downtown. Commerical development moves to the outside of town until the town has no core. The towns with the most charm are those who maintain their downtown core. We have a core, we have a viable downtown. We have good businesses and a Comprehensive Plan. I would point out that if it is a comp plan or is it a set of restrictions. Why is this not an active effort to fulfill that plan instead of an effort to deviate from that plan. Roger spoke directly to the applicants request to deviate from the installation of sidewalks, from the wetlands processes and from the required parking spaces. I'm saying if we want to maintain a core that is viable and

healthy we should concentrate on augmenting the core of the downtown and not splinter off onto the highways.

Kendra Kimbirauskas, : 39006 Richardson Gap Road, Scio, Oregon - I would like to express that I am not in support of this process of Dollar General. There are two things that I would like to specically speak to tonight:

1. Wetlands Variance: We know that wetlands are good, in areas where there is a potential for flood. Allowing mitigation through a wetlands banks does not help Scio when there is flooding, that is a bad idea.

2. Dollar General is not in compliance with the city's Comp Plans specifically supporting local businesses and healthy economic development. There are statistics that suggest that when dollar stores come into community grocery stores loose 30% of business. So we have a grocery store, a mercantile, a feed store, so much community effort going into building our local industry and encouraging people to shop locally. At the same time are we going to allow a business that is known for diminishing business come into our town? Personally, I live in between Scio and Stayton. I make a decision to shop locally to see these businesses thrive. If we loose our grocery store, we will loose our fresh food. Dollar General will not have fresh produce. This is an important part of our food sovernty. I hope this is taken into consideration .

Elizabeth Shultz, 42713 hwy 226 / 38986 NW 1st Avenue, Scio, Oregon - I agree 100% with Kendra has said, if you look at the Comp Plan, they do not meet the requirements. This is not a small business wanting to move in here, but a large chain store spread across the United States. I want to get emotional about this because I own a business in this town and we are barely hanging on by a thread. If you want to bring these guys in here you are going to see a ghost town in Scio. You wont have a grocery or a general merchantile, which I'm not sure who decided we didn't have this in town because they have awesome stuff, I have general stuff in my store. The flooding a huge issue addressed by all businesses. The flooding in this town needs to be taken seriously. When downtown floods who is there to help? Is Dollar General going to bring there big team to help us, no they are not. It is going to be people who live and work in this town. I'm for business growth and bringing in housing, I love this community. These guys don't love this community, we are a tiny blimp on their screen. No offense to you guys but you are not welcome here by the majority of Scio. You do not have the support of the local businesses, you bring these guys in and we loose in the long run.

Nadji Vogel, 38932 NW 2nd Avenue, Scio, OR - I'm so emotional, everybody is talking about our town, we love our town and want it to grow in a unity. To change from a downtown core sickens me. I cannot see how we can do that and live with ourselves. You are either part of us or you or not. I do not feel Dollar General would ever be part of us. They are not with us they are outside of town and so I say deny it and be done with it

Katrian Clouse – 38971 S. Scio Oregon - I put down neutral because of the land zone changes. I wanted to hear what they are going to do to the basic land zone issues. I am changing it to apponent because they are not improving anything, it shouldn't happen.

Lisa Stine, 39048 Montgomery Drive, Scio - I've only been here a year, I do apolizie, I'm from California. I love a small town, listening to people talk about a core is exciting. I have a vetranarian degree, I could work anywhere, but I choose this community. I agree with what people are saying tonight. I do not believe Dollar General is going to be good for our town. I'm opposed to Dollar General, it would only bring a "not small town feel".

Kyle Greer, 38824 Hwy 226, Scio, OR – I'm an apponent, got out of the military got lucky enough to land in Scio. I would hate to see it take away from what makes the town great. Putting in big box store is not good. I live on the site and there is a water problem. Leave Scio the way it is, keep it's nice charm that cannot be beaten.

Susan Yoder 38924 NW 1st apt. 5 , Scio, OR – I buy American, I don't' think there is much in Dollar General that is American, I am opposed.

Chairman Wooten asked if there was any further questions to the applicant or to staff or any additional testimony: Seeing none he then allowed time for the applicants response.
There was a brief discussion amongst the commission regarding the decision making process and the site plan review. Dave Kinney walked through the process outlined in the staff report.

Applicant Summary and Rebuttal – Tre Glenwright

I appreciate the citizens comments. I live in small town in Alabama, we have one of these stores too. I understand your concerns. The demographics show the user area 50 times larger than the number of people showing up tonight. Some of the concerns shared here tonight regarding the sidewalks, we only brought that up because there are very few sidewalks on that portion of the 226 corridor. We will put them in if that is what the city will required. It will be vetted out in the next stages ahead. The wetlands on this property are of much higher quality then determined by the city. It was our engineer and our due diligence that determined the low quality wetlands. We have a very thorough application before the Corp of Engineers and the Dept. of State Lands. Your staff report is very clear that there is not another property available in this community to place this development. We found a site on the main corroidor for a general store, not a dollar store and we will be creating jobs. There was a comment fresh produce. I have been informed that they will be doing a pilot program to bring in fresh produce. This store is not here to compete with others stores but to compliment them. It is an addition to the community, it is not designed to subtract from it. Regarding the trucks coming off of Hwy 226, our trucks are smaller than the trucks coming into the bridge company right next door. We appreciate your concerns and we are here to work with you. Thank you Sir.

Dave Kinney - Staff Summary - I do not have anything to add to the issues raised by the public or applicant, I have identified the key issues in the process. If you feel you there is a need to continue this decision to another meeting and gather more information you can do so. Or, you can close the public hearing tonight and continue deliberation if you would like to another meeting. Or, if you feel you are ready to accept the application you can close the meeting and either make a recommendation for approval if the planning commissions does not comply with the criteria and the Comp Plan you can recommend denial to the Scio City Council. In either case it is a recommendation to the Scio City Council and the city council will hold a public

hearing to consider the proposal at which time the City Council could accept or deny the recommendation. I yield back to the chair.

Wooten - Any questions of staff?

Burganski - Have you procured wetlands mitigation? Glenwright, we have submitted to Corp and state to purchase wetlands credit. We are working through the process, a procedure that takes time. We do not have the permit yet, but we feel good about the permit.

Wooten suggests to close the public hearing and continue the commissioners discussion. I will close the public hearing at 8:30 p.m. to discuss valid concerns that were brought up tonight.

1. How will staff ensure no damage during flooding? The site plan needs to guarantee that flood waters will be able to flow through and around the site to Peter's Ditch drainage.
2. Whalen, does the engineering capabilities exist to make sure that can be done with confidence. We are only looking at it for Planning Commissions level at this time. The next step will require an indepth study.

(Electricity Lost)

After the electricity went off there was several minutes of confusing conversation in the audience and at the planning commission table. Commissioner Whalen asked that a vote be taken to accept the Zone Change as presented with the stipulations that the requirements laid out by the city be met. The motion dies to a lack of a second.

Commissioner Buganski stated that he needed more time and information in order to make a decision.

Commissioner Androes made a motion to table the decision until July 17, 2019 at 7:00 p.m, the motion was seconded by Commissioner Buganski and passed by a vote of 5/0.

Chairman Wooten stressed to the audience that the next meeting would not be a public hearing but a time for the planning commission to review the new materials and have discussion prior to making any recommendations to the Scio City Council. Wooten thanked everyone for attending the meeting and announced that there was a vacant set on the planning commission should anyone be interested in serving.

Meeting Adjourned at 8:45 p.m.