

**CITY OF SCAPPOOSE
REGULAR CITY COUNCIL MEETING
APRIL 4, 2011 AT 7:00 P.M.
33568 EAST COLUMBIA AVE
SCAPPOOSE, OREGON**

Mayor Burge called the City Council Meeting to order at 7:00 p.m.

Flag Salute

Attendance:

City Council Members:

Scott Burge	Mayor
Jeff Bernhard	Council President
Larry P. Meres	Councilor
Jeff Erickson	Councilor
Mark Reed	Councilor

Staff:

Jon Hanken	City Manager
Doug Greisen	Police Chief
Brian Varricchione	City Planner
Susan Reeves	City Recorder

Press:

Jeff Bennett	Legal Counsel	Don Patterson	The Chronicle
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Excused: Councilor Donna Gedlich and Councilor Judie Ingham

Approval of the Agenda

Council President Bernhard moved and Councilor Erickson seconded the motion to approve the agenda. Motion passed (5-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Public Comments

None

Consent Agenda ~ March 21, 2011

Council President Bernhard moved and Councilor Erickson seconded the motion to approve the March 21, 2011 Council Meeting minutes. Motion passed (5-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

New Business

Docket # CPA1-10/CPTA1-10/DCTA3-10

Public hearing on the proposal to expand the Urban Growth Boundary (UGB) to include the western portion of three parcels identified as Columbia County tax lots 3201-00-00300, 3201-00-00301, and 3201-00-00302 and to designate the tax lots as Commercial (C) on the Comprehensive Plan Map.

Mayor Burge read the opening statement and opened the hearing at 7:02 p.m. He stated he is calling this public hearing to order to consider an application for a Legislative Land Use Decision.

Testimony and evidence must address the criteria that apply to the decision as described in the staff report or to the criteria the person testifying believes to apply to the decision. Persons may speak only after being recognized by the chair and must come forward to the microphone and state their name and address for the record. Only testimony that is relevant to the application will be considered. Immaterial or repetitious testimony will not be allowed and time limits will be imposed if testimony is irrelevant or repetitious. There shall be no audience demonstration or other conduct which would disrupt the hearing. The order of the hearing is the staff report, then proponents, then opponents, then neutral participants, then a staff response, then any questions the City Council may have. Thereafter, the hearing is closed for consideration of the matter by the Council. Testimony shall be limited to the proposal to include the three parcels noted on the agenda. No other testimony will be accepted.

City Planner Brian Varricchione read over the staff report. On March 7, Council directed staff to schedule this land use hearing and this is specifically whether to include three parcels within the Urban Growth Boundary. These three tax lots are the western halves of three parcels and the eastern halves of these 3 parcels are already within the Urban Growth Boundary and they are designated commercial on the Comprehensive Plan map. He explained staff contacted Columbia County to find out some more information about these three tax lots. The County stated that they were all identified as exceptions lands when the County Comprehensive Plan was adopted. This means they could be added to the City's UGB without requiring an exception. He explained further investigation revealed these parcels had been split in two on the Assessor maps. So although they were legally each of them was one parcel they ended up on two separate maps with two separate tax lot numbers. It is staff's conclusion when the UGB was drawn around this area it was an oversight not to include the whole parcels. There was probably an assumption that the assessor lines followed the actual parcel boundaries. Based on conversations that were held at prior hearings staff has drawn the proposed UGB maps to include these three tax lots. If Council wishes to include them then the maps will be fine as is, and if Council wishes not to include them then staff will amend the maps and findings accordingly. Notice of the public hearing was mailed and publicized as required by law.

Mayor Burge asked Council if they had any questions for staff. There were no questions at this time. He asked if there were any proponents.

Keith Settle, 33341 Gilmore Road, explained his property is one of the three that is part of the proposal that is before you tonight. He explained the three properties in question are already being used as commercial property. He explained it's not really going to change the use of the property it's just going to allow it to be classified as it should be.

Mayor Burge asked if there were any other proponents. There were no other proponents. He asked if there were any opponents.

Michael Sheehan read over his letter that he submitted for the record. He explained his understanding is the developer's consultants have said that there is enough need to justify all the land that's proposed to come into the UGB before we got to Gilmore. He read over his letter which states he has no specific objection to the inclusion of the Gilmore Road property and the expansion. He does object and raise the issue the proposed expansion not justified on the basis of the EOA and the Land Need Analysis and therefore would not be justified to add another 5 acres to it since it is not justified to begin with in his view. If you had exactly the amount of land you needed to justify

the UGB without this then you add this 5 acres then you have at least 5 acres more than you have justified. He doesn't have an objection to Settle coming in.

Mayor Burge asked if there are any other opponents? There were none. He asked if there were any neutral participants.

Brian Rosenthal explained he thinks its fine that the land along the highway that has partially split be included. He thinks the issue to be brought up was earlier the consultants reduced our capture rate for some of the commercial activity in town so that when we excluded SW2 and SW3 they actually reduced the amount of total acreage that we needed. But if need be to include the new land you could increase the capture rate again, that would allow for that land to be included.

Mayor Burge asked if there were any other neutral participants. There were none. He then asked for staff response.

City Planner Brian Varricchione replied the proposed findings and the information in the staff report are actually a little different than what was proposed by Mr. Sheehan. He explained the justification for including these three half parcels in the UGB is not in fact the EOA, rather it's a desire to perform a cleanup of the maps. He read a portion of the staff report ~ A current assessment of these three parcels for the purposes of an industrial and commercial lands inventory reveals that the portions both within and outside the UGB are already developed with commercial uses. They are served by urban levels of utilities and services. As a result, including the portions of these parcels presently outside the UGB within the UGB would have no net effect on the 20-year land supply. In other words, they would not satisfy an identified need for employment land. Although the western portions of the parcels are not capable of satisfying a portion of the 20-year land need, from a land development and efficient urbanization perspective it doesn't make sense to exclude the western portion of these parcels from the UGB.

City Planner Brian Varricchione explained essentially what we're saying is because there is no additional buildable land since they are already developed, that it doesn't increase the land supply and also the justification for including them is not based on the EOA as he said so much as fixing a prior oversight.

Mayor Burge asked if Council had any questions. There were none.

Mayor Burge closed the hearing at 7:14 p.m.

Council President Bernhard explained normally he has questions but in this particular case staff has explained more than adequately where we are on this particular issue. He doesn't see this more than just correcting of a map, as City Planner Brian Varricchione talked about earlier as an oversight. He asked if any other Council members have questions on this. There were no other questions.

Council President Bernhard moved and Councilor Erickson seconded the motion that City Council approve the inclusion of Columbia County tax lots 3201-00-00300, 3201-00-00301, and 3201-11-00202 within the UGB and designate them Commercial on the Comprehensive Plan. Motion passed (5-0). Mayor Burge, aye; Council President Bernhard, aye; Councilor Meres, aye; Councilor Erickson, aye and Councilor Reed, aye.

Docket # CPA1-10/CPTA1-10/DCTA3-10

Ordinance 816: Relating to Land Use; Amending the Urban Growth Boundary; Amending the Comprehensive Plan Text and Map; and Amending the Scappoose Municipal Code to add Chapter 17.74 (Airport Employment Overlay Zones) and to amend Chapter 17.136 (Annexations)

City Planner Brian Varricchione went over the staff report. He explained on March 7, Council directed staff to draft findings and an ordinance for the proposed UGB expansion, EOA and associated updates to the Comprehensive Plan and Development Code. The very thick packet you have in front of you includes the adoption ordinance, the findings and all supporting documents that staff has compiled in order to implement what they heard Council say they wish to implement. This would be the opportunity if there is anything that Council members found that was a mistake or something additional they would like to see and staff can make sure to incorporate it into the final ordinance that would be in front of Council at the next meeting.

Council President Bernhard moved and Councilor Erickson seconded the motion that Council approve Docket # CPA1-10/CPTA1-10/DCTA3-10 and accept the findings as proposed in Exhibit A of Ordinance No. 816. Motion passed (4-1). Mayor Burge, aye; Council President Bernhard, aye; Councilor Erickson, aye and Councilor Reed, aye. Councilor Meres, nay.

Council President Bernhard moved and Councilor Erickson seconded the motion that Council approve Ordinance No. 816 as presented and adopt the Ordinance at the meeting on April 18, 2011.

Mayor Burge read the title for the first time.

Announcements

Mayor Burge went over the calendar.

City Manager Hanken

City Manager Hanken reminded Council that the State Ethic Forms are due on April 15.

He stated Friday you may have noticed that the asphalt was being put down on SE 2nd Street, that project is moving along.

He explained Council should have received his email related to the ribbon cutting for the Havlik Drive/SE 2nd Street on April 29, 2011 at 4:00 p.m.

Council

Councilor Meres explained he wanted to have a conversation about the email that City Manager Hanken sent out regarding the stop sign issue. He stated the guy has a very valid point. He stated the City should sit down and look at each stop sign and line and straighten them out. His suggestion is if there is a cross walk that's the line, if there is not a cross walk then the line is the stop sign. The way it is now it makes no sense and he really thinks somebody should straighten that out. He disapproves of poor designing and he thinks it's the City's fault.

Chief Greisen replied unfortunately with ORS 811.260 it gives the definition of stop signs and the markings. ORS 811.265 indicates traffic control devices, which could be a stop sign, any traffic light or any other device like that. He explained the definitions fall under ORS 811.260 and the State of Oregon says if you see the stop sign and no line your front of the bumper is right at the stop sign. If there is stop line the law states that you stop at the stop line and proceed with caution. He thinks is not just an issue here it has to be addressed at the legislature if you want to change all that.

Councilor Meres replied it is very confusing when you have multiple lines. He stated there should be at least some consistency in the markings of the lines.

Councilor Reed explained he agrees. He went out where the citation was issued, which brought up this discussion. He explained one of his questions would be is the fine that was given.

City Manager Hanken and Chief Greisen explained the fees are set by the State.

Mayor Burge would like to have this discussion on a future agenda. He stated it sounds like in general that Council agrees the fines are too high. He also would like the Council to write a letter to the Legislators to address the fees being too high.

Councilor Meres explained has a nice time at the Mayor's Ball. He thanked Mayor Burge and City Manager Hanken. He is hoping the Senior Center made some money.

Council President Bernhard explained baseball got kicked off this weekend. He wanted to thank City staff for getting the park phenomenal shape.

Councilor Erickson reminded everyone this coming Saturday is the Grant Watts Auction from 4:00 p.m. to 9:00 p.m.

Mayor Burge explained the Mayor's Ball on Saturday night was a good event. He thought it was fun. He dressed up for the theme of the 50's. He even sold the leather jacket he was wearing to help raise funds for the Senior Center.

Adjournment

Mayor Burge adjourned the meeting at 7:32 p.m.

Scott Burge, Mayor

Attest: _____
Susan M Reeves, CMC, City Recorder