



**SCAPPOOSE PLANNING COMMISSION
Council Chambers at City Hall
33568 E. Columbia Avenue**

THURSDAY, JANUARY 27, 2011 at 7:00 p.m.

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 27, 2011 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
Anne Frenz	Commissioner
Don Dackins	Commissioner
Mike McGarry	Commissioner
Carmen Kulp	Commissioner

Staff:

Brian Varricchione	City Planner
Joe Lewis	Water Plant Superintendent
Susan Reeves	City Recorder

Press: none

Excused: Commissioner Bill Blank and Commissioner Cairns

APPROVAL OF MINUTES ~ October 28, 2010

Commissioner Dackins moved and Commissioner McGarry seconded the motion to approve the Planning Commission meeting minutes from October 28, 2010 as corrected. Motion passed (6-0). Chair Negelspach, aye; Vice Chair Shuman, aye; Commissioner Frenz, aye; Commissioner Dackins, aye; Commissioner McGarry, aye and Commissioner Kulp, aye.

CITIZEN INPUT

None

NEW BUSINESS

DOCKET # PTR3-10

The City of Scappoose Water Department has requested approval of an application for Public Land Tree Removal (PTR3-10) for the removal of two Douglas Fir trees at the Keys Road Water Treatment Plant. The site is located at 52212 SW Keys Road, on property described as Columbia County Assessor Map # 3211-DD-00200.

Format: Quasi-Judicial Land Use

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

Chair Negelspach opened the public hearing at 7:03 p.m.

City Planner Brian Varricchione explained with him this evening is Joe Lewis representing the Water Department. If the Planning Commission has questions for Joe Lewis please feel free to ask him after City Planner Brian Varricchione goes through the staff report.

City Planner Brian Varricchione explained the water department proposes to remove two trees from the grounds of the Keys Road Water Treatment Plant. He explained staff has retained the services from an arborist Danny Luttrell. Danny Luttrell did submit a letter that is in the staff report. His basic conclusion was that the trees are really not in great shape and there's potential liability primarily due to not just their condition but their location fairly near the structure of the water plant itself. He explained looking at the site and the tree location it does not seem to be a conflict or any problem meeting the approval criteria. He explained staff is recommending approval of the application.

City Planner Brian Varricchione explained it has generally been the practice of the Planning Commission to require replanting of trees in circumstances like this so we have proposed a condition of approval to plant two replacement trees somewhere on the grounds, perhaps an appropriate location might be further from the building.

Chair Negelspach asked if there is a timetable for replacement of the trees once they are removed.

Joe Lewis, Supervisor at the Water Treatment Plant, replied we don't have a timetable but we are willing to put the trees in whenever possible as soon as this body decides what kind of trees they would want. He is suggesting that fir trees are planted in a location further away from where these are. He explained staff has had signs up for two weeks and they have marked the trees. He explained a couple of winters ago they did have one tree next to one of the marked trees fall on

the Water Plant building and it did some damage to the roof and they want to keep that from happening again.

Chair Negelspach asked if all the trees in that area were considered in your evaluation.

Joe Lewis replied these two were particularly bad; one is leaning over the fence and the one that is not leaning over the fence is weeping pitch and is definitely not well. He explained the two trees were targeted because of their sickly appearance.

Chair Negelspach stated he doesn't see the need to actually replace the trees with fir trees necessarily if staff thinks that is going to be a future problem.

City Planner Brian Varricchione replied perhaps the arborist will have some recommendation for a species.

Chair Negelspach closed the hearing at 7:15 p.m.

Commissioner Dackins moved and Commissioner McGarry seconded the motion to approve Docket # PTR3-10 as presented. Motion passed (6-0). Chair Negelspach, aye; Vice Chair Shuman, aye; Commissioner Frenz, aye; Commissioner Dackins, aye; Commissioner McGarry, aye and Commissioner Kulp, aye.

DOCKET # DCTA5-10

The City of Scappoose proposes amendments to the City's floodplain regulations (Chapter 17.84 of the Development Code) to comply with state and federal law. These revisions would amend the definition of "Development" to be consistent with the requirements of the National Flood Insurance Program and would update the elevation requirements for Manufactured Houses to be consistent with the Oregon Building Codes Division interpretation of the 2010 Manufactured Dwelling Installation Specialty Code.

Format: Legislative Land Use

Chair Negelspach read the opening statement and guidelines for the hearing. No Planning Commissioners had any issues regarding the matter. There were no objections to the Commissioners participating in this matter. He explained the Planning Commission will make a recommendation to City Council on this application.

Chair Negelspach opened the public hearing at 7:18 p.m.

City Planner Brian Varricchione went over the staff report. He explained what is in front of the Planning Commission this evening is a minor application for some housekeeping amendments. As he recalls this is the third time that he has asked the Planning Commission to amend the floodplain regulations in about a 12 month period mainly because we keep getting told to change them and this one is no exception. When the new floodplain maps were published the City had to

adopt those in the fall as well as update our floodplain regulations to be consistent with the requirements issued by FEMA. We based our amendments on a model code provided to us by the State of Oregon but it turned out that was a draft code which had not been fully vetted by FEMA so after we had adopted the changes we were informed that FEMA didn't like some of them. He explained we are proposing an amendment to the definition of "Development" to be consistent with the requirements of the National Flood Insurance Program.

He explained the other change is to update the elevation requirements for Manufactured Houses to be consistent with the Oregon Building Codes Division interpretation of the 2010 Manufactured Dwelling Installation Specialty Code. This will make the Building Code and the Planning Codes agree with each other.

He explained we have proposed some findings of fact in here and put in the draft language as Exhibit 1 with strikeouts and underlines to show what is new and what is old and then he also attached the interpretation from the State Building Code Division for those of you who might want to read some of the background material.

He explained as noted this would be a recommendation to City Council. He explained staff did mail notice to everyone with property in the floodplain.

Chair Negelspach stated we have some existing manufactured homes in the floodplain now and by this new definition if they were to modify their manufactured home or pave a driveway to it would they then be required to check the elevation of the trailer frame against the floodplain elevation and potentially raise their manufactured home up because of that.

City Planner Brian Varricchione replied if people are doing outdoor work it wouldn't necessarily affect what they may have to do for their home. Typically with an addition whether it is a manufactured home or a stick built home if the addition is off to the side the addition would have to be elevated to whatever the floodplain requirements are. If the existing house is already at that elevation hopefully you can match the floors up. If the house was too low the addition would end up being higher so you would have a step in your house. He explained if someone wanted to add a second floor to their house and their house wasn't properly elevated that would trigger having to raise the whole house up at the same time. He explained there is a threshold if they are improving their house more than 25% of the assessed value then they have to bring it up to today's regulations.

Chair Negelspach asked what elevation manufactured home parks would be at, below or above in general.

City Planner Brian Varricchione replied we have a couple of manufactured homes parks within the City Limits; Crown Park Manufactured Home Park by Crown Zellerbach Road and that one is well above the floodplain elevation by a number of feet. The other is Springlake Manufacture Home Park and that one is outside the floodplain as well although portions of it are protected by the dike.

Vice Chair Shuman asked regarding the word “Development” there is quite a bit of language that is crossed out, does the new paragraph cover everything that was listed there?

City Planner Brian Varricchione replied the problem was what was listed there was it said development does not include items 1 through 6 and that is where FEMA objected to the language that the State had suggested. In the model code that the State gives us they have two categories of language; one is this language is required by Federal Law, so that part is pretty clear and the other is optional language that generally incorporates best practices and he liked that language because he thought it provided clarity as to what triggers and what doesn't trigger but the FEMA staff in Seattle did not like that language so we are having to strike it out.

Vice Chair Shuman moved and Commissioner Dackins seconded the motion to that the Planning Commission recommend to City Council Docket # DCTA5-10. Motion passed (6-0). Chair Negelspach, aye; Vice Chair Shuman, aye; Commissioner Frenz, aye; Commissioner Dackins, aye; Commissioner McGarry, aye and Commissioner Kulp, aye.

COMMUNICATIONS

Calendar Check ~ Next meeting will be in March

Commission Comments

Commissioner Frenz explained citizens have asked her about the swimming pool.

Chair Negelspach brought up the issue regarding City Planner Brian Varricchione restructuring the ordinance related to tree removal on public and private land. He explained Commissioner McGarry brought that up in August or July last year. He explained with things being somewhat slow he thinks it is worth revisiting and one of the reasons he mentions that is because this application to remove the tree at the water plant illustrates why he thinks it is an important issue. He asked if there is a mechanism that is already in place for removal of something that's imminently dangerous and moving forward he thinks that we have some different criteria to evaluate whether or not there needs to be a public hearing for removing trees that are clearly or potentially a hazard.

City Planner Brian Varricchione replied there are provisions for emergency actions now if there is an immediate danger of causing property damage or damage of health, safety and welfare.

Commissioner McGarry talked about in the City of Portland where staff handles tree removal requests. He explained it just seems to him like that would all be a lot more efficiently handled by staff, then if there is an issue it can go before the Planning Commission or City Council.

City Planner Brian Varricchione replied he could draft something up for a future meeting to change the approval mechanisms.

Staff Comments

City Planner Brian Varricchione explained the Economic Opportunities Analysis and the UGB hearings are continuing. After the 4 hearings that the Planning Commission has held, the City Council has held two thus far and they accepted testimony at both of those hearings. The next meeting will be on February 7, 2011 in the Scappoose High School Auditorium.

The Planning Commission and staff welcomed Carmen Kulp to the Planning Commission.

ADJOURNMENT

Chair Negelspach adjourned the meeting at 7:54 p.m.

Chair Chris Negelspach

Susan M Reeves, CMC
City Recorder