



SCAPPOOSE *Oregon*

MONDAY, DECEMBER 19, 2022
CITY COUNCIL MEETING
REGULAR MEETING 7:00 PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056

Call to Order

Mayor Burge called the meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Alexandra Rains	City Manager
Megan Greisen	Council President	Susan M. Reeves	City Recorder
Josh Poling	Councilor	Laurie Oliver Joseph	Community Development
Director			
Peter McHugh	Councilor	Chris Negelspach	City Engineer
		Brian Jensen	Interim Public Safety Director
Peter Watts	Legal Counsel	Chris Fluellen	Lieutenant

Remote: Councilor Brandon Lesowske; Councilor Tyler Miller; Assistant to City Manager Isaac Butman; Monica Ahlers; Anna Del Savio with the Columbia County Spotlight; Beth Rajske; Chip Buxton; Citizens; Deb Miller; Lauren; Garrett Stephens; Craig Hermes; Kim Holmes; M Hoffmann, Michael, Mike Bradley; Tori McGee; and H.

Councilor Santiago, excused.

Approval of the Agenda

Councilor Poling moved, and Councilor McHugh seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; and Councilor Tyler Miller, aye.

Old Business

Ordinance No. 909: An Ordinance Relating to Land Use; Amending the Scappoose Zoning

Map, and Approving the “Buxton Ranch” Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permit Applications

Mayor Burge read the title for a second time ~ Ordinance No. 909: An Ordinance Relating to Land Use; Amending the Scappoose Zoning Map, and Approving the “Buxton Ranch” Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permit Applications.

Mayor Burge read an opening statement. He stated “The record and hearing on the Buxton Ranch application is closed. Council made a motion for approval, and it was seconded during the December 12th Council meeting.

Does any Council member wish to declare any ex-parte contacts or conflict of interest regarding this matter?

Council President Greisen explained she received an email from a Community member with very explicit comments in opposition of this application and included some documentation of names of community members that had signed a petition against this application. She received that on her City email and it doesn't affect her decision.

Councilor McHugh explained he has received three emails, and one telephone call and he assumes all of them were in opposition to the project. Since he doesn't know exactly what they said, he doesn't think they'll influence his vote.

Councilor Miller explained he also received two emails with a petition, and I did not read those emails or reviewed the petition, given instructions that we have.

Councilor Poling explained he specifically hasn't read any of his emails in the last week so that he wouldn't have to be put in a situation.

Councilor Lesowske explained he too had received emails from a concerned citizen regarding this application. He did open up the email, but he did not open up any of the attachments. The email will not have an impact on his decision this evening.

Mayor Burge explained he probably received it as well. He has not read any emails except for those from City staff.

Mayor Burge asked, does any party wish to challenge any Councilor's impartiality or legal capacity to participate in this matter?

Mayor Burge explained this application is on second reading, is there any further discussion?

Councilor McHugh replied, yes. He brought up early in the process about his concerns about safety on JP West Road. He doesn't expect that to be taken care of tonight, but he would like to see the Traffic Safety Committee looked at this to see what they think about it. He is not an expert on this, but he does have concerns about it. He has driven up and down that road a number of times since then. He still has concerns and would like to have the Traffic Safety Committee take a look at that and put it on their agenda for the first meeting in January.

Council President Greisen explained she just wanted to note that in her opinion she feels there is substantial evidence in the record to support approval of the consolidated application, including the findings in the staff report and the verbal and written testimony of the applicant and there is not the same level of evidence in the record raised by opponents or their legal representatives to demonstrate that the relevant approval criteria have not been met. She also has a statement that she'd like to give following the vote.

Mayor Burge asked if there was any other discussion? Seeing none, all those in favor of Ordinance 909, please state by saying aye.

Motion passed (5-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Pete McHugh, aye; and Councilor Tyler Miller, aye. Councilor Brandon Lesowske, abstained.

Res No. 22-22: Canvassing Results of the November 8, 2022 Election

City Manager Alexandra Rains explained Council has Resolution No. 22-22 in front of them, it will accept and approve the official results of the November 8, 2022 election, as shown in Exhibit A.

Council President Greisen moved, and Councilor Poling seconded the motion that Council adopt Res No. 22-22: Canvassing Results of the November 8, 2022 Election. Motion passed (6-0). Mayor Burge, aye; Council President Greisen, aye; Councilor Josh Poling, aye; Councilor Brandon Lesowske, aye; Councilor Pete McHugh, aye; and Councilor Tyler Miller, aye.

Public Comment

Joel Haugen, Scappoose, stated good evening, Mayor and Councilors. As we close out this particular chapter of Scappoose history, I think it's fitting to commend both staff and Council for your public services. Scappoose enjoys a talented, qualified, and personable staff, who I believe are fairly compensated for the work they perform. Mr. Mayor and Council, you all volunteer your time without compensation solely for the betterment of our community and serve us with a passion to do what you think is best for our shared passion to do what you think is best for our shared place in this lovely corner of Oregon, Scapposians call home. While thee and me may vehemently disagree on certain issues, and whether right or wrong or for good or bad, I know in your hearts you are acting selflessly, not selfishly. For your service to our

community, I salute you all; and Mr. Mayor a special salute to you for your 22 years of selfless public services. Thank you and happy holidays! Joel Haugen

Announcements – information only

Calendar

Mayor Burge went over the calendar.

Updates: City Manager, Police Chief, Councilors, and Mayor

City Manager Rains explained she wanted to wish everyone a happy holiday. She also wanted to say that we're going to miss you Mayor Burge and we really appreciate all your service. She stated she is really happy to introduce the City's new Lieutenant Chris and we're really excited to bring him in and have him meet you. She thinks he is going to make a great addition to the team.

Community Development Director Laurie Oliver Joseph stated, just briefly, she wanted to say thank you for your service to the City, we certainly appreciate it. And to the mayor's point, you spoke last time about wishing the food cart pod was further along, she just wanted to let you know we did receive the construction documents for that for review, so they are definitely moving forward.

City Engineer Chris Negelspach stated he will just echo what Laurie said, thank you for all your service. He knows how much work it is to be up there making decisions both land use and as Council. He explained we continue to stay busy on projects and construction.

Interim Public Safety Director Brian Jensen stated, happy holidays. He gave a little background on Lieutenant Chris Fluellen, and said we are happy to have him. He said you are very lucky to have such a qualified, good person. He explained Chief Lougal is back from his academy, and we are moving toward being fully staffed, hopefully soon.

Councilor Miller thanked Mayor Burge for his service, and Josh and Brandon as well. He wished everyone happy holidays.

Councilor Lesowske stated first, being his final council meeting as a City Councilor, he wanted to say thank you to the citizens and residents of Scappoose for their support. He stated it's been an honor to be able to serve his City that he's been a resident of for nearly two decades now. Being able to serve for the City during a global pandemic, civil unrest, wildfires, is all supporting of the background. He thinks that the time that he spent in this position has been very eye-opening and he thanks the opportunity, he thanks the citizens for that opportunity. He stated to the City staff, it's been a pleasure to see the true professionalism that you bring in your roles and responsibilities in serving the citizens and residents of Scappoose and the businesses. He stated

he has full faith that this staff will continue to move the City in the direction that the residents seek. He stated to the Council and Mr. Mayor, it's been a pleasure to serve with all of you and it's great to know that we do have qualified and dedicated individuals that are putting the voice of the people first and foremost in the work that we perform. Even though it may not always be everyone's voice, but he does know that we do see compromise. He thinks that is a true testament to the role of this elected body. He stated to the incoming mayor elect and new city Councilors, he hopes that you can find collaboration and cooperation in the work that you perform and most of all he hopes that you all hold yourself with Integrity. He stated thank you for this opportunity.

Councilor Poling explained this is a little bittersweet for him because tonight is his last meeting and it's been a good ride. He stated you have all been amazing to work with on the council. He explained we had some previously great councilmembers as well. He's worked with some really good people, and we've done a lot of great things for the City of Scappoose. He stated City staff is phenomenal and you are the heart and soul of this City and you put so much hard work into what you do, whether people see it or not you do. We see your work and we hope that you can continue and push forward because there's a lot to still come. He is a little sad because he's taken a step back to not be as involved. Hopefully at some point he'll have the time to be able to spend some more time to do it again. This City is great and there's a lot of great things coming forward for it. He wishes the Mayor and Council elect the best of luck. He stated you've got a lot of catching up to do, but also, you're in good hands. You have a great City to work for. He wishes them the best of luck. He explained his big thing going forward is he is big into small business and he hopes they continue to push and support for all of our small businesses. He is in that line of work and he knows people need support of the City.

Council President Greisen stated she would like to use this moment as an opportunity to reflect on this process, essentially step back and clarify how we got to this point. This Buxton Ranch application was a formal land use hearing. Packed with case law. Bound by statute and our code. This is unlike other council decisions. It has to follow quasi-judicial land use procedures. If we stray, we risk legal action from the applicant. This feels and looks different because it is. Planning Commissioners and City Councilors act as jurors. The application is presented. Staff and other governmental agencies provide feedback to the applicant, creating conditions for approval. I'd like to note that the conditions in this application do not stray away from our code. Public comments for and against the application are presented. Public comments during the public hearing (whether written or spoken here in front of us) are included in this packet and can be used to inform our decision. But again, we must only consider those that speak to the criteria. Public comments made once the hearing is closed cannot be heard or must be claimed as ex parte contact as you have witnessed us do over these last three meetings. Public comments made during the hearing must speak to the criteria, not be opinions or feelings. Our personal views or conflicts of interests, just like a juror in a courtroom, cannot impede our decision making. If so, a City Councilor or Planning Commissioner must recuse themselves as we witnessed with both the Planning Commission and the City Council during the presentation of this application. All public comments made during the hearings were noted and are in the record. Once an application process has begun and the City begins to work with the applicant,

criteria such as rezoning and code language cannot change. What stands on the day an application is submitted, is the criteria that must be used until approval or denial by the Planning Commission, or in this case the City Council. Essentially, we cannot change the rubric mid assignment. I do want to note that Laurie and Chris are known to push back and demand developers to go above and beyond in their applications. They have a reputation for keeping the best interest of our town and not compromising with our code. As history shows, many applications do not meet our criteria or applicants aren't willing to provide what our planning department requests, and the application dies or has to come back completely redone. In some cases, such as this one, it takes years for an applicant to provide all that is asked of them. This piece of property has been zoned R-1 low density residential for decades. The City cannot rezone a parcel without a property owner's approval. Property owners have rights and the City cannot impose on them what they do not agree to. In 2018 the city council at the time (which included Mayor Burge, Council President Patrick Kessi, Councilor Mark Reed, Councilor Natalie Sanders, Councilor Josh Poling, Council Joel Haugen and me) unanimously adopted the Housing Needs Analysis. At that time, the development code was amended to include planned development overlays to R-1 zones. This is the same planned development overlay that existed for other zones, but since 2018 now includes R- 1. The purpose was to protect as many of our natural resources on properties such as this one, which was clearly a priority to that council at the time. As we have seen during this process, the Planned Development Overlay allows for changes to the dimensional sizes of the R-1 zone, such as lot sizes. It's not a waiver. It's a give and get. In exchange, the applicant is to preserve open space, as we see when clustering homes and there is a tradeoff. With this application and the inclusion of the Planned Development Overlay, our community is getting a development that is better than we could have gotten with a basic subdivision application. We are benefiting from the requirements of preserving natural open spaces. From here, the applicant could submit an application without a Planned Development Overlay as straight subdivision with more homes and less protection of natural resources. If that were the case, Council would never see a straight subdivision application and the applicant would be provided one hearing in front of the Planning Commission only. As it stands, we now have less lots, more average square footage and the natural spaces are preserved than if the Planned Development Overlay had not come into play. At this point, we have asked that everything they can give up is being given up. All of our standards for public improvements are being met. No exceptions for public improvements are proposed. In regards to the floodplain, it is a straight analysis. We cannot assume that this plan or any others that are submitted and presented won't work. Everything right now meets the criteria. Contrary to many public comments, it is important to me as a City Councilor as well as Laurie as the City Planner and Chris as the City Engineer that we meet our standards and demand the highest amount of research and evidence for any project that comes through to us. This application has met all our criteria. Any outside agency such as the SSD, SRFD, etc. have given their input and conditions have been set forth and must be followed. She wanted to end by saying there have been several comments that City councilors should not be expected to know everything there is about land use and neither should Planning Commissioners and she completely agrees. Just as a juror shouldn't know everything about the law. That's where they look to the evidence that's provided in front of them, they consult with the experts, which are our staff, and make the best decision that they can and she thinks they did that today.

Council President Greisen stated she definitely wants to speak to my fellow Councilors Brandon Lesowske and Josh Poling. These two individuals have personally made her feel like comments that she has made during City Council meetings or outside were worthy of acknowledgment when maybe, she doesn't need acknowledgment, she doesn't need anyone to give her credit but those two always made her feel confident in what she said, and she felt like they really listened, and she really appreciates that. She appreciates all the time and energy they have put into this. She stated Mr. Mayor you have led this City for many years, and she hasn't known it led by anyone but him and as a City Councilor, she appreciates the way you seem to sort of settle both sides. She knows he has never been a fan of everybody needing to have the same opinion and I completely agree but that we're all respectful at the end of the day. One thing that to Mayor Burge and Councilor Poling and Councilor Lesowske is that she intended on mentioning at the end here is that this position requires a drop of a hat, time and effort. She explained over the last three weeks she's had to abandon responsibilities at her home, with her children, to read the binder, to consult with the consultants. We don't have the luxury of saying this is too hard or I can't do it and I appreciate those of you that are leaving that have also shared that same philosophy and she wishes them all the best.

Councilor McHugh stated well said, Councilor Greisen. He stated he wants to thank Brandon and Josh for their service. They have done a lot for this community, and he appreciates all they've done and their friendship toward him. He explained we don't always agree but that's the way the system is supposed to work, and he appreciates all that they've done for the City and the time they've been on Council. He stated he has known Mayor Burge for almost 45 years. He just wants to say to Scott, thanks for what you've done for this community. He can't think of anybody that he knows that has done more for this community than he has. He stated he runs great meetings, he's always good-natured even when things get stressful, he doesn't imbibe in the stressfulness. He might inside but on the outside, he stays calm and cool. He just wanted to thank Mayor Burge for his service, he's done a great job for us and Scappoose is a better place because of him. He stated the Buxton application has been a frustrating process in many ways, but he thinks it has worked out and it is what it is. So, we have to move forward as best we can. He thanked staff for the great job they do. He stated at Christmas time we count our blessings at Christmas and you guys are a blessing and do a good job day in day out and we appreciate that. He stated welcome to our new Lieutenant and is really glad he is on board.

Mayor Burge stated he wanted to thank Josh Poling and Brandon Lesowske. He stated they were really great people to work with over the last five years and the City is going to miss both of them and the service that they have given. He explained for him, he was 30 years old when he first ran for City Council. He explained there has been good times and there's been bad times. He explained very few people probably realize that he actually served eight weeks as Interim City Manager in Alex's role, so I do have some understanding of the hecticness of that role, especially during crisis so one of the reasons I could always empathize with Alex, was because he's been there. He stated and that was some of the hard times. We've been through ups and downs over 24 years but it's always nice to look at the ups. He explained when he first started, we didn't have an economic team. He sees our executive director is out here in the audience it's been great working with you as well. He has greatly appreciated all the effort that

he and his organization puts forward to recruiting businesses. He explained Casey Garrett and himself were kind of instrumental in sparking that and it's wonderful to see things like that grow. He had a meeting today with the government affairs people with PCC and they just wanted to say thanks for the service and to find out what they could do better to support the City and he said be more involved in events like Earth Day and Adventure Fest, and talk to the library, to be out there, be more involved, be a part of the Parks Committee. He stated for him in the heart pushing out a City one last time, even though he knows that his role in this story is coming to an end but he still loves the City, he grew up here, he graduated from high school here, he came back here after going to Portland State and he's served here and you know it's been the biggest honor of his life and he doesn't think he'll ever have a bigger honor than to serve 16 years in the community that he grew up in as Mayor. He stated it's been great. He can't even count how many different Councilors he has worked with over the last 24 years. He stated that is a lot of different personalities that you end up working with and he thinks that's healthy because we're never going to always agree and he thinks the biggest lesson, not only do we all need to think about but really it's an issue for our country as a whole, is that we need to get back to being able to disagree even passionately and realize that the other people are still okay they just have a different opinion and it's okay they've seen the evidence differently and that's okay. He stated he has also worked with a number of staff. He stated there's only a handful of staff members that have been here longer than him. He explained when he first ran, he had three things that he wanted to accomplish on his campaign postcard. He wanted to develop a park system. He grew up here and we never had Parks. He was meeting with Joe this week and he mentioned he used to play in one of the fields where Fred Meyer is as a kid and it brought back the memory that I used to play up on the 80 acres of property on top of the hill near the water thing because well that's what we did because there were no real playgrounds or parks or park facilities in Scappoose. He wanted to create and put us on the road for the creation of family wage jobs. He stated that is a big lift, bigger than anyone realizes, but the best way to make sure we can have the good things we want is to expand the economic base of the city, therefore the city is collecting more taxes and without raising taxes you expand that base. We have Cascade tissue here and it was a big land. He stated in a lot of ways we had a great champion in the former Senator Betsy Johnson as well, who championed us in a lot of ways to get OMIC and the PCC training center. He was telling the PCC folks that early on he knew that wasn't going to be one organization but two organizations with two separate roles under the umbrella and it is. OMIC R & D is finishing their second building, additives manufacturing center, which is 3D printing at a high level. PCC has 15 Acres there and is always eyeing acreage around it because Rock Creek campus of PCC started as one little building out in the middle of nowhere and that's a huge campus today. So, there are ways to grow but first they need to build up that training and then move forward, but they're ready to work close with the City. The urban growth boundary was a very controversial thing as well and we actually held those hearings at the auditorium at the high school but that's the economic future, that's going to be the thing that breaks the local jobs that puts people here during lunch which makes it valuable for restaurants to open and have a lunch rush. He discussed the coal trains and said his memory from that is he still has a jar of coal that was presented as evidence from the coal train spilling, and it just has the date and where it was taken. He is going to keep it; he doesn't know why, it's just a jar of coal but it's a memory for him of some of the things we've gone through.

He stated building four parks has been fabulous. We need more and the next council is going to do a great job about that because several of them are off the Parks Committee which is great which means that's going to be a continued passion as we move forward and no, try not to cry, because you know when your part of the story ends, it's nice.

Mayor Burge took a plaque/ribbon cutting from Charles T. Parker Way off the wall and said it was on loan to the City until he was done being Mayor. He stated thank you for everything, it's been a wonderful run. He thanked the staff.

Adjournment

Mayor Burge adjourned the meeting at 7:38pm



Mayor Joe Backus

Attest:



City Recorder Susan M. Reeves, MMC