

**MONDAY, SEPTEMBER 17, 2018  
REGULAR CITY COUNCIL MEETING**

Mayor Burge called the meeting to order at 7:04 p.m.

**Pledge of Allegiance**

**City Council Members Present:**

Scott Burge	Mayor
Megan Greisen	Councilor
Natalie Sanders	Councilor
Joel Haugen	Councilor

**Staff Present:**

Michael Sykes	City Manager
Norm Miller	Police Chief
Susan M. Reeves	City Recorder
Kevin Turner	Treatment Plant Supervisor
Laurie Oliver	City Planner

Peter Watts                      Legal Counsel

Press: none

**Excused:** Council President Mark Reed, Councilor Patrick Kessi, and Councilor Josh Poling.

**Also present, in the audience:** Carmen Kulp, Tim Connell, and Bill Blank from the Planning Commission.

**Approval of the Agenda**

Councilor Haugen moved, and Councilor Sanders seconded the motion that Council approve the agenda. (Motion passed 4-0). Mayor Burge, aye; Councilor Greisen, aye, Councilor Sanders, aye and Councilor Joel Haugen, aye.

**Public Comments**

Johanna Myers, Scappoose, explained she was at Saturday Market and she found out that the City of Scappoose is considering putting in a trail along Scappoose Creek. She explained at the market she was handed a flyer stating last month the City talked to homeowners and residents along Scappoose Creek. She explained she didn't receive anything about Scappoose Creek. She talked to her neighbors and they did not receive anything, and they are all very upset because no one told them this was coming, and she is not going to have people walking in her backyard.

Mayor Burge explained this area is outside the City limits.

City Manager Sykes explained the City held an Annual Town Meeting where about 175 people from the community attended and the whole purpose of the meeting was to talk about future parks for Scappoose, because Scappoose is really very underserved as far as parks go. He explained one of the goals of the City is to try to improve parks, so kids have places to play, and people have places to walk. He explained one of the goals that the City had was to take a look at the possibility of building a trail along South Scappoose Creek, but they're primarily talking about by Veterans Park and just in town. He stated her area, he doesn't believe, is being considered at all. He stated Nick Sund was at Saturday Market to get a feel of what people

thought, what concerns they had, what issues they had, and at the end of the day come up with a report to provide to the City Council. He explained the City is not going to be sending out letters stating we want your land, we are taking your land. He explained the trail isn't planned in her area at all.

Councilor Haugen explained where the aspirational trail would be ~ south of Scappoose Vernonia Highway and Crown Zellerbach Trail, through Veterans Park, and what is know as the Buxton property, over to Watts Road. He explained, conceivably in the future, it would go down further south to Dutch Canyon Road. He stated that is exclusively the area that the City is working with property owners to see if this is even possible or feasible.

Mayor Burge replied we are not looking at anything outside the City limits.

#### **Consent Agenda ~ September 4, 2018 City Council meeting minutes**

Councilor Haugen moved, and Councilor Greisen seconded the motion that Council approve the Consent Agenda ~ September 4, 2018 City Council meeting minutes. (Motion passed 4-0). Mayor Burge, aye; Councilor Greisen, aye, Councilor Sanders, aye and Councilor Joel Haugen, aye.

#### **Presentation to Planning Commission Chair Carmen Kulp**

Mayor Burge presented a plaque to Carmen Kulp for her commitment to the Planning Commission over the years. Congratulations Carmen!

#### **Old Business**

#### **Ordinance No. 873: Updating the City of Scappoose Wastewater Facilities Plan**

Treatment Plant Supervisor Kevin Turner went over the staff report. He went over the timeline of Council meetings and Work Sessions ~

- **September 17, 2018**
  - Wastewater Facility Plan Approval-Second Reading
- **September 04, 2018**
  - Wastewater Facility Plan Approval-First Reading
- **April 02, 2018**
  - Wastewater Loan Application, Phase I Improvements
- **March 26, 2018**
  - Wastewater Treatment Plant Tour
  - Wastewater Facility Plan Work Session, Carollo
- **January 02, 2018**
  - Wastewater Rate Options-Capital Improvement Projects, Steve Donovan
- **November 20, 2017**
  - Wastewater Rate Impacts-Capital Improvement Projects, Steve Donovan

- **October 02, 2017**
  - Wastewater Facility Master Plan Work Session, Carollo
- **February 21, 2017**
  - Council Approval to contract with Carollo
- **October 05, 2015**
  - Council Approval to contract with Keller Associate

Treatment Plant Supervisor Kevin Turner explained there were questions at the last City Council meeting, so he sent to Council information regarding Class A, as well as clearing up some clarifier questions.

Mayor Burge read the title for the second time, Ordinance No. 873: Updating the City of Scappoose Wastewater Facilities Plan. He explained it is on second reading, and there is a motion on the floor, with a second. He asked if there was any discussion by Council?

(Motion passed 4-0). Mayor Burge, aye; Councilor Greisen, aye, Councilor Sanders, aye and Councilor Joel Haugen, aye.

## **WORK SESSION ~ FOOD CART ORDINANCE DISCUSSION**

City Planner Laurie Oliver explained she has essentially drafted a food cart pod permit ordinance, which is attached to the staff report. She explained she provided some highlights and commentary on some of the main issues that were brought up last time. She explained the biggest issue is we don't have any rules to follow currently for food carts.

The following concerns were expressed regarding food carts at the July 16, 2018 work session:

- Local business owners have previously expressed a lack of fairness since brick and mortar establishments have standards and fees to pay when opening a business, but food carts don't.
- Food carts currently have no standards to follow. The City needs to develop site design standards.
- The main concerns involve parking, utilities, and sanitation.
- There is interest in developing standards to allow food cart pods, not just standards for individual carts in parking lots.

### **Considerations:**

#### **Where should we allow food carts?**

- Food carts will be allowed anywhere that eating and drinking establishments are allowed outright. Currently, our code only allows eating and drinking establishments outright in the Commercial and Expanded Commercial zones and allows them through conditional use (CU) approval in the Public Use Airport (PUA) and Light Industrial (LI) zones.
- Should we allow food carts to be located in the PUA and LI zones if they go through the conditional use approval process, or only allow them in the C and EC zones?
  - I think it offers greater flexibility to allow applicants to apply for conditional use approval since it may be a complementary use to have food carts in the LI and

PUA zones in the future since there will be a PCC campus in the PUA zone and OMIC in the LI zone, not to mention a mix of industrial, commercial, service and educational uses in the 350 acre PUA zone east of the airport.

#### **Parking:**

- Following the current parking regulations for eating and drinking establishments, each food cart would be required to provide one parking space per 120 square feet of gross floor area.
- Under the proposed food cart ordinance language, if a food cart “pod” is proposed (e.g., if more than two carts are proposed on one site and/or accessory structures are proposed) then in addition to the one parking space per 120 square feet, each vendor would have to provide one additional parking stall. This additional stall could be provided via the provision of an off-site, shared parking agreement, provided the parking stall that is fulfilling this requirement is not a required parking stall for the other use, but is surplus parking.
- Under the proposed code, the food cart, as well as parking and maneuvering spaces, are required to be on a hard surface such as concrete or asphalt.

#### **Utilities:**

- Some cities, such as Happy Valley and Sandy, allow full hookups to utilities (water/sewer SDC’s would apply) and other cities, such as Milwaukie, Tigard and Tualatin, do not.
- The proposed code offers a variety of utility options, with the order of preference being;
  1. Food carts shall be self-contained, or;
  2. If on-site utility connections are proposed (such as in the case of a new food cart pod with newly constructed restrooms, etc.), such utilities shall be installed underground.
  3. There is an exception, however, that states that if a food cart is on site for no more than (120) days in a calendar year, above ground utility connections are permitted, when;
    - Allowed by the utility district and any applicable Oregon Specialty Codes.
    - The connections do not create a tripping hazard or interfere with circulation on the site.
    - For the purposes of this exception, if a food cart is replaced by another, the number of days shall be calculated by adding the days spent on-site by each cart, and each portion of a day counts as one day.

Mayor Burge stated the option could be if it is a temporary, less than 120 days, it has to be self-contained.

City Planner Laurie Oliver replied correct, that is the idea. She explained the City could say for Type I it has to be self-contained.

Mayor Burge expressed his concern with tripping hazards.

City Planner Laurie Oliver replied what the draft code proposes is that they would have to prove there is no conflict with any circulation on the site, from cords or hoses, etc.

**Sanitation:**

- Mobile food units must meet the applicable food sanitation rules in Oregon Revised Statutes – Chapter 624 and Oregon Administrative Rules – Chapter 333, as well as all local plumbing, electrical, building, and fire codes. The Columbia County Environmental Health Department has the authority to review and approve food carts to ensure that they are meeting the applicable rules. Applicants will be required to provide proof of their approval from Columbia County prior to operating within the City of Scappoose.
- After much discussion with the Columbia County Environmental Health Manager about sanitation facilities for food carts and what OAR 333-150-0000 requires, it is clear that restroom and handwashing facilities must be available for employees of food carts at all times that they are open to the public. The proposed code prohibits the use of portable restrooms or portable handwashing facilities since portable handwashing facilities do not meet the requirement of OAR 333-150-0000 since they do not offer hot water to wash your hands.
- An applicant for a food cart permit is required to ensure the availability of a restroom with hand washing facilities meeting the provisions of OAR 333-150-0000 for employees and customers. The proposed code specifies that the restrooms must be within one-quarter mile or within 5 minutes walking distance (this provision is straight from the Oregon Administrative Rules) and be available during the carts' hours of operation. Applicants shall provide the City with documentation that restrooms are available via written permission for the use of facilities in an existing building/business, or the applicant shall construct new facilities.

**Site Design Standards:**

- The proposed ordinance language sets standards and approval criteria for:
  - Zoning
  - Accessory items and structures
  - Signs
  - Minimum setbacks and separation distances
  - Screening requirements
  - Obstruction of vehicular, pedestrian and landscape areas
  - Surfacing
  - Driveway access
  - Intersection sight distance and visual clearance areas
  - Lighting
  - Utilities
  - Sanitation facilities
  - Parking
  - Food cart standards (storage, seating, skirting, and appearance)
  - Health and sanitation standards
  - Permitting procedures, submittal requirements and conditions of approval
  - Approval period and permit renewal procedure

**Review type:**

- Type I approval: The draft code specifies that up to two carts on one site, without any accessory structures, can be approved by the Planner administratively as a Type I approval.
- Type II approval: More than two carts on one site, and/or the addition of accessory structures will be processed according to Chapter 17.162 (Quasi-Judicial Decision), with the Planning Commission as the approval authority.

**Length of approval:**

- The City of Happy Valley's food cart code was used as a starting point for this draft code language. In their code, a food cart pod permit approval is good for four years, then applicants must reapply for another four-year period. Is this the appropriate length of time for approval, or is there any interest in shortening that approval based on whether it is a Type I vs. Type II approval? Is there interest in having an approval time longer than four years for Type II approvals?

Mayor Burge explained his thought is if it is in a developed food pod that it should be permanent, and it is the business owners bringing those in, and if it is two or more in a parking lot or another set up where it is not, then maybe it has a two- or four-year approval type. He stated maybe once it has been quasi-judicial through the Planning Commission a renewal is just administrative through the City Planner.

City Planner Laurie Oliver replied, if there is a renewal.

Mayor Burge explained he would much rather see someone spend the money and develop a really nice pod that is attractive, and accents the neighborhood nicely, versus twenty pods in a parking lot somewhere.

City Planner Laurie Oliver stated it sounds like for Type II it is just an approval. She explained if it is a permanent approval, which makes sense, they still would have to come back for a modification of approval if they want to add some different or make significant changes.

City Planner Laurie Oliver asked Council what do you think about a Type I?

Councilor Greisen replied she feels four years it too long.

City Planner Oliver asked Council where would they like to start?

Mayor Burge replied he thinks two years is fine.

Legal Counsel Peter Watts explained Type II can cover two scenarios. He explained one which is that you have more than two food carts, but you don't have the addition of accessory structures. He explained carts in a parking lot would also be a Type II.

Mayor Burge replied he thinks in a lot of ways the two or more in a parking lot is the same as one or more just in a different sized parking lot.

City Planner Laurie Oliver replied the only way it can go in a parking lot is if there is a surplus of parking, and she is thinking in Scappoose there are only a couple of places that would work.

Legal Counsel Peter Watts talked about having to have an accessory structure if you have more than three carts.

City Planner Laurie Oliver explained she is following the language in the OAR's regarding restrooms with handwashing facilities and having to have written permission from an existing building that has these facilities, or you must provide them yourselves. She explained her intention is to provide the most flexibility so people can have access to opportunities to try these types of businesses.

Mayor Burge explained if they are a Type II they should be able to have the normal standard sign.

City Planner Laurie Oliver explained some of the things City Engineer Chris Negelspace talked about was lighting, noise, and traffic. She also talked about a landscaping requirement.

Mayor Burge stated he feels landscaping is very important.

City Planner Laurie Oliver will work on this more, based on the feedback she received, then bring it back to Council in a Work Session.

#### **Announcements ~ information only**

Mayor Burge went over the calendar.

#### **City Manager, Police Chief, Councilors, and Mayor**

City Manager Sykes explained Council has a copy of the Department Report in front of them. He explained staff is in the midst of preparing a survey, which will go out with the newsletter. He explained just about everywhere you go in the City there are projects, and they all seem to be going very well.

Chief Miller explained this Saturday is the 3<sup>rd</sup> annual City of Scappoose Out of the Darkness Walk at Scappoose Middle School. He explained so far, they have 120 participants signed up, and they have already raised over \$9,600 for suicide prevention.



Legal Counsel Peter Watts explained we can't take people's property. He talked about people's property being outside the City limits, and the City's ability to use imminent domain is very limited, especially in that situation.

Councilor Greisen thanked the Public Works Department for removing graffiti from some of the City parks play structures. She explained she had brought up some concerns/ideas with Police Chief Norm Miller and things are being observed and addressed. She talked about signs being placed around. She read a statement regarding the Senior Center ~ "A few months ago the City was approached by the Director and Board Chair of the Scappoose Senior Center to meet regarding the current status of the Center. Over the last few months we have heard from current members, the Board, the Director, and we have heard all of their concerns. Herself, and Alex Rains, the Assistant to the City Manager have attended public Board meetings at the Center as well. Among other things that are currently taking place at the Center, we are extremely concerned about the lack of nutritious and affordable meals that are available to the members of the Senior Center on a daily basis. After speaking with members of Council and City Staff we feel the need to contact County, or State services to assist in helping the center find opportunities to serve nutritious and affordable meals on a daily basis". She explained she has spoken to Council and is giving the go ahead for the City Manager or other City Staff to seek resources beyond our City to help the Senior Center.

City Manager Sykes replied he could talk to the State's Senior Services Division which should be funding the Center. He would be glad to look into it.

Councilor Haugen stated there is really a need for the City to collaborate with the Senior Center and develop that whole community center concept. He talked about having a thorough audit to see where the financial problems are.

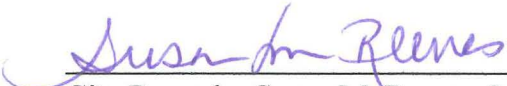
Mayor Burge thanked Councilor Greisen for her work in regard to the Senior Center. He explained tomorrow is the first meeting of the steering committee for County Tourism. He will report back to Council and let them know what is going on.

### **Adjournment**

Mayor Burge adjourned the meeting at 8:28 p.m.

  
\_\_\_\_\_  
Mayor Scott Burge

Attest:

  
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City Recorder Susan M. Reeves, MMC