



SCAPPOOSE PLANNING COMMISSION

Council Chambers at City Hall
33568 East Columbia Avenue

Thursday, June 22nd, 2017 at 7:00 p.m.

1.0 CALL TO ORDER

2.0 ROLL CALL

3.0 APPROVAL OF MINUTES

3.1 June 8th, 2017 meeting minutes

4.0 CITIZEN INPUT

5.0 NEW BUSINESS

5.1 Docket # DCTA2-17

The Scappoose Planning Commission and City Council have scheduled Legislative Land Use Public Hearings to solicit comments on proposed amendments to Chapter 17.114 of the Development Code.

Format: Legislative Land Use (written and verbal testimony is permitted)

6.0 COMMUNICATIONS

6.1 Calendar Check

6.2 Commission Comments

6.3 Staff Comments

7.0 ADJOURNMENT

This is an open meeting and the public is welcome. The City of Scappoose does not discriminate on the basis of handicap status in its programs and activities. If special accommodations are required, please contact Susan M. Reeves, MMC, City Recorder, in advance, at 543-7146, ext 224. TTY 1-503-378-5938

Meeting Agenda & Packet items can be viewed on City's website calendar links.

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SCAPPOOSE PLANNING COMMISSION

Council Chambers at City Hall
33568 East Columbia Avenue

Thursday, June 8th, 2017 at 7:00 p.m.

1.0 CALL TO ORDER

Chair Kulp called the meeting to order at 7:08pm.

2.0 ROLL CALL

Carmen Kulp	Chair	Laurie Oliver	City Planner
Bill Blank	Commissioner	Elizabeth Happala	Office Administrator III
Bruce Shoemaker	Commissioner	Ben Tolles	AmeriCorps RARE Participant
Rita Bernhard	Commissioner		
Tim Connell	Commissioner		

Excused: Vice Chair Jensen

3.0 APPROVAL OF MINUTES

3.1 May 11th, 2017 meeting

Commissioner Shoemaker moved and Commissioner Connell seconded the motion to approve the May 11th, 2017 Planning Commission meeting minutes. Motion passed 6-0.

AYES: Chair Kulp, Commissioner Blank, Commissioner Shoemaker, Commission Dahla, Commissioner Bernhard and Commissioner Connell.

NAYS: None.

4.0 CITIZEN INPUT

None

5.0 NEW BUSINESS

5.1 Docket # PTR2-17

The City of Scappoose is requesting approval of a permit to remove trees on public lands located on Columbia County Assessor Map No. 3211-00-00100. The site is located between NW Bella Vista Drive and Luma Vista Drive, on a City owned 76.61 acre parcel of land. The tree removal permit would allow for the removal of downed trees, and would selectively thin trees surrounding the City's water tanks for protection, and to improve safety and access.

Chair Kulp stated that there were several speaker request forms turned in and asked the large audience not to repeat their comments if it was already brought up unless they had something to add. Also that she appreciates everyone that is here tonight and that they do want to hear everyone's concerns. She then read the full agenda item, followed by the format of the quasi-judicial hearing then asked the commissioners for any ex-parte contact or conflicts of interest in this matter.

Commissioner Blank stated he knows several people in the audience tonight.

Chair Kulp stated she has had business relations in the past with the logger hired to do the job.

Commissioner Dahla stated he lives in close proximity to the site.

Commissioner Shoemaker also stated he lives nearby and has witnessed the storm water that runs off that hillside.

Chair Kulp asked if anyone wanted to challenge any commissioners impartiality or legal capacity; as there were none she read the order of the hearing and the full 5.1 agenda item; Docket #PTR2-17.

AmeriCorps R.A.R.E Participant Ben Tolles read the staff report and the approval process. He then addressed the written comments submitted prior to the meeting from Holly Beaulac and Anthony Oehlert then stated the letter received from Georgia David did not get to their desk until today but after reading that letter many of the issues were the same as the other letters submitted. He then read the city's comments to the Beaulac letter & the Oehlert letter but did not have time to fully respond to Georgia David's letter as they received it right before the meeting.

Commissioner Bernhard asked if the city's response to the other letters already addressed all of Georgia David's letter.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that he did read her letter but did not get to pick out every question.

Chair Kulp stated that when she comes up to speak then staff can address her questions at that time.

Commissioner Bernhard agreed that she should be able to ask the questions when she comes up to speak.

City Planner Oliver stated she received Georgia David's letter today.

From the audience, Georgia David stated she dropped it off yesterday but pointed toward the library when asked which office she dropped it off at.

City Planner Oliver stated she can ask her questions when she comes up to speak.

Commissioner Blank asked if they should address the questions later or as they go along.

City Planner Oliver replied that it was up to the Commissioners if they wished to ask the questions of staff now or if you wish to hear all the comments first.

Commissioner Blank stated that he knows which road Georgia David lives on and stated that there will not be access to the site off Bella Vista Drive which seems to be one of her concerns.

City Planner Oliver agreed and stated there will not be any access off Bella Vista Drive.

Chair Kulp asked if there were any more questions from the Commissioners.

Commissioner Dahla asked everyone to go back to Exhibit 2, page 19; regarding the areas on the map to be cleaned and areas to be thinned. Adding that he walked the site today as far as he could but there was a lot of brush pushed onto the city property from the property to the south of the site, so the access to the western edge was blocked by the excess brush. He asked if there would be trees removed during the cleaning process of the downed trees.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that there is not good access to the downed trees so logger Jeff Heller would cable log them up and might have to remove some upright trees for that process.

Commissioner Dahla asked if they were just cleaning downed trees or clear cutting the area in the blue on the map.

AmeriCorps R.A.R.E. Participant Ben Tolles replied no, that the blue area is where all the downed trees are located, adding that if you viewed the site on Google Maps you can see where all the trees are laying down.

Commissioner Dahla asked about the low hanging power lines.

AmeriCorps R.A.R.E. Participant Ben Tolles did asked those questions to the logger Jeff Heller but he did not have any issues with those lines as he also requested approval from Bonneville Power for the logging operation.

Commissioner Dahla asked about the security around the water tank as he noticed quite a bit of graffiti on the tank.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that they have had discussions about security around the tank but no conclusions have been made yet but it would be more of a water department issue.

City Planner Oliver added that there has been discussions about replacing the fencing and adding a higher fence; having the trees removed would also remove the cover making it potentially harder to get away with it.

Commissioner Dahla asked if they were going to remove trees 30' or 50' around the water tank.

AmeriCorps R.A.R.E. Participant Ben Tolles stated it might be more as they want to remove any tree that could potentially hit the tank and do harm. Adding that it is currently very easy to hop over the fences to access the water tank but once the trees are removed and the new fence is installed it will become harder to access.

Chair Kulp asked if there is any lighting around the water tank

AmeriCorps R.A.R.E. Participant Ben Tolles replied no.

Commissioner Dahla asked who would be monitoring the erosion control.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that it would be a combination of Public Works and Department of Forestry. Adding that we must also follow the City's Public Works Design Standards.

Commissioner Blank asked about the need for the thinning area on the map (Exhibit 2, page 19), if it were due to a fire danger.

City Planner Oliver replied the the Water Department has been wanting to remove the trees for quite some time for the safety of the water tower and while they were up there they could get the blown down trees as well.

Chair Kulp asked when the trees went down.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that you could tell they all came down at the same time, possibly some type of weather event like a microburst; Darryl Sykes from the Water Department thought it was about a year or two ago.

Commissioner Shoemaker asked if it was the Parks Department applying for the permit.

City Planner Oliver replied no it's the city applying for the tree removal permit.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that Item 2 on the Agenda is the Parks Master Plan; which is a separate item.

Commissioner Dahla asked if they tagged the trees that would be cut down as he noticed many shrubs tagged in red.

AmeriCorps R.A.R.E. Participant Ben Tolles stated they needed the permit first before they proceed.

City Planner Oliver added that Division Chief Jeff Pricher did some training up there and tagged a line for his guys to

follow for their activity up there.

Commissioner Blank asked if the forester had any concerns or issues that need to be addressed or is the plan in place.

AmeriCorps R.A.R.E Participant Ben Tolles replied that the plan in front of you does not look very detailed but we have walked the site multiple times and have a very good idea of what needs to be removed.

Commissioner Dahla asked if we know how many trees will be cut down that are currently standing.

AmeriCorps R.A.R.E Participant replied that he does not know that specific number but possibly could show geographically how far from the tank the trees would be removed. Adding that there will not be many live trees taken out, defining it as not over a few 100 but mid to low 100s.

Chair Kulp asked if the Commissioners had any further questions for staff; as there were none she asked for the speakers, calling up Georgia David first.

Speaker Georgia David handed Chair Kulp a list of signatures she gathered which was then handed to City Planner Oliver. She read her letter opposed to 5.1 public tree removal then asked specific questions to staff:

1: What measure are you going to take to prevent erosion and landslides for the residents that live near the projected proposal?

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they would follow all the Public Works Design Standards on erosion control and that Public Works along with the Oregon Department of Forestry will inspect the work to ensure it is done correctly.

2: What measure are you going to take to prevent more water run off that is already effecting Bella Vista Dr., Smith Rd., NW Peak Rd. and neighborhoods at Five Peaks and below?

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that the logging trucks will not be on those roads but the same erosion control measures fall under Public Works and the Oregon Department of Forestry.

3: All 3 clearing sites on the map are above neighborhoods that already have huge Stormwater issues.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that when you look at the topography maps they show the work sites as the opposite side of the hill where the ridge line is.

4: Will they get a survey?

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he could print out topographic maps that show the ridgeline and where the work will be done.

Chair Kulp asked staff if the logger, Water Department and Forestry walked the site already.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that they have not gotten the permit to do this yet so they have not walked the site with the Oregon Department of Forestry.

Chair Kulp asked what would happen if they did find the erosion issues, would they mitigate those issues.

~ AmeriCorps R.A.R.E. Participant Ben Tolles agreed stating that the city would be responsible for mitigating those issues.

5. Will there be a viewing area at the water tower area and also by Luma Vista?

~ AmeriCorps R.A.R.E Participant Ben Tolles replied that is a part of the park which they do plan on doing one day and this plan will clear some trees near that area; stating this is the only part of the logging work that may affect water control on those roads but the Public Works Department will be involved with the project to make sure that any type of erosion and water control will be addressed.

6. These potential clearing sites are on step hill sides that connect to resident's back yards; how do you plan to

protect them? Are you planning to build a retaining wall for these folks?

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied they would not be taking out that many trees and will not be clear cutting this forest.

7. She feels for all these hillside residents as removing trees on a hillside creates more water runoff and erosion. How will you protect the house values?

~ City Planner Oliver replied that we would not create a danger to the neighbors; adding that they will also have the city engineer involved with this project so if anyone is concerned about a particular area they can call us.

8. This projected park and permit to remove trees on this public land would be disrupting several neighborhoods that all end on dead end streets. This would be creating danger for our children with traffic on otherwise quiet streets.

~ AmeriCorps R.A.R.E Participant Ben Tolles asked which streets she was referring to as the only road they will be using is Luma Vista Drive and none of the other streets will be used for this Public Land Tree Removal application.

9. Has a geologist done a survey of the area and what were their findings?

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they did not find that necessary for this situation otherwise the City Engineer would be involved in that process but it was not required in our city code.

10. There are a pair of eagles that fly around the water tower and forest.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied to this earlier; the Oregon Department of Forestry will be involved with these projects and if they see a potential habitat destruction or any type of endangered species then they will let us know.

11. Where you aware there are eagles that live or fly through there.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that if they fly through there it does not mean they live up there; he has never seen eagles up there.

Commissioner Dahla stated that it sounds like there might be some confusion, referring to Exhibit 2 map page 18, the blue shaded areas will be cleaned and about 30 yards south of the water tower there are 3 down trees right there that will be removed.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed.

Commissioner Dahla added when you walk next to the water tower there are about 30 trees that are right at the perimeter of the fence and then about 50' from the fencing in either direction there are maybe a dozen or a half dozen trees that would be removed.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed adding that they don't anticipate anyone being able to tell the work has been done when looking at the property.

Commissioner Blank stated that this is a several step process; as everything they do must be approved by another level before it can go forward to ensure the safety of all the conditions including erosion.

AmeriCorps R.A.R.E. Participant Ben Tolles added that they intend to maintain the integrity of the forest and its habitat and don't believe this project will negatively affect it.

(Speaker Georgia David continued)

12. She is concerned about vandalism, safety, dumping and unlawful and unethical activities that have already happened on this land as there is already an issue with vandalism up at the water towers. Living on Bella Vista she has witnessed car loads of teenagers being dropped off at the top of the hill and disappearing in the woods. She has disassembled fire rings that others have made and picked up bag loads of trash. Will there be increased police

presence on Bella Vista Dr., Ridge Rd., Five Peaks Terrace and Luma Vista Dr. as it is a very huge issue. And asked if our AmeriCorps R.A.R.E. Participant Ben Tolles grew up here.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied he did not.

~ City Planner Oliver stated that there would be not be any street parking allowed on the site until they have Planning Commission approval for a future park and parking lot access. Adding that our police department does know that there is an issue up there, as well and our Water Department supervisor; they are trying to figure out the best way to address the vandalism up there. Stating that it might seem counter intuitive but if a park is developed up there then the added people would provide a natural surveillance so in the long term it would help.

14: She stated that the general public or more specifically the high schoolers do not know about the area and this will only welcome them.

~ Commissioner Bernhard questioned her statement about high schoolers not knowing about it.

Speaker Georgia David agreed that they don't know about it except for the one car load that comes up there often and 6 kids get dropped off while 2 of them drive down to the bottom of the hill to park then walk back up and disappear into the woods with the others.

~ Commissioner Bernhard stated that her kids grew up here and Chad (in the audience) also grew up here with her kids; and she knows for a fact that kids have always gone up there and this goes back to the 1980s.

Speaker Georgia David replied that she has only seen this one car go up there but once everyone knows about the park then it will get worse.

~ Chair Kulp asked if this car load goes up there on a regular basis and if she has called the police about it.

Speaker Georgia David replied yes but most of the time they disappear before she can call.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that if a park comes before Planning Commission then this is a topic that will definitely be addressed now that they know it's an issue and a concern.

Commissioner Bernhard asked about what vandalism she is referring to.

Speaker Georgia David replied that there is trash and vandalism on the water tower adding that she has talked to the water department about it and they told her it's an ongoing issue.

Chair Kulp stated that removing the trees around the water tower would prevent them from climbing the fence.

City Planner Oliver stated that it would help and they would replace the fence once the trees are out.

Commissioner Blank asked if it would have barbed wire over the top.

City Planner Oliver replied that she was not sure what they are choosing; stating that there is barbed wire there now but it has been pushed down.

Commissioner Dahla asked if there was federal guidelines about how a water tower should be protected.

City Planner Oliver stated that she is unsure about a federal guideline on this but it would be a Darryl Sykes/Water Department question.

AmeriCorps R.A.R.E. Participant Ben Tolles did not know.

Chair Kulp stated that the water needs to be protected.

Speaker Georgia David added that the clearing of these areas would open it up more for teenagers to disappear from the police.

~ City Planner Oliver stated that this property has always been zoned Public Lands Recreation and was always intended

to be developed at some point into a recreational use so it is what it was intended to be. Adding that it is a beautiful place obviously, as you/the speaker use it all the time, so we just want the rest of Scappoose to enjoy it as well in a safe setting. Stating that the reason why the access is off Luma Vista Dr. is for fire truck access as it is fairly flat in that location and for ADA access.

Commissioner Bernhard added that it is also meant more for nature trails than a fully developed area.

Speaker Georgia David stated she has disassembled several fire rings in the woods and so have her other neighbors.

Commissioner Dahla stated he noticed evidence of a homeless camp up there with tarps, ropes and a pack bag that is located 115 paces down from Luma Vista access point heading down towards the water tower.

The audience replied that it was the kids.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that they probably won't want to be around the loggers so hopefully they'll leave the area.

Speaker Georgia David stated her biggest concern is the water run-off and if they are clearing the area then it will add to the water run-off that is already a problem on their streets. Then thanked everyone for their time.

Chair Kulp called up the next speaker: Dana Pricher.

Speaker Dana Pricher stated she lives on Bella Vista Dr. and is in favor of clearing the downed trees from the area as she also uses that trail a lot and trying to scramble around them is not fun and makes it difficult to access the whole trail. Adding that her main concern tonight is the storm water coming down from the paved water tower road especially when snow melt occurs from the water tower pad; the paved road brings down more water than a natural trail would so she hopes they try to address the water run-off from the site. She then thanked everyone for their time.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he would let the logger know about the issues of water run off on Bella Vista Dr.

Chair Kulp called up the next speaker; Martha Stokes.

Speaker Martha Stokes stated she has lived on Bella Vista for 30 years and stated that Smith Road is not able to handle a logging truck and asked if anyone has contacted the county about this.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they are not using Smith Road.

Speaker Martha Stokes added that she has called the police department many times due to the parties that are held up there. And her main concern is the fire risks on the site as the wind gets very strong during the evening time beginning in the late spring, through summer and early fall. Adding that the wind is so strong it would remove the photos off her walls if her front door and back doors were opened; the fire department would have a hard time putting out the fire due to the wind. In past years, the kids that come up there have built a tree house with a davenport but luckily at the time there was a very good city manager that made sure the tree house came down and was also responsible for putting a gate up to the water tower. She is concerned about all the traffic that will go up there for parties. Adding that she does not think all the areas that need to be cleared is necessary, she does believe that the downed trees next to the reservoir need to be removed. Then she stated that the letter does not say anything about a park but that is what you are all planning for, a park, which is what this whole thing is about. Adding that she did not like the approach that was taken. Reiterating that the traffic is her main concern as Bella Vista Drive gets very narrow past NW 14th St. and does not think it should be the road to access that area.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied they are removing the downed trees to help mitigate any fire hazard as down dry timber is a fire hazard, and installing logging roads through the forest and around the perimeters makes it easier for the fire & police to access the site for a fire or any type of vandalism. Adding that we can't stop teenagers from using the property but it will be up to the residents to call the police if needed. The city would like to

see a park up there and if that happens the police would know that they would need to patrol that area.

Speaker Martha Stokes added that the fire danger isn't just the downed trees but also due to the trees and brush.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that giving access to the property will help the fire department respond quicker to any kind of fire.

Speaker Martha Stokes asked if they were going to access of Bella Vista Dr.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied no but the Water Dept. will access the water tower from Bella Vista but the public will access the site from Luma Vista. Adding that he cannot answer as to where the emergency crews will access the site as it will depend on where the issue will be but they could access the site from either end.

Speaker Martha Stokes stated that the letter did not say that so there are many questions; adding that she has lived there for 30 years and can tell everyone about all the issues they have had up there.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that in regards to the park planning; they have had 4 public Parks & Rec. Committee Meetings, 1 City Council work session and the annual town hall meeting in February which all have had this park on the agenda. So this park has been discussed by plenty of people in this community throughout the past 7-8 months.

Speaker Martha Stokes stated that she thinks the city could spend their money more wisely than on a park since we have holes in the roads and all kinds of other things that should be done. And the letter was vague about a lot of these things as most people that read it couldn't understand what was actually going on so that is why we are all here tonight. Then she thanked everyone for their time and answering all her questions.

Chair Kulp called up the next speaker: Holly Beaulac. (She also submitted a written comment prior)

Speaker Holly Beaulac stated that she lives on Luma Vista Drive. She stated that it appears that the access site will be just slightly past her driveway and read the following statement: "Other than tree removal of downed trees and thinning/clearing around the water towers, the action of thinning/cleaning seems premature. The proposed "Vista Park" has not been approved by the City Council. Many questions surround the access and use of this park, and the final decision may be to preserve the natural state of the park. With that possible outcome, the removal or thinning of trees is not warranted at this time, and neither is the disruption to a quiet, secluded, and safe community."

Adding that the specific area is to the right of the gravel lot (in black on the Exhibit 2 map, page 18); she understands financially that is a better approach but you are going to actually take trees down for a possibility that a park may happen in the future. Stating that is a good amount of trees to be removed directly across from her residence, as it stands right now they have a beautiful linear width of Douglas Firs and is concerned about the thinning of the tree line and the natural state of its beauty including blocking the view of a possible roadway. She understands they are not talking about the potential of Luma Vista Park at this time but the access road does open up the entrance area off Luma Vista turning it into a public access way which is a steep & winding road similar to Cornelius Pass without any guard rails. And must stand against that at this time but does understand that will have come up later when they discuss the park approval. Adding that if they are creating an access from Luma Vista, either paved or gravel, that is where people will go and wishes they could find another access point to do the logging work that is needed.

Chair Kulp asked if there were any other comments or questions.

Commission Blank stated that the companies that clear the trees around the power lines for Bonneville Power don't clean up after themselves which then creates more of a fire hazard especially with the wind; adding that he understands that clearing up the downed trees will help but would like to see more action from the feds for helping to clear out their areas as well to help reduce the fire hazard.

Commissioner Dahla asked about the switch back on Luma Vista shown on exhibit 2 map (page 18), if that portion of the road would be reinforced or widened since a log truck would be on gravel and pavement going through that area.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that he talked to the logger and he did not see an issue with that area as it does feel scary on that section, adding that Columbia County Road Dept. has not raised any concerns either.

Previous speaker Georgia David asked to come back to speak which Chair Kulp agreed;

Speaker Georgia David, Scappoose, stated that JP West Road is also a winding road that is crumbling.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that the Columbia County Road Dept. did not make any comment about the roads as they are aware of the project.

Speaker Georgia David added that JP West Road has a lot of pot holes and the roadway is crumbling.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he has the same response; the logger did not have any problems with the roadways and Columbia County Road Dept. did not have any comments.

Speaker Georgia David stated that this is tax payer's money and it seems it should do towards the road first.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that those are Columbia County Roads and referred her to them for those questions.

~ City Planner Oliver stated that the city did write a grant for the park so the funds would not be coming out of our general funds.

Speaker Georgia David asked about the water run-off down the roadway.

~ City Planner Oliver stated it is a county roadway.

Chair Kulp stated she would allow one more speaker then they will need to move on.

Speaker Ken Peterson, lives on Luma Vista Dr., stated that the residents of Luma Vista Estates is currently in charge of the maintenance of Luma Vista Drive, even though it is a county road; asked if they set aside a budget for any damages to the roadway.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated he did extensive research to try to find the maintenance agreement that exists for this road and so far the Columbia County Road Dept. and Land Development have not been able to find that agreement; asking the speaker if he has the agreement he would like to see it and talk to him about it.

Speaker Ken Peterson replied that he has the agreement but no one has contacted him about it or any of the other residents as the all have a copy of it. Adding that Lonny Welter at the County Road Dept. knows about it since they are the ones that told him that the residents are responsible for the maintenance of the road.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he would love to see that document and talk to him about it.

Speaker Ken Peterson asked where the effort was to find the document as it is public record and each of the residents have copy of it.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he asked Lonny Welter at the County Road Dept. for it but he did not know where it was and he tried multiple times to find that document.

Commissioner Bernhard asked if the document was recorded at the County Clerk's office.

Speaker Ken Peterson replied yes and everyone that lives up there has a copy of it.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he called the County Road Dept. and Glen Higgins at the County Land Development office multiple times for any agreement and was told they were not able to find it so then he assumed that maybe there wasn't one adding that he would love to see the agreement and discuss about how they could be a partner with them in the future.

Commissioner Blank asked about the possibility of the logging trucks doing damage to the road.

Commissioner Dahla asked who would be responsible for the damages.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that technically the residents would be responsible for the road.

City Planner Oliver stated that the residents are only responsible for the maintenance of the road but not the damages.

AmeriCorps R.A.R.E. Participant Ben Tolles added that possibly the logging company insurance might cover any damages since they do have insurance for that project.

Commissioner Dahla stated he has more questions as people come up to talk; asking about the snow melt that increased the water coming down off the hill of Bella Vista adding that he lives on that hillside and a majority of the snow melt came into his back yard. He asked if staff knew the amount of flow coming off the hill right now.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that the city is in the process of updating their Stormwater Master Plan so they might get more data from that; adding that the current Stormwater Master Plan is very old and won't have reliable data.

Commissioner Dahla asked staff in the event of more water coming down the hill, how would it be addressed.

City Planner Oliver replied that is a question they could not address but it may be something in our Public Works Design Standard as far as an erosion control issue. Adding that with any new development they would need to ensure they are not increasing runoff which includes any type of subdivision that goes in or any other type of development.

Commissioner Shoemaker asked if the Oregon Department of Forestry would be on this project to review erosion issues.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that the Oregon Department of Forestry also permits this project so after this project is approved or not approved tonight, the logger Jeff Heller will be in contact with the Oregon Department of Forestry and will be on site along with our Public Works Department. Adding that there will be other people on the site, not just the logger, inspecting the project. Stating that he anticipates Public Works being on site more and stricter with the requirements as any issues that arise will be on their plates later in terms of water and erosion control.

Commissioner Shoemaker stated it was an incredible year for storm water and sent video to the city and county showing the amount of water coming down off the hill with all the storm drains clogged; adding the water issue is huge. Then asked if they were in discussion mode yet.

Chair Kulp stated she has not closed the hearing yet then asked staff if they have to wait for the permit first before anything could occur on site.

City Planner Oliver replied that the commissioners first need to make the decision tonight before they apply for the permits and then there will be an appeal period.

Commissioner Blank asked staff if there was any road damage; he does not want the current residents responsible for the damages and would like to add an addendum or condition of approval that there is some equity involved in that case.

Commissioner Shoemaker stated that if this is a water department project or city parks project, the city should fix the damage incurred during the project. Stating that he added a water hook up to his house and they cut the street for the connection but Public Works came out and patched the road so he would like to see a condition that addresses damages. Then asked staff if they talked to the Fire Chief to discuss the access lines.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that they did notice the fire department but they did not receive any comment back but they do know about the project as they have discussed the project in the past with them.

Commissioner Shoemaker would like to know more about the fire department access to the site.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that he has discussed the project with him but doesn't know what his opinion is.

Commissioner Dahla asked if they do approve the application tonight does the BPA need a permit also for the powerline issues.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that he did contact the BPA and they are sending us a permit and are aware of the project; which we are only asking to cross their Right of Way with the trucks.

Commissioner Bernhard asked about asking them to clean up the brush that they have cut down in the past.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that he would look into it.

Speaker Kayla Strang, Scappoose, asked to come up to speak; then asked staff about the blue area on exhibit 2 map (page 18) would be the cleaning area, however there might be an extension of that to prepare the way for the potential park which might be best for everyone involved to take care of this area as well on one trip. She is concerned that we are going to approve this agenda item with the idea that there will be a second step added in for the convenience of the community but it is not specifically outlined in your map.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that is the yellow area on map just right of the access area.

Speaker Kayla Strang asked if that is the extra parcel that could be for the park and she does agree with Speaker Holly Beaulac.

~ City Planner Oliver replied that is the path to a view point adding that the blue area is not the cleared area but just where they are pulling out the downed trees.

Speaker Kayla Strang added that they did just pull up Google Maps and could see all the downed trees on the current map; and does appreciate that they will be removing those trees for fire prevention. But the area in yellow for the potential park area seems like two different issues that maybe we should or should not be voting on at the exact same time.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied it is to remove the trees which is what this is about.

~ City Planner Oliver replied that she does understand what she is saying.

Speaker Kayla Strang added there is cleaning of the trees and trimming of the trees.

~ AmeriCorps R.A.R.E. Participant Ben Tolles & City Planner Oliver agreed.

Audience member asked if he could come up to speak as he wrote down on the speaker request form that he wanted to speak on the second agenda but really wanted to speak about the first item; asking if it was too late to change it.

Chair Kulp replied that he could come up.

Speaker Chuck Rood, Scappoose, stated he lives on the hill too but not as close as some of his friends here tonight; he appreciates the job the Planning Commissioners are doing but especially appreciates the hard job staff has at answering all the questions and trying to figure this all out. Adding that the sense he is getting is that the city is building a park which seems to be done. But the sense he is getting from staff is they are trying to figure out how to make it happen. Adding that it does make sense to get all the logging done at one time; but in terms of the logging bid it seems very vague as he grew up in a logging community and would like to see a copy of the bid or to see the details of the bid and how much it's going to cost.

~ Chair Kulp replied that it probably went through City Council.

~ City Planner Oliver asked AmeriCorps R.A.R.E. Participant Ben Tolles if it was approved by City Council.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they only received one bid from logger Jeff Heller adding that the bid they sent out was more of a qualifications based bid for the work they've done rather than a specific plan or revenue generation as they wanted someone to do a good job on the property vs. someone just looking for revenue.

Speaker Chuck Rood added that it is all still so vague since normally when you bid a project, especially if you get more than one bid, you would have to tell them how many loads, board feet or how many acres or some type of quantity; asking if there was some type of quantity or just a general area to log.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that could be a part of an RFP (request for proposal), but they did not go out for an RFP specifically since they wanted it based on their qualifications and the work they have done elsewhere.

~ City Planner Oliver asked AmeriCorps R.A.R.E. Participant Ben Tolles if his bid contained any quantities.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied no.

Speaker Chuck Rood asked if it was more of a time and materials thing as they have to at least know that it is not going to cost a \$100k.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they don't anticipate any revenue.

Speaker Chuck Rood asked if the logger gets the trees for doing the work so he gets no pay, adding the more he cuts the more he gets.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they will be strict on what he cuts down.

Speaker Chuck Rood asked who would be up there monitoring him on which trees to keep or cut.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied it would be City staff as well as the Parks & Rec. Committee and he would be up there but is only here for another month or month and a half to two months so hopefully the project is done by then.

~ City Planner Oliver replied that more than likely it will be Darryl Sykes the head of the Water Dept., Public Works Director Dave Sukau, and ultimately the City Manager Michael Sykes.

Speaker Chuck Rood stated that he read that it wouldn't take more than 60 days, working on the weekdays with only a load or two a day; that is a lot of loads of timber. Stating that until today he thought the residents of Luma Vista owned that road as there is a sign that says "Private Road" not a county road; asking staff if they have seen any documentation from the county that it is a county road.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that the sign is illegal.

Commissioner Bernhard asked which road he was talking about.

Speaker Chuck Rood replied Luma Vista Road as he knows JP West is a public road.

Commissioner Bernhard added that JP West Road is a county road.

AmeriCorps R.A.R.E. Participant Ben Tolles added the Luma Vista is recorded as a county road on the 2007 plat which states the road is dedicated as a 50' right of way as Luma Vista Drive. Adding that it is on Columbia County Webmaps and can be downloaded.

Speaker Chuck Rood stated that is confusing to him as he had to sign off on a road maintenance agreement when he purchased his property; that they were responsible for all the maintenance, re-paving, and gravel on the shoulders of this really narrow and winding road which is more of a one lane road when you meet a neighbor going the opposite direction plus it does not have any curbs like the roads on the other side. Stating this road isn't much of a road but he does not know what the standards are for a road.

~ Commissioner Bernhard replied that there are different kind of road standards for different types like city, county or private.

~ City Planner Oliver read note number 4 on the Re-Plat of Parcel 1 Partition Plat 2003-27; "Location is described as the existing roadway to be dedicated to the public as Luma Vista Drive". So her understanding of it, as it was still very confusing, from a city perspective; why they would have private maintenance on a public road. But according to the Columbia County Transportation Planner, Lonny Welter, the county does not have funds to maintain all the county roads the abutting property owners are responsible for maintenance even though it's a public road.

Speaker Chuck Rood stated when he purchased his house up there, he now knows the sign is illegal but it says private road and the realtor and everyone explained to him that it is a big deal that he was aware that he was responsible for the cost of maintenance of the road. So he justified it by the fact there are only 3 houses on that road and it's only a couple of cars a day but now they are talking about a completely undetermined amount of log truck loads and the main thoroughfare to a park which changes everything; he would like to know how much thought went into the roadway.
~ City Planner Oliver replied that it was the only access and they thought a lot about it.

Speaker Chuck Rood stated that there are a couple of other options, that may have already been considered, but there is a road on the other side (Bella Vista) which many other people here don't want you to use either even though it is a lot wider. Then pointing out the map on Exhibit 2 (page 18), the large blue area to the left; asked if they considered accessing it from the property to the left which might be private property but it looks like it was already logged and it looks like a logging landing directly on the boarder of the where the majority of the downed trees are located.

Commissioner Shoemaker stated that staff brings us their proposals and we listen to them to make our decisions.

Commissioner Bernhard & Commissioner Blank asked which road the speaker was referring to as they couldn't tell which road on the map.

Speaker Chuck Rood stated it might be Apple Valley Road that could access the lot that was already logged.

Commissioner Shoemaker stated that he can't ask them that question as they did not write this, and those questions need to be directed to the city staff that wrote it.

Speaker Chuck Rood asked city staff is they considered the access for logging, not for the park even though we're really taking about the park, from the west side where logging has already occurred.

~ City Planner Oliver stated that is private property whereas Luma Vista is a public road.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they did talk about it and they discussed Bella Vista Drive as well but it was more difficult and affects more people. Adding that for the park ADA access is also a concern.

~ City Planner Oliver stated that for procedural purposes the conversation tonight needs to stick with the tree removal, adding that when it comes to the park conversation then she assumes everyone will come back since that is when they will be talking about the maintenance issue, the police issue, fire issue, parking lot issue and all the other issues.

Speaker Chuck Rood added that he would like to echo what Holly Beaulac stated, that the Planning Commission is tasked with making a decision tonight about this logging project and spending tax payer money but finds it premature to spend any money for clearing for a potential park project even though it's likely to be approved there are still a lot of steps.

~ Commissioner Blank stated that they are looking at other issues too not just the park area but also the water tower area and the other issues they brought to us.

(Multiple inaudible comments from the audience)

City Planner Oliver stated that their issue is that there should be distinction between the approval for just the water tower and the downed trees vs. the yellow section on the map Exhibit 2 page 18 which is clearly a future park project.

Speaker Chuck Rood would like to know what the protocol is where we are clearly spending public money for a project that hasn't been approved yet.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that there is no cost to the city right now.

Speaker Chuck Rood understands that there is no cost for the logging.

~ Chair Kulp stated that he is getting the trees and not charging the city so he will get reimbursed for the work when he sells the logs as mentioned in the staff report.

Speaker Chuck Rood asked for confirmation that he would sell the timber and not bill the city of the work.

~ AmeriCorps R.A.R.E. Participant Ben Tolles agreed and stated the project is quite technically difficult so that is the agreement they worked out.

Speaker Chuck Rood stated the he did not mean to pick on Ben and appreciates that he has a tough job; but it was specifically stated to Georgia David that the logging around the water tower was not on the slope that is the same side as the streets she mentioned earlier. Adding that he pulled up a topo map on his phone and it shows that it is on the same side.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that there is a ridge and it is on the east west slope and the trees are on the left side of the ridge which is the western side.

Speaker Chuck Rood added that if he read the map right on his phone, it seems directly contradictory to what the facts are; he understands this is being done on the fly but it might be better to say he doesn't know than to say something to the group that appears to him to be clearly false.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that from what he remembers that is what he believes to be true but does not have a topo map in front of him. Adding that he mentioned to Speaker Mrs. Pricher that we would address the issues when water goes down Bella Vista Road.

Speaker Chuck Rood thanked everyone for their time.

Chair Kulp has closed the hearing for commissioner discussions; adding that there are a lot of questions out there that should be addressed or add conditions to it.

Commissioner Bernhard stated it does not seem fair for the residents of Luma Vista having to pay to repair and maintain that road especially with all the logging trucks. Adding that we need that agreement to clear up these issues or some type of condition of approval.

City Planner Oliver replied that we could put it as a condition or continue the hearing to get more information and more time to draft something.

Commissioner Blank would like to continue the hearing.

Chair Kulp stated that in hind sight it would have been more helpful if the logger were here to answer these questions.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that the logger had a conflict in his schedule but he too would have rather had him here tonight to answer all of these questions.

Commissioner Dahla would like to see a copy of the approved bid or contract as he does not want to see it as carte blanche to remove anything he wants and who will say which trees stay or go.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that city staff will be on site.

Commissioner Shoemaker asked if other parts were added to the plan in order to make it a feasible project for the logger so he didn't have to bill the city. Asking if it would still be a feasible project for him if it were only to remove the trees around the water tank and the downed trees or if it was based on the the total amount of trees coming out. Then added that he does understand that the city had good intentions by trying to save the residents from additional logging runs but would like to know more about the agreement and the number of logs and loads. For the fire hazard he does agree that it does need to be done and everything cleared up, but the residents are questioning why there are two separate issues here for approval on the same day.

Commissioner Connell asked staff if they did approve it tonight would there be additional approval required by the forestry department and would they determine which trees would be cut.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that the city is the client as it is a city project so we are deciding what trees are to be cut and working with the logger about which are best to be cut. Adding that the Oregon Department of Forestry will be there to ensure he is adhering to the rules and the laws but they won't be telling him specifically which trees to cut unless there is a conflict of law.

Commissioner Blank asked if staff will be tagging trees or tying something around the ones they want removed.

AmeriCorps R.A.R.E. Participant Ben Tolles replied yes they intend to do that.

Commissioner Dahla asked if they would inventory the area to make sure they don't remove unmarked trees.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that the logger would not remove an unmarked tree as it would be a violation of his contract but we could not be up there all hours of the day.

Commissioner Blank would like to focus on the statement on agenda for 5.1; "The tree removal permit would allow for the removal of downed trees, and would selectively thin trees surrounding the City's water tanks for protection and to improve safety and access". Adding that it does not say anything about a park even though he knows that is somewhere down the road but he would just like to focus on that part as it is stated.

City Planner Oliver reconfirmed Commissioner Blank's statement to separate out and remove the yellow section to the right of the map (Exhibit 2 page 18).

Commissioner Blank would like a continuation of the earing to get more information and would feel more comfortable if this came back for review before he says yes.

City Planner Oliver stated that he is a part of the approval body and can initiate a continuation of the hearing which would allow them to gather additional evidence, but would not re-open for new testimony thus giving them more time to address the items which they want additional evidence on and there would not need to be additional noticing sent out if they chose a certain time and date; if all the commissioners are in agreement with the continuation.

Commissioner Blank asked if it would be posted.

City Planner Oliver replied that the agenda would be posted on our city website for that date and we would send out revised information with additional evidence one week before the hearing just like we normally do.

Chair Kulp asked Commissioner Blank if he was asking for a continuation so the yellow portion is removed.

Commissioner Blank agreed.

City Planner Oliver replied it was just the yellow area just right of the access area (Exhibit 2 map).

Chair Kulp asked City Planner Oliver to make a clear understanding about how many trees would be thinned out.

City Planner Oliver replied that there is a difference between downed trees and the thinning of trees but thinks that once we remove the yellow area near the access lot, it would be reasonable to tag and count the trees around the tower as everything else would already be downed trees unless they have to take down extra trees to make an access to get the downed trees.

Chair Kulp asked for the clarification of the Luma Vista Road agreement.

City Planner Oliver stated they would get a copy of the agreement and it would be wise to have a condition of approval for this portion of the logging operation to obligate the city for any repairs to the road. Stating that being a party to the

maintenance agreement would have to come later as they did know there was a maintenance agreement out there but weren't able to get their hands on it. Adding that in the future, should there be a park developed on the property, the city then would also be an abutting property owner and somehow share in the maintenance. Stating she does not know how it all works but it is something to consider in the future when this comes back for park approval.

Chair Kulp asked if they would obligate the city and the logger.

City Planner Oliver replied that they would need to look into how it should be written in case it's already covered under his contract or his insurance then it won't be an issue to ensure the residents are not on the hook for any street damages.

Chair Kulp stated they are looking into tabling this agenda item and remove the lower area in yellow for thinning and looking into the street obligations.

Commissioner Shoemaker asked if they would open that up for discussions.

City Planner Oliver replied that Chair Kulp is suggesting that area is removed but you could deliberate on that.

Commissioner Bernhard asked staff to remind them why that area was in there.

City Planner Oliver stated that area was identified in the Parks Master Plan for a potential park as a look out point.

Commissioner Bernhard asked if it was added in there so the city/logger didn't have to go back in there for a second time.

City Planner Oliver agreed.

Commissioner Blank stated they are going to table that part of it.

Chair Kulp asked if they could contact the Police & Fire Dept. about their issues up there.

City Planner Oliver replied they are welcome to contact the Police and Fire Dept. about any of their concerns.

Chair Kulp stated that they are looking into tabling this so staff can get more information in regards to the road agreement and any damages to the road including the water run-off and the thinning of the tree area.

Commissioner Shoemaker asked if it would be opened back up for discussion since we are eliminating a piece of this that would change the project and the bid; asking if this site made it more of an affordable project for the city. Adding that if we start eliminating pieces of the project will that change his acceptance of doing this project.

Chair Kulp stated she did ask for an exact number of trees to be taken out.

Commissioner Shoemaker replied that was only for the portion around the water tank.

AmeriCorps R.A.R.E. Participant Ben Tolles replied to Commissioner Shoemaker that he did understand his question.

Commissioner Shoemaker stated he would like to schedule the next meeting when the logger could attend.

Commissioner Blank added that he could just submit all this information if he can't make it.

City Planner Oliver looked at the calendar and suggested the 22nd but then we would have to have all our materials submitted one week from today; then asked AmeriCorps R.A.R.E. Participant Ben Tolles if that gave him enough time since we submit all our information to commissioners 7 days before the hearing.

Commissioner Bernhard replied that she will be gone that day.

Commissioner Shoemaker asked if one more week out would work.

City Planner Oliver replied that would be June 29th which is not a regularly scheduled meeting date but would work for her if everyone else agreed; adding that we still have a meeting on the 22nd to discuss the sign code.

All agreed that the 29th would work, which is one week after the regularly scheduled meeting on the 22nd.

Commissioner Shoemaker asked about the 2nd item on this agenda.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that if we don't get through this tonight then he will not be able to be at City Council to present it for final approval as there will be two sessions to approve it; his last day is the 28th of July. Adding that he respects their time so if they have to leave he understands.

Chair Kulp stated that they did have people in the audience signed up to speak and asked if they would mind being patient to wait for them to get through the agenda items.

Commissioner Shoemaker requested a 2 minute break between agenda items.

Commissioner Dahla asked if the 29th was confirmed.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that it worked for him but he is unsure about the logger's schedule; but can move it there and change it later if needed.

Commissioner Bernhard asked AmeriCorps R.A.R.E. Participant Ben Tolles to look into the cleaning of the trimming under the BPA power lines.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed.

Commissioner Kulp stated they are continuing the hearing and asking staff to do additional research on the following items;

- Luma Vista Road maintenance agreement
- Who would be responsible for any damages occurring on the roadway during the logging process
- Information from the logger on how many trees would be trimmed and an estimate on how many are down
- BPA Lines to be cleared of past trimmings
- Water runoff from water tower area

Commissioner Shoemaker asked for a statement from the Fire Dept. about the access.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that he would ask the fire department.

Chair Kulp called for the motion;

Commissioner Blank made the motion to continue agenda item 5.1 Docket # PTR2-17 to the 29th of June and Commissioner Bernhard seconded. (Motion Passes 6-0)

AYES: Chair Kulp, Commissioner Blank, Commissioner Shoemaker, Commissioner Dahla, Commissioner Bernhard and Commissioner Connell.

NAYS: None

(Commissioners & staff took a short break)

5.2 Docket # CPTA2-17

The City of Scappoose proposes land use amendments consisting of the following proposed actions:

- Adoption of the Scappoose Parks, Trails and Open Space Plan
- Amends the Comprehensive Plan Text by:
 - Replacing all parks and recreation text within the inventories section with updated information
 - Editing the “Forest Lands in the Area” to reflect the current situation
 - Removing the “Open Space” section within inventories
 - Updating the “Natural Factors and Local Resources Goals and Policies” and “Open Space Goals and Policies”
 - Adopting the Scappoose Parks, Trails and Open Space Master Plan as Appendix K

Chair Kulp read the agenda item 5.2 Docket # CPTA2-17 and the format of the Legislative Land Use Public Hearing with verbal and written testimony accepted. Adding that the Commissioners role tonight is to review the changes and make a recommendation to City Council for the approval; stating they are only reviewing the changes.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that the commissioners are recommending approval for both the Park Plan and the changes for clarification to the commissioners; then he read the staff report. City Council will have two public hearings for the approval of both documents which will be June 19 and July 17; they are the approval authority for both documents.

Chair Kulp asked the Commissioners if they have any questions for staff.

Commissioner Blank stated that he wanted the public to know that the parks plan is a vision for the next 20 years and what the city would like to see for our parks and it is not a representation of what we have now.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed; adding that each plan could change significantly as they begin the development since each park plan would have to go through Planning Commission for approval.

Chair Kulp asked staff about the different surveys over the years, which seems pretty consistent with the citizens in favor of more parks and a community center.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed, stating that most citizens felt underserved.

City Planner Oliver replied that she has seen some of the copies and they were mailed out.

Chair Kulp stated that the percentage of people polled seems very low; and asked if the polls were mailings or meetings.

AmeriCorps R.A.R.E. Participant Ben Tolles stated he was 8 years old when that survey was done.

City Planner Oliver replied that our last AmeriCorps R.A.R.E. Participant Nick Sund did an online survey as well, adding that our office has copies of old paper surveys.

Commissioner Blank stated at the last two annual town meetings they lined up all the charts with parks and people could choose which one they liked best for the final selections and that is how we got this park list.

City Planner Oliver stated that our last AmeriCorps R.A.R.E. Participant, Nick Sund, did a couple online surveys and a mailed survey with the water bills.

Chair Kulp asked staff about sports facilities at the airpark and why it's there instead of a natural habitat with trails and open spaces.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that was identified during the public outreach since it is out of sight from dense residential areas especially for light & noise pollution plus it would have to adhere to the wetland ordinance and the airport safety and compatibility overlay.

Chair Kulp was just wondering why you would want soccer fields out there with the wetlands.

City Planner Oliver replied that there is room and quite a bit of space that is not impacted by the wetlands on that site.

AmeriCorps R.A.R.E. Participant Ben Tolles added that there are 12 acres in the proposed airport park and it is not within the wetlands.

Commissioner Bernhard added that parks are a great use for an area that has water issues.

Chair Kulp stated not in a wetland area.

City Planner Oliver stated there is quite a distinction between wetland and floodplain areas.

Commissioner Blank added that we can't touch wetlands and need to be careful.

Chair Kulp stated there is a lot of wildlife out there so it would be a great use for tourists to view the wildlife there.

Commissioner Blank added a platform or viewing area or stations.

Commissioner Shoemaker asked if Exhibit 1 is the parks plan that was developed by the Parks Committee so it is a Parks Committee document.

City Planner Oliver replied yes; Parks Commission and public input.

Commissioner Shoemaker asked how many meetings.

City Planner Oliver replied a lot.

AmeriCorps R.A.R.E. Participant Ben Tolles stated he was a facilitator in the Parks Committee.

Chair Kulp asked for the speakers that would like to comment, provide input or ask questions;

Speaker Chad Beaulac, Scappoose, stated he attended the last two town hall meetings and that is how he found out about Vista Park (page 78 Exhibit 1); they all discussed the pros & cons of each park and he recalls how no one liked the fact that there was no access to Vista park except through Luma Vista Drive especially for those of us that live on that road. Adding that they tried to look for other access points for that park but there is no city property abutting the park. Adding that they definitely didn't like the overlook which would be looking directly into his house; referring to the "Project Considerations" paragraph of the plan it states; Property Owners on Luma Vista Drive would be consulted because the park would increase trip counts." Stating that there are a number of us from the neighborhood that attended those town hall meetings and no one that lives on Luma Vista Drive likes the idea of increased trip counts onto the roadway including a parking lot right across from his garage. He is here tonight to voice his concerns of putting this in our 20 year plan for \$145k; none of the residents want it and definitely don't want the increased trip counts on the narrow winding road. Adding that there are already trails in there and they could just use a brush-hog to make the trails wider; if they wanted they could put a sign at Veteran's Park to walk up JP West to Luma Vista then through the trails and out Bella Vista down to Smith Rd. He attended the Town Hall meetings and they were great but the small amount of people in attendance is not a full representation of what this town wants. Adding that Luma Vista is a narrow roadway with sheer cliffs and no guard rails; the residents of Luma Vista Drive don't want the park up there with the added trip counts.

City Planner Oliver stated that there was a letter submitted with a list of signatures submitted tonight by Georgia David.

AmeriCorps R.A.R.E. Participant Ben Tolles went over the questions that Holly Beaulac submitted which he addressed each of her specific questions (insert below);

Questions regarding CPTA2-17 Adoption of the 2017 Scappoose Parks, Trails and Open Space Plan

1. Has a traffic study been completed for the future park at the Vista Property?

No, this application is not for a site development review of a potential park. This application is for approval of the 2017 Scappoose Parks, Trails and Open Space Plan. Any plans for a park would need to come before the Planning Commission before construction begins, which would involve another round of public notification to request public comments.

2. Will the current road and repairs accommodate future traffic to Vista Park?

This is not an application for a park construction project. However, the county has told the City the roads meet their standards.

3. Is this really the best use of the land?

Yes, this is exactly what this land is zoned for. (Public Lands – Recreation)

4. Are there other developments (parks) that should have a higher priority?

Again, this is not a development application for a park. However, to answer the question, development of Vista Park is on City Council's list of 2017-2018 council goals.

5. With this project impacting taxpayers that normally do not receive city services, what is the city willing to dedicate as a result of this new impact (i.e. snow plowing in the winter etc.)?

The city will determine this when development of this park is planned, and brought to Planning Commission for approval.

6. Is Luma Vista Drive wide enough to accommodate public access and residential traffic?

Yes

Commissioner Dahla asked AmeriCorps R.A.R.E. Participant Ben Tolles if they were just recommending the Park Plan for City Council's final approval; not approving Vista Park.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed.

Speaker Chad Beaulac stated from the audience that if you approve the Park Plan then you are approving the parks in the plan.

Commissioner Dahla replied that it is a Master Plan so that park wouldn't be approved until that specific plan comes back to Planning Commission for approval. Adding that he does understand that everyone has an opinion on the park but what they are doing tonight is just looking at the whole plan and approved the whole plan not the specific parks so he asks that they stay focused on the whole plan not just a specific park in the plan that they are not specifically discussing tonight. Stating they are not looking at a specific park tonight, just the whole park plan.

Commissioner Bernhard stated that this is really just a wish list.

Commissioner Blank asked staff if they approve this park plan tonight; does it automatically mean that this proposed park is going to be a park.

City Planner Oliver replied that your recommendation to City Council could specify what you want or that you don't want some sections included and your recommendation should specify that; adding that the commissioner's recommendation of approving this plan is not approving anything specifically, it is just approving a document that lays out potential park sites.

Chair Kulp stated that is what we need to clarify as to what we are doing tonight; we are not saying that each of these potential parks should or will be included, this is a document that the Parks & Rec Committee looked at during their meetings and with citizen input they came up with this park plan. Adding that each of these parks will have to come back to Planning Commission for recommendation to City Council for approval, and within 5 years other parks could be

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eliminated or another park site added it, this is a moving target as this is just an idea of a 20 year plan of parks. Stating that they should voice their opinion on it as that is why they are all here tonight; but what they want to do is make a decision which could include conditions on it and to ensure our citizens have a voice as these parks come up.

Commissioner Blank added that whenever a park is proposed there is always someone in opposition but in the end people always want parks.

Chair Kulp stated that tonight they are just here to recommend this plan to City Council; and can do so with conditions or as presented by staff. Then this plan goes to City Council where you are welcome to voice your concerns again.

Chair Kulp asked for additional speakers;

Speaker Patrick Russell read his prepared statement/letter to commissioners; (inserted below)

Pat Russell
33271 Linden Street
Scappoose, OR 97056
503.656.9681
ppeartrussell@gmail.com

June 8, 2017
Planning Commission
City of Scappoose
33568 East Columbia Avenue
Scappoose, OR 97056

RE: June 8, 2017 PUBLIC HEARING TESTIMONY
City of Scappoose Comprehensive Plan Update
Docket # CPTA2-17, Natural Areas and Open Space, SALMON and BEAVER Recovery
South Scappoose Creek Corridor

Dear Commissioners,

Over the next 50 year horizon, the City will grow and urban pressures will continue to impact the South Scappoose Creek corridor. It is recognized by the State of Oregon and National Marine Fisheries Service (NOAA-NMFS) as historically significant salmon habitat. Extensive beaver trapping occurred in the early 19th Century. This corridor has been adversely degraded since the mid-1800s due to said trapping, logging, agriculture, water withdrawal, invasive species and now urban development to the extent that salmon runs may be limited to hundreds rather the thousands of the past. Juvenile salmon refugia opportunities in the lower reaches, once extensive, are literally non-existent today. Where do we go?

First, we must recognize the past and present challenge: a degraded corridor within the 500 year floodplain. Secondly, we must decide whether the city shares state and federal values. Thirdly, if the city does, then the city needs to establish priority policies at the same level as, say, transportation needs. Then the city needs to identify the area that scientists identify as salmon habitat and apply CPR principles, policies, regulation and investment (CPR = Conservation, Protection, Restoration/Recovery). Right now, the city is fortunate to have a delineated 500 year floodplain through FEMA and US Corps of Engineers; the mapping identifies properties affected. City staff has recently calculated the number of residences, for example, within the floodplain. From recent studies, we can now imagine what this geographic area might have looked like pre-settlement of the 1800s.

If we consider a 50 year Capital Improvement Plan, as we do for Transportation, we then begin to determine the cost of improvement and method of financing and maintenance. Restoration isn't cheap and grants are hard to come by. The city must overcome preconceived strategies that salmon only thrive in rural areas. There are, though, opportunities of attracting eco-engineers to do much of the work for us—beavers. Yes, beavers.

Russell Letter to Scappoose Planning Commission, June 8, 2017

Page 1

NOAA through its continuous research has already learned the value of beavers. For one creek restoration effort NOAA described its success in a modest experiment:

“We predicted that stable beaver colonies would gradually aggrade the incised reaches of Bridge Creek enough to raise the alluvial water table and reconnect the stream to its former floodplain,” the report said. “Therefore, encouraging long-lived beaver dams would be a cost-effective method to produce measurable improvement in riparian and stream habitats, and subsequently in abundance of native steelhead.” [<http://www.cbulletin.com/429471.aspx>]
Reference: Working with Beaver to Restore Salmon Habitat
(<http://www.nwfsc.noaa.gov/research/divisions/fe/wpg/beaver-assist-stld.cfm>).

The Scappoose Bay Watershed Council completed an assessment of the greater Scappoose Bay Watershed in January 2000 and characterized the creek conditions. In 2009 it completed an implementation plan for South Scappoose Creek.

[https://nrmp.dfw.state.or.us/web%20stores/data%20libraries/files/Watershed%20Councils/Watershed%20Councils_221_DOC_ScappooseBayAssessment.pdf]
and
[<http://www.scappoosebay-wc.org/wp-content/uploads/2014/12/South-Scappoose-Creek-Report.pdf>]

“Historically, the channel likely consisted of a primary channel that was more closely at grade with the adjacent valley floor. The primary channel occupied a more sinuous channel pattern with remnant channels, backwaters and other wetlands occurring across the valley floor. The vegetation on the valley floor likely consisted of a mix of hardwood and coniferous species that formed a dense understory and canopy. The dense understory was thick with downed logs that created a rough channel and floodplain surface that obstructed flow, encouraged formation of new flow paths, and resulted in deposition of sediment delivered from large landslides and debris flows in the upper watershed and adjacent tributaries. ..” Page 14

In its Limiting Factors Analysis, the Scappoose Bay Watershed Council’s website noted:

“...The historic contribution of beaver to the processes that support a vibrant salmonid population in the Scappoose watershed has been nearly eliminated... The positive effects of beaver dam construction on aquatic habitats include storage of winter runoff, nutrient rich sediments that support a complex food web, and mobile spawning gravels. Beaver impoundments provide vast surface areas of high quality summer and winter salmonid rearing habitat. They store winter flows as ground water across a saturated floodplain and later deliver stratified cold water through their porous dams, thus maintaining cool summer temperatures favorable to juvenile salmonids...”

[<http://www.scappoosebay-wc.org/watershed/resource-studies/> as of June 8, 2017]

Beaver habitat generally is most productive in the areas delineated by the 500 year floodplain, and it would be the area considered for zoning designations, such as natural resource overlays—or more specifically a Fish and Wildlife Corridor.

I encourage the Planning Commission to request further elaborations and prioritization in the Comprehensive Plan to enable capital improvement plans and funding prioritization.

Beaver taught Salmon how to jump (old Indian proverb). Thank you.

Pat Russell

Chair Kulp called for the next speaker;

Speaker Georgia David asked staff what kind of park Vista would be.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied it would be a nature park trail but first it would need to be approved.

Speaker Georgia David asked what kind of trail park as it says a mix use of biking and hiking which will include a parking lot and paths to the lookout on the SE corner.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that this plan is a wish list and this is a project scope that was developed through public involvement but City Council will have the ultimate authority on those decisions.

City Planner Oliver stated that Planning Commission would approve the site development review of the park but the Master Plan does go to City Council last.

Speaker Georgia David asked AmeriCorps R.A.R.E. Participant Ben Tolles if he has been on a mixed use trail.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated that he has done extensive research on this and has talked to people that manage these types of parks & trails and they all say how many people perceive an issue with hiking and biking on trails but in reality they rarely get any complaints; and due to the research we added that in there since we don't see any conflicts even though there appears to be one.

Speaker Georgia David stated that Forest Park has trails for bikes and separate ones for hikers.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that he talked to the Oregon Parks and Rec. and that is actually ingrained into their city codes which are very difficult to change, but found that many in the department would like to see that mixed use.

Speaker Georgia David stated that if you look at that hill it is a mile straight up which she uses every day and can't imagine bikers on that steep hill, sure they bike up but then they scream down the hill.

~ AmeriCorps R.A.R.E. Participant Ben Tolles stated clearly we don't have site specific things to look at and there are definite mitigation measures to avoid that; he would just like to add that this is just preliminary planning but we could put up obstacles to stop that specific thing.

Chair Kulp stated that at this time we are just looking at this basic plan, they are just giving concepts of what the park plan might look at in the future but the specific parks will come back to Planning Commission to be decided on. Adding that she can step into their meetings when they start putting the actual park development together; that is when you'll want to step in with your concerns and come up with other ideas for them to consider, the Parks Committee is

very opened minded and they would appreciate your ideas. Adding that they have to put together a 20 year concept plan in order to look at grants or private funding; it's just how the system is set up. Stating this plan is not verbatim it's just a 20 year concept plan that can change, like the swimming pool; so the actual Vista Park is not approved.

Commissioner Shoemaker stated that when they tried to get approval for the Crown Zellerbach trail they still had to look at all the other trails out there and concept of other trails.

Chair Kulp stated the individual parks have to come back; it is not approved.

Commissioner Blank stated that there are all types of ways to design the trails.

Speaker Georgia David asked about widening the trails even more so than they are now.

~ Commissioner Dahla replied that would be a discussion during the approval of that specific park; this is just a concept plan for the entire community.

Speaker Georgia David asked if there would be signs along the property telling people where to go as there is private property all along this parcel of land; adding that there is a trail that goes down towards Apple Valley Road which is not a part of the city's land.

~ AmeriCorps R.A.R.E. Participant Ben Tolles replied that they don't have a plan for any of it yet so he can't answer that; but it will come back to Planning Commission when they do have a plan.

Commissioner Bernhard asked the speaker if she has considered being on the parks and rec. committee as she would be very helpful and they are always looking for members of the community to participate.

Speaker Georgia David thanked her for the comment.

Chair Kulp asked if the commissioners had any comment for staff;

Commissioner Connell asked how long the city has owned the property.

City Planner Oliver asked Office Administrator Elizabeth Happala if she knew.

Office Administrator Elizabeth Happala replied that it's been a long time as that water tower has been there a long time.

Commissioner Shoemaker stated it is very old and it's been zoned a Public Use.

AmeriCorps R.A.R.E. Participant Ben Tolles stated they think of all the 6,785 Scappoose Residents when they plan these parks; some of the ideas are spaced out on the parks geographically and what is available.

Commissioner Shoemaker stated that the research into this plan seems old and limited as he owns a research company; he applauds the effort of all the meetings and the annual town hall meeting where they polled all the people that showed up, but the meetings were highly biased and weighted towards parks so he feels very insecure about the research part of the plan. Stating that all of the concerns of the neighbors will be reviewed again before anything gets done, but he would like to see more in this plan; asking if there is still time to add more research into this plan.

City Planner Oliver asked if he wanted more research in the Park Plan or a specific Vista park plan.

Commissioner Shoemaker replied to the public park plan; adding more information from the citizens. But he does know that this has been on the agenda for a long long time. Asking if this plan is approved will it prohibit more research.

AmeriCorps R.A.R.E. Participant Ben Tolles replied that the plan calls for it to be re-addressed every few years.

Commissioner Bernhard stated that they used to review and update all the plans periodically every few years and it used to be called periodic review.

Chair Kulp asked Commissioner Shoemaker if he was really asking for more citizen response or feedback.

Commissioner Shoemaker replied that he realizes there is a limited budget for this but he's just asking the question for more research.

Chair Kulp agrees; when you look at the percentage of people that voted its 80 which isn't a full representation of our community and some meetings are held during other tournaments.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that he does not know what would be garnered from expanding this plan because we have an extensive list of projects beyond the 75 listed in the back of the plan so he is unsure what other projects they could find as they are not a big city and we don't have that many possible park projects. Adding that they thought it was a done plan as they have identified a lot of what they could do and their hands are tied as far as how much the community is willing to be engaged. Stating that they have had 19 Parks and Rec. Committee meetings, 2 public open houses, 2 city hall work sessions and because it's reviewed periodically and every park that is planned will still need a whole other period of review; we started with this plan which we can build on as we actually do develop.

Commissioner Shoemaker stated that was a fair response and he has just voiced his concern and appreciates that explanation.

Commissioner Dahla asked staff how accurate their project cost estimates are on some of these parks, looking at page 101 of the packet, the Seely Lane Park project estimate is \$ 644,845.31

AmeriCorps R.A.R.E. Participant Ben Tolles stated that he took estimates from Heritage Park and had a park estimated last year for a grant for Seely Lane plus he used Google plus sent his numbers to a landscape architect to check so they may not be totally exact but they are in the ball park. Adding that the city could not afford these parks out-of-pocket so they have to rely on grant dollars and public donations so it's good to start with these numbers to have them, but they will clearly change as construction costs change but the numbers are done for now so someone else doesn't have to estimate the park costs later. Stating that having the parks and the estimates looks good in a 20 year plan when applying for grants since the person reviewing the grant will review our park plan. Adding that he does have two grant applications in right now.

Commissioner Blank agreed that they do have to have someplace to start and he does understand Commissioner Shoemaker's request for more public input but this is only a recommendation to City Council so there is still time for the public to comment at the City Council meeting also.

Commissioner Bernhard stated she looks at this plan as a starting point.

Chair Kulp stated that what they are looking at is the Parks Plan and Exhibit 2 for changes to the comprehensive plan.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that the changes are to the Comprehensive Plan which is the governing document for land use in this city which does relate to the code in some fashion.

Commissioner Dahla stated that Pat Russell had his concerns and asked if those have been addressed.

Chair Kulp stated we have Goals for Natural Factors and Local Resources, Exhibit 2 page 146; if that is where beavers should be.

AmeriCorps R.A.R.E. Participant Ben Tolles agreed that is where the beavers should be, stated they do have things that protect habitat, reading; "#4) Ensure the conservation of fish and wildlife areas and habitats, including wetlands,

floodplain and riparian areas” is a goal.

City Planner Oliver added that there is an overlay for fish and wildlife that follows the South Scappoose Creek; adding that we do follow the state guidelines in our Fish & Riparian Corridor overlay which prohibits development in the area of 50’ from the creek bank adding that Mr. Russell will agree that is not enough protection. But we do expect changes in the next year from FEMA and the state, which we would then review our codes.

Chair Kulp asked if they would have an opportunity to expand that 50’ at that time.

City Planner Oliver agreed.

AmeriCorps R.A.R.E. Participant Ben Tolles asked everyone to look at page 148 of the packet; “#21) Establish protected riparian buffer zones along riparian corridors on parcels the City owns that exceed the standards private developers must adhere too.” So that shows the city is trying to build those buffers speaker Patrick Russell mentioned.

Commissioner Bernhard also stated (on page 147; “#9) working with Department of Fish and Wildlife to conserve substantial fish and wildlife habitats.”

AmeriCorps R.A.R.E. Participant Ben Tolles stated that those exact numbers should be in the municipal code as this is more of a higher level document, as he understands it.

Chair Kulp asked about page 137; clarification of the 3rd paragraph down from the Crown Zellerbach Trail, the last sentence reads; “Portions of this trail are grass, but large much of the unpaved areas...” Asking what is the large much.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that is planner speech but would adjust it and thanked her for the catch.

Office Administrator Elizabeth Happala stated that the Vista property was purchased in 1956, referring to a previous inquiry about when the land was purchased.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that the city has owned it for 60 years and nothing has been done on it.

Chair Kulp asked if commissioners had any questions for staff.

Commissioner Bernhard asked if they could put something in about updating the plan every couple years.

AmeriCorps R.A.R.E. Participant Ben Tolles stated that there is something in there about re-review; it is on page 90 that it should be revised every 5 years to reflect the changes in priorities, opportunities and circumstances.

Commissioner Blank stated on page 143 Forest Lands in the Area, with an annual growth potential of 140 cubic feet/acre.

Chair Kulp asked if there were any additional questions for staff. As there were none, they began Commissioner Discussions. She stated that we do appreciate staff’s time on this project and welcome the audience to attend and become more involved in the committees.

Chair Kulp asked if there were any more questions for staff, there we none so they went into deliberations.

Chair Kulp stated that the committee did a great job and it’s a moving target; she wishes there were more citizen involvement like tonight. Adding that in order to move forward they need this plan; the city is focused on smaller parks like Miller Park and Heritage Park. She understands that there are items in this plan that she will always bring up like

wetlands and appreciates everyone's comments tonight.

Commissioner Shoemaker stated that he does appreciate how much effort AmeriCorps R.A.R.E. Participant Ben Tolles put into creating this plan and all the time and effort; he travels a lot and every city and state is different and our state is blessed with all the things we can do in nature and notices that we are behind; he agrees this plan needs to be moved forward to City Council.

Commissioner Blank stated that each of these parks will come back to us for approval; so there is still time to make changes to these park plans. We really don't have any choice but to forward this onto City Council so we can get those grants.

Commissioner Dahla stated it's a great plan.

Commissioner Bernhard stated that is a starting point and as our community changes over time then there will be different age groups and demographics with varied interests.

Commissioner Blank found its survey facts interesting in that the majority of the people who responded were ages 58-65.

Commissioner Bernhard stated that they are the folks that have the time to look at all the information as many people raising young families don't have the time.

Chair Kulp asked if there were any discussions on Exhibit 2 or if any commissioners had anything to add.

Commissioner Shoemaker stated nothing would happen without coming to them first.

Chair Kulp called for the motion to recommending approval of 5.2 Docket # CPTA2-17;

Commissioner Shoemaker made the motion to approve 5.2 Docket # CPTA2-17 and Commissioner Bernhard seconded the motion. (Motion passed 6-0).

AYES: Chair Kulp, Commissioner Blank, Commissioner Shoemaker, Commissioner Dahla, Commissioner Bernhard and Commissioner Connell.

NAYS: None

Chair Kulp closed the session at 10:12pm

6.0 COMMUNICATIONS

6.1 Calendar Check

City Planner Oliver stated June 22nd is our sign code and June 29th will be the continuation of PTR2-17.

6.2 Commissioner Comments

Commissioner Dahla thanked everyone for coming out tonight as it is very rare we have a packed house and it's good to see people come out to have their concerns heard; he hopes to see everyone back on the 29th.

Chair Kulp also stated that they need to express their concerns at the City Council meeting as well; they do appreciate it.

Commissioner Blank stated that this is the process of government and we are all citizens here, just like you.

6.3 Staff Comments

City Planner Oliver thanked everyone for showing up and giving public comment we do appreciate it and thanked the commissioners for staying so long tonight to get through this agenda so Ben can see this through before he is done and

thanked Ben, he did a great job and it is a great experience for him.

Commissioner Shoemaker asked if we are having a retirement party for Ben in July.

City Planner Oliver stated we would have to put that together.

7.0 ADJOURNMENT

Chair Kulp adjourned the meeting at 10:16 PM.

Chair Carmen Kulp

Attest:

Elizabeth Happala, Office Administrator III

CITY OF SCAPPOOSE STAFF REPORT

Request: Amend the development code to replace the existing Chapter 17.114 (Sign Code) with the proposed Chapter 17.114 language

Applicant: City of Scappoose

EXHIBITS

1. Full text of proposed amendment to Development Code Chapter 17.114 (Sign Code)

PROPOSAL AND RATIONALE

The City of Scappoose proposes to discard Chapter 17.114 of the Scappoose Development Code and replace it with the new language attached as **Exhibit 1**.

Scappoose's existing Sign Code is dated, difficult to read, and regulates signs based on content, which is unconstitutional. Based on recommendations from the City's legal counsel, staff proposes to delete the current sign code entirely and rewrite it.

Rather than start from scratch, City Staff started with the City of Troutdale's Sign Code, and altered it to make it relevant to Scappoose. The Sign Code from the City of Troutdale was chosen because it had recently been updated with the assistance of the same legal counsel that the City of Scappoose employs, was easy to understand, and Troutdale itself has similar characteristics to Scappoose.

A sample code based off Troutdale's code was brought to the Planning Commission and over the course of three work sessions, Commissioners raised questions on potentially conflicting situations contained within the proposed code, and directed staff to return with a solution to remedy each problem. Additionally, the Commission directed City staff to isolate sections from the existing code they felt were still relevant and include them in the new code. The proposed code reflects the language contained within the existing code that the Commissioners wanted to keep and new changes the Planning Commission wished to make.

The most significant differences between the existing and proposed sign code are:

- Language that regulated sign content rather than sign size is removed.
- Bright lights that are not part of electronic signs cannot be exposed to direct view from a public street or highway.
- Language was added to say that no sign shall distract a driver. Determining if a sign is distracting is up to the discretion of the City Planner.
- Political signs and other non-permanent signs are consolidated into one category called "temporary signs". Temporary signs cannot be placed more than 45 days before an event, and must be removed 7 days after the event for residential zones, and cannot be placed more than 60 days before an event and must be removed 14 days after an event for

commercial and industrial zones. The removal time frame is 8 days shorter than our current code for residential zones. The allowable size for a temporary banner for commercial and industrial zones, and residential zones, was increased from 4 square feet to 48 and 32 square feet, respectively.

- Roof signs are no longer allowed.
- The new code clarifies how freestanding signs in residential, commercial and industrial zones are regulated.
- A permanent readerboard that is part of a permanent sign (like the signs in front of churches or Ichabod's), is now regulated in the residential, and commercial and industrial zones, based on the percentage of the sign face it takes up and height.
- Sign regulations within the commercial and industrial zones are much clearer to interpret.
- Methods to determine the size of a sign face, and permitted sign sizes are clarified.
- Awnings with messages are now regulated as signs in the commercial and industrial zones.
- How fast an electronic sign can change is now based on the size of the sign. If the electronic sign is less than 4 square feet it can change every 10 seconds, and if it is larger than 4 square feet an electronic sign may change no more than once every two minutes.
- Guidance for how to declare a sign abandoned, and the process for removing the abandoned signs or other nonconforming signs, is clarified.
- All existing signs that violate the new code but were constructed prior to the adoption of the code are allowed to remain as is unless the sign is altered or the sign requires significant repairs as defined in 17.114.055.

PUBLIC NOTICE

Notice of the proposed amendments to the Development Code was published in the newspaper on June 9 and June 16, 2017. Staff has received no written comments from the public regarding this application.

RECOMMENDATION

Based on the information within the proposed amendments; applicable statutes, rules, comprehensive plan provisions and implementing ordinances, staff recommends that the Planning Commission recommend adoption of the proposal for consideration by the City Council.

FINDINGS

1. The following Statewide Planning Goals have been considered by the City of Scappoose in the formation of the language contained within this request:

Citizen Involvement (Goal 1)

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application complies with the citizen involvement processes included in the City's acknowledged Comprehensive Plan and Development Code, which is consistent with Statewide Planning Goal 1. The Planning Commission and City Council will hold public hearings on the proposal prior to adopting the amendments to the Scappoose Development

Code (Title 17 of the Scappoose Municipal Code). Notice of the proposal and hearings was published in the local newspaper on June 9 and June 16, 2017. The proposal was mailed to the Department of Land Conservation and Development on May 17, 2017, in advance of the June 22, 2017 Planning Commission hearing.

The Planning Commission held three work sessions that were advertised and open to the public.

Land Use Planning (Goal 2)

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The proposal to amend the Development Code is consistent with the City's regulations regarding legislative land use decisions. Legislative decisions require a Planning Commission recommendation to the City Council, which then makes a decision based on stated findings. The Planning Commission and City Council hearings are open to the public. During three public work sessions held by the Planning Commission prior to this meeting, the Commission discussed the proposed changes and amended the code language to further reflect the situation in Scappoose.

The procedural requirements for the proposed Development Code amendment are contained in the Scappoose Municipal Code, which involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to amend Chapter 17.114 (Sign Code) of the Scappoose Municipal Code. The City's decision is based on findings of fact. This action complies with Goal 2.

Statewide Planning Goals 3-19 are not applicable to this application.

2. Ordinance language from Title 17 of the Scappoose Municipal Code (Land Development Code):

Chapter 17.22 AMENDMENTS TO THE TITLE, COMPREHENSIVE PLAN, AND MAPS

17.22.040 Approval criteria. Planning commission review and recommendation, and Council approval, of an ordinance amending the comprehensive plan, the zoning map, or this title shall be based on the following criteria:

A. If the proposal involves an amendment to the comprehensive plan, the amendment is consistent with the Statewide Planning Goals and relevant Oregon Revised Statutes and Administrative Rules;

B. The proposal is consistent with the comprehensive plan (although the comprehensive plan may be amended concurrently with proposed changes in zoning or this title), the standards of this title, or other applicable implementing ordinances;

C. The change will not adversely affect the health, safety, and welfare of the community;

D. The proposal either responds to changes in the community or it corrects a mistake or inconsistency in the comprehensive plan, the zoning map, or this title; and

E. The amendment conforms to Section 17.22.050. (Ord. 828 2013)

Finding: The proposal to amend Chapter 17.114 of the Scappoose development code does not relate to any section of the Scappoose Comprehensive Plan, but does adhere to the necessary ordinances regarding decision making and noticing. The proposed code amendment remedies mistakes within sections of the code that were deemed unconstitutional and changes other sections to make the new sign code more relevant than the existing code. Section 17.22.040 is satisfied.

Chapter 17.160 PROCEDURES FOR DECISION MAKING—LEGISLATIVE

17.160.120 The standards for the decision. A. The recommendation by the planning commission and the decision by the council shall be based on consideration of the following factors:

- 1. Any applicable statewide planning goals and guidelines adopted under Oregon Revised Statutes Chapter 197;*
- 2. Any federal or state statutes or rules found applicable;*
- 3. The applicable comprehensive plan policies and map; and*
- 4. The applicable provisions of the implementing ordinances.*

B. Consideration may also be given to:

Proof of a substantial change in circumstances, a mistake, or inconsistency in the comprehensive plan or implementing ordinance which is the subject of the application.

Finding: The Planning Commission's recommendations and the City Council's decisions are based on applicable statewide planning goals and guidelines, federal and state statutes and rules, Comprehensive Plan policies, and provisions of the Scappoose Development Code, as detailed in the findings. Section 17.160.120 is satisfied.

Cross through means the text will be deleted. Double underline is an addition

~~17.114.010--17.114.020~~

Chapter 17.114

SIGNS

Sections:

~~17.114.010 Purpose.~~

~~17.114.020 Definitions.~~

~~17.114.030 General sign regulations.~~

~~17.114.040 Signs in residential zones.~~

~~17.114.050 Commercial and industrial zones.~~

~~17.114.060 Nonconforming signs.~~

~~17.114.010 Purpose. The purpose of this chapter is to provide a safe, consistent, equitable and legal system of signing. The regulations of such factors as size, location, construction, etc., will encourage the communication of information and orientation for both visitors and citizens; provide for the effective identification and advertisement of business establishments; eliminate visual blight; and provide standards to safeguard life, health, property and public welfare. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.020 Definitions. As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:~~

~~"Building frontage" means the linear frontage of a building measured along the side of the building where primary access to the structure is obtained.~~

~~"Canopy" means a structure made of cloth, metal or other material with frames affixed to the building.~~

~~"Construction sign" means any information sign which identifies the architect, engineers, contractors and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.~~

~~"Directional sign" or "incidental sign" means small signs, less than four square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, arrows indicating directions, help wanted, public telephone, entrances, exits, etc.~~

~~"Electronic changing sign" means an electronic sign upon which the entire copy or message may appear or change from time to time upon a lamp bank, such as time and temperature displays, which by its nature and intensity is not a flashing sign.~~

~~"Flashing sign" means any sign which contains or is illuminated by a light source which produces a brilliant flash and darkness on an alternating basis, which results in a pulsating effect designed primarily to attract attention.~~

~~"Freestanding sign" means any sign set apart with no structural~~

attachments to a building structure and is meant to include ground-mounted signs and pole signs for the purpose of these regulations.

~~"Grade" means the relative finished ground level within twenty feet of the sign.~~

~~"Height" or "height of sign" means the vertical distance from the average grade within twenty feet of the structure to the highest point of a sign or any vertical projection thereof, including its supporting columns.~~

~~17.114.020~~

~~Lighting, Indirect or Internal. "Indirect or internal lighting" means any illuminated sign constructed so that the immediate source of illumination is not visible when the sign is lighted and which does exceed ten candle power per square foot measured at ten feet from the sign.~~

~~"Monument sign" or "ground sign" means a sign which extends no more than eight feet in height and is mounted on the ground and supported by one or more uprights, poles or braces in or upon the ground other than a pole sign as defined.~~

~~"Moving sign" means any sign which produces apparent motion or the visual image, including but not limited to illusion or moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation which is designed or operated in a manner primarily to attract attention.~~

~~"Pole sign" means a single- or multiple-faced sign extending eight or more feet above grade, supported by one or more uprights in the ground and detached from any building or structure.~~

~~"Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.~~

~~"Portable sign" means any sign not meeting the anchorage requirements of the Uniform Sign Code.~~

~~"Projecting sign" means a single- or multiple-faced sign which is designed and constructed to be mounted to the wall of a building and which will extend more than twelve inches from the wall.~~

~~"Property line" means the line denoting the limits of legal ownership of property.~~

~~"Public sign" means a sign erected and maintained by the city within the public right-of-way.~~

~~"Readerboard" means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.~~

~~"Roof sign" means any sign erected upon, against or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any equipment attached to the building.~~

~~"Sandwich ("A") board" means a double-faced sign hinged or connected at the top which is spread for stabilization and set upon the ground.~~

~~"Sign" means any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes.~~

~~"Sign area" means the surface contained within a single continuous perimeter which encloses the entire sign cabinet but excluding any support of framing structure that does not convey a message. Where signs are of a three-dimensional, round or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two faces.~~

~~"Street frontage" means street(s), or public right(s) of-way parallel to the property line used to compute the area of sign(s) intended to be located in such a manner as to have primary exposure on that street or right-of-way.~~

~~"Temporary sign" means any sign, banner, pendant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light material displayed for a period of less than ten days in any calendar year.~~

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~~"Wall sign" means a single-face sign which does not extend more than twelve inches from the wall and the copy of which runs parallel to the wall to which it is attached or painted on.~~

~~"Window sign" means a sign which is applied to, attached to or located within the interior of a window. (Ord. 820 §3, 2012; Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.030 General sign regulations. A. 1. No sign governed by the provisions of this chapter shall be erected, structurally altered, or relocated without first receiving a sign permit from the city.~~

~~2. Street trees are protected by Scappoose Municipal Code Chapter 17.104, Street Trees, and Chapter 17.140, Public Land Tree Removal and the Scappoose Comprehensive Plan. Signs located more than eight feet above grade may be visually limited by street trees.~~

~~B. All signs shall comply with the following requirements and those specified by zoning district:~~

~~1. Construction shall satisfy the requirements of the current version of the Uniform Sign Code.~~

~~2. Electrical requirements for signs shall be governed by the current version of the National Electrical Code and Oregon Electrical Specialty Code Amendments.~~

~~3. Except for exempt signs, all signs shall be securely attached to a building or the ground.~~

~~4. All signs, including exempt signs, shall conform to all visual clearance area requirements of Scappoose Municipal Code Chapter 12.10.~~

~~5. All signs, including exempt signs, together with their supports, braces and guys shall be maintained in a safe and secure manner.~~

~~6. All illuminated signs shall be internally or indirectly illuminated.~~

~~C. The following signs shall be exempt from the application, permit and fee requirements of this title:~~

~~1. Impermanent construction and subdivision signs not exceeding thirty-two square feet in area;~~

~~2. Public signs, directional signs, warning signs or information signs or structures required or authorized by law, or by federal, state, county or city authority;~~

~~3. Historical site plaques;~~

~~4. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;~~

~~5. Official flags of the United States of America, counties, municipalities, official flags of foreign nations, flags of internationally and nationally recognized organizations;~~

~~6. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc.;~~

~~7. Political signs, provided such signs shall not exceed four square feet in area or be posted more than forty-five days before the election to which they relate and are removed within fifteen days following the election;~~

~~8. Real estate signs not exceeding four square feet in area in residential districts or thirty-two square feet in commercial or industrial districts;~~

~~9. Residential identification signs not exceeding two square feet;~~ ~~17.114.030~~

~~10. Structures intended for a separate use such as phone booths, Goodwill containers, etc.;~~

~~11. Temporary signs not exceeding four square feet;~~

~~12. Window signs;~~

~~13. Signs carved into a building or which are a part of materials which are an integral part of the building;~~

~~14. Murals and decorative painted wall decorations without advertising or recognizable logos;~~

~~15. Decorative flags not to exceed three feet by five feet limited to one per business frontage.~~

~~D. The following signs are prohibited:~~

~~1. Flashing and moving signs;~~

~~2. Portable signs;~~

~~3. Sandwich ("A") boards exceeding four square feet in area per sign face;~~

~~4. Any signs attached to utility poles, streetlight poles, or traffic-control standard poles, street trees or otherwise located in the public right-of-way or city-maintained areas adjacent to the public right-of-way without written approval of the city manager;~~

~~5. Signs in a dilapidated or hazardous condition;~~

~~6. Signs on doors, windows or fire escapes that restrict free ingress or egress;~~

~~7. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal;~~

~~8. Signs placed on or painted on a motor vehicle or trailer and parked with the primary purpose or providing signs not otherwise allowed by this title;~~

~~9. Balloon signs;~~

~~10. Any sign not specifically permitted by this chapter is prohibited unless specifically approved by the planning commission.~~

~~E. All freestanding signs shall comply with the following provisions:~~

~~1. One freestanding sign shall be permitted per street frontage of a lot or parcel, or each three hundred feet of street frontage of a lot or parcel, not to exceed two freestanding signs per lot or parcel.~~

~~2. Freestanding sign supports shall be placed behind the property line and no closer than ten feet to any adjacent private property line.~~

~~3. Freestanding signs may project over the public property line provided they conform to the standards established for projecting signs.~~

~~F. All projecting signs shall comply with the following provisions:~~

~~1. No projecting sign shall extend above the highest structural component of the building to which it is attached or more than twenty-four feet above grade.~~

~~2. Signs over the public right-of-way, including freestanding signs and swinging signs, shall conform to the following standards:~~

<u>Clearance</u>	<u>Maximum Projection</u>
Less than 8'	Not permitted
8'	1 foot
9' and above	2 feet for every foot above 8 feet in height, but no more than 9 feet.

~~No sign shall project within two feet of the curb line.~~

~~G. All roof signs shall comply with the following provisions:~~

~~1. All roof signs shall be installed or erected in such a manner that no support structure as visible from grade level or any abutting public right-of-way.~~

~~2. Roof signs may be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.~~

~~3. Roof signs shall not exceed the highest point of the building or structure. On flat roofs, the roof sign shall not exceed eight feet above the highest point of the building. In no case shall a roof sign extend more than twenty four feet above grade.~~

~~H. All wall signs shall conform to the following provisions:~~

~~1. Wall signs may be attached flat to, or pinned away from the wall, but shall not project more than twelve inches from the wall.~~

~~2. Wall signs shall not extend above the height of the wall to which it is attached or more than twenty four feet above grade.~~

~~I. Any sign which is not in compliance is an unlawful sign and declared to be a public nuisance.~~

~~1. The city manager may order the removal of any sign erected or maintained in violation of this title. He or she shall give ten calendar days notice in writing to the owner of such sign, or of the building structure, or premises on which the sign is located, to remove the sign or bring it into compliance. Any sign located on a utility pole, street light pole or traffic control standard poles, street trees or otherwise located in the public right-of-way or city-maintained areas adjacent to the public right-of-way without written approval of the city manager shall be removed immediately and with no notice;~~

~~2. The city manager may order the removal of a sign immediately and without notice if, in his/her opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, and is authorized to take such steps as may be necessary to remove such sign. Neither the city or any of its agents shall be liable for the sign or any damage to the sign.~~

~~3. Violation of this title shall include failure to comply with any of the provisions of this chapter or the erection, use or display or the allowing of, the permitting of, or one suffering erection, use or display of any sign not in compliance with all the provisions of this title.~~

~~4. The remedies provided in this section for violations of or failure to comply with provisions of this title shall be cumulative and shall be in addition to any other remedy provided by law. (Ord. 820 §3, 2012; Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

17.114.040 Signs in residential zones. A. R-1 and R-4

Zones.

~~1. One name plate or identification sign with a maximum of two faces not exceeding two square feet per face per dwelling unit is permitted. Uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed thirty-two square feet.~~

~~2. Signs permitted outright in the R-1 and R-4 zones may be located anywhere on the premises; however, no freestanding sign may exceed eight feet in height or project beyond any property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof.~~

B. MH and A-1 Zones.

~~1. Signs permitted in the R-1 and R-4 zones are permitted in the MH and A-1 zones. For multiple-family dwellings, permitted manufactured home parks and conditional uses in the MH and A-1 zones, one identification sign totaling thirty-two square feet in area shall be permitted for each street frontage.~~

~~2. Signs permitted in these residential districts may be located anywhere on the premises; however, no freestanding sign shall exceed eight feet in height or extend beyond a property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

17.114.050 Commercial and industrial zones. A. The total allowable area of all permitted signs shall be as follows:

~~1. A total sign area of one and one-half square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area. Within multiple tenant facilities, it shall be the responsibility of the property owner to determine how the total allowable sign area for the property shall be apportioned and the sign permit application shall require the signature of the property owner.~~

~~2. Freestanding or projecting signs shall be limited to one hundred fifty square feet per face. Such signs shall not exceed twenty-four feet in height from grade to the highest element.~~

~~B. Residential uses in the commercial and industrial zones shall be subject to the limits and requirements of the A-1 zone. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

~~17.114.060 Nonconforming signs. A. If, at the time of passage of this title, a sign does not conform to the provisions of this title, such sign may be continued and maintained in reasonable repair. This grandfather status, however, shall not prevent the city from taking action under Section 17.114.030 where a clear and immediate threat to the public safety and welfare exists.~~

~~B. Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this title.~~

~~C. If a nonconforming sign is destroyed by any cause to the extent or more than fifty percent of its value, then and without further action by the planning commission, the sign shall be subject to all applicable regulations of this title. For the purpose of this title, the value of any sign shall be the estimated cost to replace the sign in kind, as determined by the building inspector. (Ord. 680 §1(part), 1998; Ord. 634 §1(part), 1995)~~

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Chapter 17.114 Signs

Sections

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- 17.114.030 Prohibited Signs
- 17.114.035 Signs within Residential Zones
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- 17.114.050 Electronic Display Signs
- 17.114.055 Nonconforming and Abandoned Signs
- 17.114.060 Enforcement of Permanent Signs

17.114.010 Purpose. This chapter is being adopted to protect the health, safety, property, and welfare of the public; provide a neat, clean, orderly, and attractive appearance of the community; improve the effectiveness of signs; provide for safe construction, location, erection, and maintenance of signs; prevent proliferation of signs and sign clutter; and minimize adverse visual safety factors to travelers on public highways and private areas open to public travel. To achieve this purpose it is necessary to regulate the design, quality of materials, construction, location, electrification, illumination, and maintenance of signs that are visible from public property, public right-of-ways, and private areas open to public travel. This chapter shall be construed to carry out this purpose.

17.114.015 Definitions. For purposes of this chapter, certain terms, phrases, and words shall be construed as follows: Words used in the present tense include the future; the singular tense includes the plural and vice-versa; the word “shall” is always mandatory and the word “may” is discretionary; and the masculine gender includes the feminine and vice-versa. The following terms shall mean:

A-Frame Sign. A double-faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom. A frame signs shall not be permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

Awning. A shelter projecting from, and supported by, the exterior wall of a building on a supporting framework. The awning may be constructed of rigid or non-rigid materials.

Banner Sign. A sign made of fabric or other non-rigid material with no enclosing framework and not qualifying as a flag.

Bench Sign. A sign on an outdoor bench.

Boundaries of the Site. The area inside the legal lot lines of a site and does not include any property in a public right-of-way.

Business. Any profession, trade, occupation, shop and every type of calling where a charge is made for goods, materials or services.

Direct Illumination. A standalone light acting as a sign to attract attention, or exposed lighting or neon tubes on the sign face.

Directional Sign. A sign located within the boundaries of a site and near areas where pedestrians, cyclists, or vehicles travel, and that is intended to inform people of what direction to travel.

Electronic Display Signs. Signs, displays, devices, or portions thereof with lighted messages that change at intermittent intervals by electronic process or remote control.

External Illumination. The light source is separate from the sign and is directed so as to shine on the sign.

Flags. Any fabric containing colors, patterns, words or symbols, typically oblong or square, attachable by one edge to a pole or anchored at only two corners. If any dimension is more than three times as long as any other dimension, it is classified and regulated as a banner regardless of how it is anchored or supported.

Freestanding Sign. A sign on a frame, pole, or other support structure that is not attached to any building.

Gross Wall Area. The entire area encompassed by the plane of a wall, including windows and doors.

Height. The vertical distance measured from grade to the highest point of the sign or sign structure.

Historical Marker. A plaque or sign erected and maintained on property, a building, or structure by an organization that is recognized for routinely identifying sites, buildings, or structures of historical value.

Internal Illumination Lighting. The light source is concealed within the sign.

Lighting. Direct, external, or internal illumination.

Maintenance. Normal care needed to keep a sign functional such as cleaning, oiling, and changing light bulbs.

Permanent Banner Sign. Any banner sign that is not allowed as a temporary sign or that does not qualify as an exempt sign under section 17.114.025 of this chapter.

Permanent Sign. A sign attached to a building, structure, or the ground in a manner requiring a permit, and made of materials intended for more than short term use including, but not limited to, freestanding signs, wall signs, and awning signs.

Portable Sign. A sign that is freestanding in design, easily movable, made of durable material as opposed to non-durable material such as cardboard, paper, fabric or pliable plastic, and is not affixed to the ground or to any part of a building.

Projecting Sign. A sign, other than a wall sign, that projects from, and is supported by, a roof or wall of a building or structure and is generally at right angles to the building.

Right of Way. A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

Readerboard Sign. Sign on which a message copy can be changed manually, in the field, through the utilization of attachable letters, numbers, symbols and other similar characters or changeable pictorial panels.

Repair. Mending or replacing broken or worn parts with comparable materials. Repairs may be made with the sign in position or with the sign removed.

Roofline. The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or other minor projections.

Roof Sign. Any sign erected upon or over the roof of any building or structure.

Searchlights. An apparatus on a swivel that projects a strong, far-reaching beam of light.

Sign. Any materials placed or constructed so they can be viewed from a right-of-way or another property and that conveys a message or image, and includes the sign structure, display surface, and all component parts of a sign.

Sign Copy. The message or image conveyed by a sign.

Sign Face Area. The total display surface area of the sign. When the dimensions of a sign are specified, the term includes the frames or cabinets surrounding a sign; the electronic message center; any base material or supporting structure, unless none of the base material or supporting structure is related to the message or image being portrayed in the sign; and all individual pieces or panels that, when placed together, convey a message or image.

Site. The area, tract, parcel, or lot of land owned by, or under the lawful control of, one distinct ownership. Abutting platted lots under the same ownership shall be considered one site.

Street Frontage. Street(s), or public right(s)of-way parallel to the property line used to compute the area of sign(s) intended to be located as to have primary exposure on that street or right-of-way.

Structurally Altered. Any work, except maintenance work, that alters or changes the size, shape, or height of a sign. Also includes replacement of sign structure materials with other than comparable materials, for example, metal parts replacing wood parts.

Supporting Structure. A structure specifically intended for supporting or containing a sign.

Temporary Sign. A sign that is not permanently attached to a building, structure, or the ground, and that is not intended or designed to be placed permanently.

Wall Sign. A sign that is attached to, and extended no more than within 12-inches from a wall, or painted on a wall, of a building.

Window Sign. A sign located in the inside display area of a business window.

17.114.020 General Provisions. All signs in the City of Scappoose including those exempt from obtaining a sign permit, shall comply with the height limits of the underlying zone, general provisions of this section and, where applicable, with the provisions of sections 17.114.025 through 17.114.055 inclusive. Signs shall not be restricted by content.

- A. Permits Required. Except as provided in section 17.114.025, Sign Permit Exemptions, of this chapter, a permit is required to erect, replace, construct, or alter the location or structure of a sign. A permit shall be issued by the Planner if the applicant files an application, filing fee, and plans which demonstrate full compliance with all provisions of this chapter and other applicable city regulations. Application for a sign permit is processed according to 17.162.
- B. Sign Maintenance. All signs shall be maintained in a safe condition. Maintenance and repair of a sign, including change of sign copy, shall not require a sign permit. All signs that are damaged and pose a danger to the public shall be repaired or removed.
- C. Location.
 - 1. Except as otherwise provided in this chapter, all signs shall comply with the building setback requirements of the underlying zoning district. The setback requirement for a freestanding sign shall be measured from the signboard.
 - 2. All signs shall be located entirely within the boundaries of a site unless specifically authorized by this chapter.
 - 3. All signs must be installed in compliance with Chapter 12.10, Visual Clearance Areas, of the municipal code, as well as the regulations of this chapter.
- D. Construction. All signs shall comply with the applicable provisions of the current Oregon State Structural Specialty Code, except as otherwise provided in this

chapter.

- E. Lighting. Except as otherwise provided in this chapter, signs may be externally, internally, or directly illuminated, subject to the following:
1. Lighted signs shall be placed, shielded, or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
 2. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device and/or signal.
 3. Flashing lights or similar devices as well as traveling light patterns (“chaser effect”) are prohibited. Changing of electronic display signs are not considered a traveling light pattern.
 4. All externally illuminated signs that measure seven feet or more from the ground level to the top edge of the sign face shall be illuminated from above.
 5. Searchlights are prohibited.
 6. Electronic display signs are permitted only as provided in Section 17.114.050.
 7. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliamperere rating for white tubing or 100-milliamperere rating for any colored tubing.
 8. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed 800-milliamperere rating tubing behind a sign face spaced at least nine inches, center to center.
 9. No direct illumination larger than 250 lumens shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.
- F. Sign Face Area. The sign face area shall be determined as follows:
1. The sign face area of signs enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet surrounding the sign face. The sign face area does not include foundations, supports, or other essential structures that are not related to the message and images being posted in the sign.
 2. When a sign is on a base material and attached without a frame, the dimensions of the base material are to be used unless it is clear that the base is not related to the message or image being posted in the sign.

3. When signs are constructed in individual pieces attached to a building wall, sign face area is determined by a perimeter drawn around all the pieces.
 4. For sign structures containing multiple panels oriented in the same direction, the panels together are counted as one sign face.
 5. The maximum surface area visible at one time, of a round or three-dimensional sign, is counted to determine the sign face area.
 6. When signs are incorporated into awnings, the entire panel containing the sign is counted as the sign face area unless it is clear that part of the panel is not related to the message or image being posted in the sign.
- G. No sign shall distract a driver, or cause a safety hazard.
- H. No sign shall be placed in the public right-of-way unless written permission from the City Manager is granted. Any sign located on a utility pole, street light pole or traffic-control standard poles, street tree, or otherwise located in the public right-of-way or city-maintained areas adjacent to the public right-of-way without written approval of the City Manager shall be removed immediately and without notice.

17.114.025 Sign Permit Exemptions. The following signs are allowed in all zoning districts without a sign permit:

- A. Public signs constructed or placed in a public right-of-way by, or with the approval of, a governmental agency having legal control or ownership of the right-of-way; signs owned or constructed by the City; signs required by the Fire Department for identification of buildings; signs required by law including, but not limited to, hearing notices; and signs placed in or near a right-of-way by a public utility in response to a hazard or danger to the public.
- B. Directional signs, provided that freestanding directional signs shall not exceed 5 feet in height and 15 square feet in area on one sign face.
- C. A single sign or historical marker not to exceed 4 square feet cut into the surface or the facade of a building, or permanently attached and not projecting more than two inches.
- D. Signs located in the interior of any building, or within an enclosed lobby or court of any building or group of buildings, that are designed and located to be viewed exclusively by patrons of such use or uses.
- E. Painted areas on a wall that are designed and intended as a decorative or ornamental feature, or to highlight a building's architectural or structural features.
- F. Window signs as a part of the inside display area of a business, provided the

window sign does not involve use of flashing or blinking lights.

- G. Signs not exceeding one and a half square feet (1.5 ft²) in size and affixed to or displayed from a residential dwelling unit.
- H. Holiday lights and decorations.
- I. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively is five square feet or less in sign face area.
- J. Flags less than 24 square feet in size measured border to border.
- K. Bench Signs so long as the bench sign doesn't exceed 15 square feet, are within 20 feet of an established public transit stop, or within a commercial or industrial zone. Bench signs shall not interfere with a right of way.
- L. Temporary signs given they adhere to the size requirements detailed in Section 17.114.035 and 17.114.040.

17.114.030 Prohibited Signs. The following signs are prohibited and shall be considered nuisances:

- A. Any sign constructed, erected, replaced, altered, repaired, or maintained in a manner not in compliance with this chapter.
- B. Permanent banner signs.
- C. Roof signs.
- D. Signs in public right-of-ways other than public signs installed or authorized by a governmental agency or public utility.
- E. Signs placed or painted on a motor vehicle or trailer that is parked with the primary purpose of providing a sign not otherwise allowed by this chapter.
- F. Any inflated sign or inflated device, including multiple inflated signs or devices bundled together, that floats in the air and individually or collectively exceeds five square feet in the sign face area.
- G. Any sign that is not exempt, not a lawful nonconforming sign, or that was not erected, constructed, or placed in accordance with a permit.
- H. Signs attached to a tree.

17.114.035 Signage within Residential Zones. In addition to exempt signs regulated by section 17.114.025, this section specifies the allowed signs on all land within the R-1, R-4, MH, and A-1, zoning districts, and on any site within the Downtown Overlay District, C, and

EC zoning districts where the use of the land is characterized as residential.

A. Freestanding Signs

1. Maximum sign area, on one sign face, shall not exceed 32 square feet.
2. Height shall not exceed six feet.
3. Freestanding signs shall not be illuminated.
4. One freestanding sign is allowed per street frontage.

B. Temporary Signs

1. Maximum sign area for 1 or more temporary portable sign(s) or temporary freestanding signs shall not exceed 15 square feet, per property. Maximum sign area for a temporary banner shall not exceed 32 square feet.
2. Temporary signs may not be placed more than 45 days before an election, sale, rental, or lease and shall be removed within 7 days after the election, sale, rental, lease, or the conclusion of the event.
3. Temporary signs shall not be illuminated.

C. Readerboard.

1. A permanent readerboard may be incorporated into any one, of the above permitted signs provided the readerboard assembly is integral to the sign, does not exceed 40 inches in height and constitutes no more than 60 percent of the face of the sign.

17.114.040 Signage within Commercial and Industrial Zones. In addition to exempt signs regulated by section 17.114.025, the provisions of this section regulate other allowed signs on all land zoned C, EC, LI, HI and PUA and any site zoned R-1, R-4, MH, and A-1, where the use of that land is characterized as commercial, industrial, or institutional.

A. Freestanding Signs

1. A freestanding sign may not exceed 1.5 square feet of sign area per linear foot of site frontage, provided the maximum sign face area is not more than 150 square feet per face. For calculation purposes, corner signs that face more than one street shall be assigned a site frontage by the applicant. For calculation of leased premises, the frontage shall be the tenant's frontage.

2. Height shall not exceed 24 feet.
3. Illumination may be internal, external, or direct.
4. One freestanding sign is allowed per street frontage.

B. Wall Signs

1. Maximum sign face area shall not exceed ten percent (10%) of the gross wall area of each wall to which the sign is attached or painted. In calculating maximum allowable area for a wall sign, each face of a building shall include all window, door, and wall area.
2. Where two or more uses are located in the same building, the maximum permitted area for all signs may be divided among the uses. A separate wall sign or a joint-use wall sign may be erected, provided that the maximum allowable sign area shall not be exceeded.
3. The maximum sign area for an individual wall may be distributed among any number of wall signs.
4. The wall sign shall be attached to the wall of the building, shall leave no part of the sign extending above the roofline of the building, and shall be designed as an integral component of the building design.
5. No wall sign shall project more than 12 inches from the wall to which it is attached.
6. Illumination may be internal, external, or direct.

C. Awning Signs

1. Maximum sign area shall not exceed twenty percent (20%) of the awning area.
2. The sign shall be integrated into the design and material of the awning on which it is located.
3. Illumination may be external only.

D. Temporary Signs

1. Maximum sign area for a temporary portable sign, wall sign, or freestanding sign, on one face, shall not exceed 32 square feet. Maximum sign area for a temporary banner shall not exceed 48-square feet.
2. One temporary sign is allowed per street frontage.
3. Temporary signs may not be placed more than 60 days before an election,

sale, rental, or lease and shall be removed within 14 days after the election, sale, rental, lease, or the conclusion of the event.

4. Temporary signs may not be illuminated.

E. Projecting Signs

1. The maximum sign face area, for an individual projecting sign, shall not exceed four square feet per face.
2. The lowest portion of a projecting sign shall be no less than eight feet above the ground beneath the sign.
3. Projecting signs may not be illuminated.
4. One projecting sign allowed per business.

F. Portable Signs

1. The sign shall be displayed only during the business hours of the business for which it is permitted.
2. The maximum sign face area on one sign face, or the cumulative area of multiple sign faces when there is more than one sign face, shall not exceed ten square feet.
3. The top of the sign shall not exceed six feet above the ground, except that A-frame signs shall not exceed four feet in height.
4. The sign shall be located within the boundaries of the site where the business occupant is located.
5. Portable signs may not be illuminated.
6. One portable sign is allowed per business.

G. Readerboard

1. A permanent readerboard may be incorporated into any one, of the above permitted signs provided the readerboard assembly is integral to the sign, does not exceed 40 inches in height and constitutes no more than 60 percent of the face of the sign.

17.114.050 Electronic Display Signs.

- A. Electronic display signs shall be allowed only in commercial and industrial zones, subject to the provisions of this chapter.
- B. One electronic display sign shall be allowed per site.

- C. The message on an electronic display sign shall change no more than once every ten seconds for signs with an electronic sign face of four square feet or less, and no more than once every two minutes for signs with an electronic sign face greater than four square feet.
- D. Electronic display signs may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.
- E. Lumination.
 - 1. An electronic display sign may not have a nighttime (dusk to dawn) lumination intensity of more than 1000 (nits) and shall not have a daytime (dawn to dusk) lumination intensity of more than 8000 (nits) over ambient light conditions.
 - 2. The sign shall have a mechanism that automatically adjusts the lumination level to comply with the standards in this section.
- F. Electronic display signs shall be equipped with a means to immediately turn off the display when it malfunctions. The party owning or controlling an electronic display sign shall turn off the sign or lighting within four hours of being notified by the Planner or designee that it is not in compliance with the standards of this section.

17.114.055 Nonconforming and Abandoned Signs. All signs erected after the effective date of this title, which are in violation of any provisions of this chapter are declared to be a public nuisance and, shall be removed or brought into conformance upon written notice by the City Manager or their designee-

- A. Signs that have been lawfully erected prior to the date this code is adopted that do not conform to the regulations of this chapter are nonconforming signs and may continue to exist, subject to the following provisions:
 - 1. No additions or enlargements may be made to a nonconforming sign except those additions or enlargements that are required by law.
 - 2. Signs that are moved, replaced, or structurally altered shall be brought into conformance with this chapter.
 - 3. A nonconforming sign that is damaged shall not be repaired if the estimated expense of repairing the sign exceeds 50% of the replacement cost of the sign as of the day before the sign was damaged. A damaged nonconforming sign that cannot be repaired shall be removed within 60 days of the date the sign was damaged.

4. Whenever a nonconforming sign is damaged and the estimated cost to repair the sign is 50% or less of its replacement value as of the day before the sign was damaged, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, if such repairs and restoration are started within 60 days of the date the sign was damaged and are diligently pursued thereafter.
- B. A sign shall be deemed abandoned when:
1. The site where the sign is located has been vacated for a period of 60 days or more;
 2. The sign does not have a message or image on the sign face area for a period of 60 days or more; or
 3. The sign has been damaged and there has not been diligent progress in making repairs for a period of 60 days or more.
- C. If a sign is abandoned the Planner shall send notice to the property owner via regular and certified mail, return receipt requested, stating that the sign has been abandoned and must be removed.
1. The notice shall direct that the sign be removed by a specified date and shall inform the property owner of the basis for concluding that the sign has been abandoned. The notice shall also inform the property owner of their appeal rights.
 2. A property owner who disagrees with the Planner's determination that a sign has been abandoned may appeal the Planner's notice by filing a written appeal with the Planner within ten days of the date on the notice.
 3. The appeal shall identify the notice that is being appealed and explain why the Planner's determination is wrong.
 4. Upon timely receipt of an appeal, the Planner shall process the appeal in accordance with Chapter 17.162 of this code.
- D. If the abandoned sign is not removed by the specified date in the City Manager or their designee's notice and the property owner has not requested an appeal, or if the sign is not removed within the time specified in the decision rendered following the appeal, the City Manager or their designee shall cause the sign to be removed. The cost of removal shall be entered by the City Recorder on the docket of City liens against the property owner, and shall be collectible in the same manner as liens for public improvements.

17.114.060 Enforcement of Permanent Signs. Signs that violate the provisions of this Chapter are deemed a public nuisance. The City Manager or their designee may take any one or

more of the following actions to enforce this Chapter: seek a fine pursuant to Chapter 17.24.030, declare the sign a nuisance and proceed pursuant to Municipal Code Chapter 8, seek declaratory and injunctive relief, revoke the sign permit or any other action authorized by law.

17.114.065 Enforcement of Temporary Signs. Enforcement of temporary signs not conforming to regulations of this chapter shall be subject to the following provisions:

- A. In addition to bringing an action for a violation pursuant to Chapter 17.24, for signs located on public utility poles, street trees, traffic sign poles, or public property, the City Manager or their designee shall cause the sign to be immediately removed without notice.
- B. For temporary signs located on privately-owned property in violation of this chapter, in addition to the enforcement actions in this section, the City Manager or their designee may bring an action for abatement in accordance with Chapter 8 of the Scappoose Municipal Code.

CITY OF SCAPPOOSE

June 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3 Scappoose Farmers Market 9 am - 2pm
4	5 City Council 7pm	6	7	8 Planning Commission 7:00 p.m.	9	10 Scappoose Farmers Market 9 am - 2pm
11	12	13	14	15 EDC ~ noon Park & Rec 6:00 p.m.	16	17 Scappoose Farmers Market 9 am - 2pm
18	19 Work Session 6:30 p.m. City Council 7pm	20	21	22 Planning Commission 7:00 p.m.	23	24 Scappoose Farmers Market 9 am - 2pm
25	26	27	28	29 Planning Commission 7:00 p.m.	30	

CITY OF SCAPPOOSE

July 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1 Scappoose Farmers Market 9 am - 2pm
2	3	4 City offices closed 	5	6	7	8 Scappoose Farmers Market 9 am - 2pm
9	10	11 Joint City Council/Planning Commission Work Session to Discuss Housing Needs Analysis 5:30 p.m.	12	13	14	15 Scappoose Farmers Market 9 am - 2pm
16 Bocce Tournament 8am-6pm Veterans Park	17 EDC Work Session 6pm City Council 7pm	18	19	20 Park & Rec 6:00 p.m.	21	22 Scappoose Farmers Market 9 am - 2pm
23	24	25	26	27 Planning Commission 7:00 p.m.	28	29 Scappoose Farmers Market 9 am - 2pm
30	31					