

COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 7, 2016

Meeting Minutes

Planning Commission Members Present: Linda Hooper, Alta Lynch, Jeff VanNatta, Bill DeJager and Claudia Frace

Staff Present: Glen Higgins, Deborah Jacob, Ginger Davidson, Hayden Richardson, Todd Dugdale, Kay Clay, Julie Stenberg and Robin McIntyre

Others: Pete Kosky, Rod & Joan Myers, Rose Adams, Alice Todd, Don & Judy West, Howard Larson, Agnes & John Peterson, Andrew Stamp, Scott & D.. Koller, Len Waggoner, Ron Reeves, H & Snjezana Drumheller, Jory Wilcox, Brian Gooch, Shannon Brennan, Tammy Maygra, Ross Day, Earl Scott, Ron Fortelney, Alan Mazour, Colleen DeShazer, Paul DeShazer, Greg Hansen, Melissa-Trevor?- & Kelley Lungberg, Mark Campbell, Logan Lauvray, Brian Horay, Rodger Nevela, Susan ??, Jeff Pricher, Jack Walls, Jeremiah Ellis, Heather Arnis, Stephanie Arthur, Justin Powers, Lori Wills, James Davis, Julian Ribera, Donovan Jacob, Katie Davis, Charles Wendelschafer, Shay Scott, Jenny Harmon Scott, Donald Harkleroad, David Mullican, Quinn Smith, Philip Hansen, Carol Koch, Mark Kuhn, Dave St Onge, Christopher Arthur, Belay??, Terry & Kim Miller, Kimberly Tyler, Olivia McKay, Julian Ribera, Katelyn Wilson, Michael Sheehan, Sally Miller, Dave Reynolds, Linda Oviatt and Joe Luttrell

Jeff VanNatta, Chairman, called the meeting to order at 6:30pm.

Deborah Jacob read the pre-hearing statement.

V 17-02 - Christopher Arthur, Turley Rd, Continuation from the October 3, 2016 meeting. Deb pointed out that since this was a continuation of the October meeting that all that had to be done on V17-02 was for the Planning Commission to discuss and make a decision if possible.

Bill DeJager made a motion to deny V 17-02, it was seconded by **Alta Lynch**. All present voted and the variance was denied.

MO 17-01 - This application was in conjunction with the variance application V 17-02. Deborah briefly reviewed the application and pointed out that since V 17-02 was denied that it is not possible for the marijuana grow to happen in the requested location. The building does not meet the setbacks.

Opened to the Public.

In Favor:

Ross Day, attorney for the applicant, requested that this application, MO17-01 be continued so that the applicant could modify his request or withdraw the application.

Opposition:

Brian Gooch stated that this application has been beaten enough and instead of dragging it out any further that it should just be closed at this point.

Closed the public hearing.

Linda Hooper made motion to continue the hearing for MO 17-01 to January 2017. **Bill DeJager** seconded the motion. Motion carried - all in favor.

CU 17-02 Scott Koller

No-exparte was declared on CU 17-02

Glen Higgins presented the staff report.

BACKGROUND:

The subject site is located off of Hazen Road. It is west of St. Helens Golf Course, which is zoned Community Service- Recreation. The property is adjacent to rural residential zoned properties on three sides: predominantly to the north, south and some to the east. It is, also, adjacent to a pocket of residences existing in the forest agriculture zone (FA-80) to the west.

The subject site, also known as Koller Farms, has been in use as a cattle operation along with Koller Quality Meats (custom cutting & wrapping) for over 50 years. Both farm uses are permitted outright in agricultural resource zones. In addition, as an auxiliary activity for extra income during low beef price times, the farm fabricated and welded steel pipe gates and fence panels for farm use. In 2010, the County received a formal complaint about a business, not related to farming, operating on the subject property without land use authorization. The County Code Enforcement Officer contacted the property owners and informed them that they would need to obtain land use approval for the ammunition manufacturing business and could accomplish this by applying for and obtaining a home occupation permit from Land Development Services. The applicant subsequently submitted a Type 1 Home Occupation Permit application with fees to Land Development Services on December 13, 2010.

In the 2010 submitted application for the ammunition manufacturing business, also referred to as Tactical Manufacturing, the owner stated that all business contacts are on the internet; there will be one customer per week; and the only employees of the business will be the residents. The agencies notified of this proposal included amongst others: Columbia River Fire & Rescue, the Sheriff's office, and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). After reviewing the information provided in the application, none of the agencies had concerns. On March 7, 2011 the County made an administrative decision to approve of the Type 1 home based business subject with four conditions.

In July of 2016, the County received complaints that the activities regarding the home occupation have become observable and disruptive to bystanders. Since the Columbia County Zoning Ordinance describes a Type 1 home occupation as presenting "*no indication of a home business to the neighboring property owners*", the County determined that the business operator was not in compliance with condition #3 of the Type 1 Home Occupation Approval which states: "*Compliance shall be maintained with all applicable provisions within the Home Occupation Sections of the Zoning Ordinance for the life of this proposal. Any departure from ordinance regulations or conditions of approval established herein shall be subject to review and possible suspension and revocation in accordance with the procedures of the Columbia County Zoning Ordinance.*" On July 13, 2016 the County Code Enforcement Officer sent a violation letter to Scott Koller informing him that to remedy his violations he would need to either cease and desist or apply for a Type 2 Home Occupation. Mr. Koller submitted a new application on July 27th and paid the associated fees necessary to apply for the change of status to his Home Occupation.

In the narrative, the applicant states that the manufacturing aspect of the business will take place in the 12,000 square foot agricultural building. Both the Building Department and Columbia River Fire & Rescue were concerned that the structure would not meet the requirements and standards for this change of use. Fire Marshall Jeff Pricher stated, "...the fire district is not able to accurately ascertain if the current structure will meet the change of use requirements from its construction design as a building originally intended for agriculture operations to a potential designation of a hazardous (H) occupancy." In a memo dated 9/19/16 Columbia County Building Department stated, "...this building was approved for agriculture exemption status in March and now the owner is applying for a Home Occupation... It is apparent that the structure they are currently building is not an Agriculture Exempt Building..." The Building Department provided the following list of items to be addressed if the building is to be reclassified as commercial:

1. The applicant will need to provide Building Plans for Plan Review and a full floor plan with rooms labeled for the uses they will be serving and all exit doors and swings; there may be additional information needed from a qualified professional.
2. The Occupancy needs to be determined, at the very least it could be an F1 Occupancy (Factory Group), but depending on quantity limits of material

- (black powder, primers, etc.) they are storing and manufacturing this could be considered a H Occupancy (High-Hazard Group).
3. A sprinkler system may be needed due to the size and use of the structure.
 4. The occupant should provide an operational plan on the facility and the manufacture process.
 5. Provide the MAQ (Maximum Allowable Quantity) for the materials.
 6. Fire Code Chapter 56 for Explosive and Fireworks.
 7. Evacuation and/or emergency plan per the Fire Code.
 8. Oregon Structural Specialty Code Chapters 3 & 4.

Based on the submitted paperwork, Columbia River Fire & Rescue recommends **denial** of the proposal and provided the following items that would need to be addressed in order to reconsider their stance:

1. No open burning, smoking, cutting or welding can occur within the area of operations. “No Smoking” signs must be posted in conspicuous areas. OFC 310.3 & 5003.7.1
2. No Welding operations can occur in the subject building per OFC 308.
3. The Address to the building must be plainly visible from a vehicle at all hours of the day. Numbers shall be no less than 12 inches tall with a stroke width of 2 inches and materials shall be used so that the numbers and background are contrasting in nature. The Address shall be visible from all access directions. OFC 505.
4. A copy of the ATF license needs to be provided before a determination can be made as to certain fire and life safety requirements can be met. Specifically, there was no indication in the application as to how much powder was to be stored on the property. This is important in determining the separation distance between the residence on the subject property as well as the other buildings. Also, will this be indoor storage or outdoor storage? OFC 5604.
5. The fire district is unable to determine the water supply needed for this structure without more information about the product and quantities. OFC 507.
6. The fire district will require that appropriate placarding is located on the magazine or other areas where powder and finished product is stored. OFC 5604.6.5.
7. A fire safety evacuation plan will be required based upon the number of employees described in the application. OFC 404.
8. An employee training and response plan/procedures will be required. OFC 406.

CCZO defines Home Occupation as “an accessory non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building”. In the agricultural zoning districts permitted accessory buildings can be quite large. If defined

as a home occupation, the business will be allowed to coexist with surrounding uses (mostly residential) with minor mitigation measures to ensure compatibility. If defined as an industrial use, the business must relocate to industrial zoned land, where transportation and services are upgraded to urban standards and development is subject to the Design Review standards of CCZO 1550. The applicant has given the County a proposed exit strategy - to relocate Tactical Manufacturing to an industrial zoned area within 3.75 years.

Staff feels that this application was not complete and that we need to have more clarification on some of the points. We did receive some additional information from the applicants attorney, Andrew Stamp, a few days before this meeting and we would like more time to report on those findings and to complete the necessary conditions. Staff can not make a recommendation at this time.

Open for Public comment:

In Favor:

Andrew Stamp, Attorney for the applicant. Mr stamp explained that there are 6 sets of standards for a conditional use permit and a Type 2 conditional use is applicable in this case. There could be up to 5 employees in this building and if there is a change in the use of this building. There will be a minimal about of delivery trucks. Mr Koller would like to operate his business out of one building instead of multiple buildings as it is done now. The applicant intends to use only a portion of the building for his new home occupation, approximately 4800 sq ft of the 12000 sq ft building will be used. The 4800 sq ft area will have an occupancy code of “H” and the remainder of the building will have an occupancy code of “S”. This is a steel frame building and no wood structures in the building which makes it a safe building for this project. Mr Koller wants to consolidate his business into one location, this will limit any noise. This application will not hinder the farm use., there is limited noise and no fumes. The applicant will accept reasonable conditions, conditions are needed in an application such as this. Farms use will still continue to be done at this location, they want to use the building for mixed uses not just agriculture. Andrew Neimi has submitted a letter supporting that this building is feasible to be used as an ammunition facility. It would have to be determined at the time of the design review and permit application process. The fire department says it is possible for approval with upgrades to the building. There will not be any impact of farm use, they have been operating this type of business for 8 years, the Kollers have improved the driveways, the hours of operation would be from 7:00 am to 5:00pm five days a week, no massive lights in the evenings, light should be shielded, landscaping if necessary. There will not be more than 5000 pounds of powder on site at one time, smokeless powder is better, it will burn hot but it will not explode. The powder will be stored in a conex, which is water tight but not air tight and there is a berm around the conex. Only 40 pounds of powder will be in the actual work building at a time and primers are stored in another area which is very clean until needed. **Claudia Frace** asked how much powder would be on site at a time. Scott Koller responded the he usually has 3-4,000 pounds on

site at a time and they are in 40 pound bags. The powder is brought in on pallets and delivered usually every two months. **Alta Lynch** asked what kind of trucks brought the order to his site. Usually they would be shipping trucks but not usually 18 wheelers. Scott ships out usually once a week maybe a couple of pallets at a time. Mr Stamp would like to leave the record open if necessary to address issues.

Agnes Peterson is in favor of this application. She has been a lawyer for 55 years and has known the Koller family for 30+ years and they are a good family. As far as the anonymous call, that is not good because you can not count nor address those issues. As far as the zone itself, the RR zones are irrelevant because this depends on the impact on the FA zone. This is actually an excellent place for this, there are no problems with the site. Goal 5 protects the uses of the land.

John Peterson, has worked with the Kollers in the past and they are a good family. What would the neighbors rather have, cows and manure or this clean business. This is better for the community.

Scott Koller, applicant. They have had three generations of family working on this farm. There will not be any large trucks blocking the road since the driveways are built better now. Safety is the concern and only Scott and his wife actually load the cases, the primers are very clean. They are all about safety and they provide training for that purpose.

Earl Scott, has recently worked on the Koller Property and he just wanted to point out that Scott is a good businessman and he does a lot for the community.

Len Waggoner. There has been a precedence set. Tim Bero is doing exactly the same thing in Vernonia. What is the difference between the two? The county needs to consider like for like.

Colleen DeShazer, supports Scott and his home occupation, why does the county want to paint him as a bad guy? He doesn't get a fair process and even the elected officials harass Scott, Scott deserves to have a fair process. Letter submitted.

Tammy Maygra, feels that the county is harassing Scott. Scott has to jump through more hoops than the normal person. Just leave him alone and quit harassing him. He can never do enough for the county. He provides local jobs, pays his own way, pays his taxes. All these people who make calls and do not want identified should be ignored. Scott has passed all background checks so just leave him alone and let him run this business. Who really cares about the landscaping?

Jim Davis, owns the property across from Scott and he supports this application.

Jory Wilcox, owns the little RR2 area on the golf course and Scott has been a very good neighbor and very helpful. Scott will do more of the cattle business once this

ammunition business gets going better. Its hard to do both business at once. This is not a huge production plant and the trucks are not an issue. Scott is the one who handles the most dangerous end of the job. Just approve it please.

Kelly Lundberg, this application is not an impact to anyone except Scott and as far as the roads being blocked they are not.

Julian Ribera, Has known Scott for 18 years and has never had any problems, Scott takes care of any issues that come up and he wants to be in compliance, this is his own place so of course he wants to be safe.

Terry Miller, has known Scott for years and he supports this application and besides the barn looks nice.

Don West, feels that Scott is a victim here and the zoning is crazy, there is no danger and the dirt wall adds protection.

Pete Kosky, This application is a low impact application for this property, Pete is a competitive shooter and has bought products from Scott and he makes a high quality product.

Charles Wendelschafer, works for Scott Koller and Scott is a good employer and is very responsive to any concerns. Scott works hard for this business.

Suki Chung, letter submitted on his behalf in support of Scott Koller.

Opposition:

Weston Drumheller, submitted three letters, one for himself, one for Michael Whitfield and one for Derek Stekhuizen. Also submitted was a petition with many signatures. The whole setup on that property is an eye sore, there are fire marshal concerns, it is an negative impact on the area and there are many neighbors that are afraid of Scott - that is why they don't come forward.

Alta Lynch wanted to know what the petition was for. Summary is that they didn't want a manufacturing facility in the area.

Susan B, What kind of insurance does this business have to have to protect the surrounding property owners in case there is ever a blow up, will there be fire suppressant system required, what are the OSHA requirements, how high of standards will this business have to stand up to and if there is a clause to move the business in a couple of years why can't he move it now?

Jeff Van Natta, wanted to remind everyone that the planning commission only makes land use decisions and they have standards that they have to follow. When things are complete and the staff reports is written the staff will have conditions that have to be met.

Rebuttal:

Andrew Stamp, attorney for Scott Koller. Andrew practices not to accept petitions, they do not carry much weight. What do they really say. De-valuation to property really can't be proven. The powder being used will only burn , it is not contained in an air-tight container. This operation is minimal and paving of the drive way is inconsistent.

Jeff VanNatta pointed out that only the approach has to be paved.

Andrew Stamp, Scott would be the one that would suffer if anything blew up. Scott has nothing to hide and anyone is welcome to visit the site. The neighbors do not understand the burn rate, only 4800 sq ft of this building will be used in the 12000 sq ft building, Scott will continue to have cattle, whatever rumors there are about the amount of powder is just that - rumors, real evidence is what is being presented to the Planning Commissioner not rumors, there is no need to continue this application to a later date. In closing it is very rare that there is so much support for an applicant.

Closed the public hearing.

Glen Higgins referred to a memo previously submitted from Scott Koller referring to an exit time for his business at the noted location. Is the 3.75 years still an exit time?

Scott Koller mentioned that he was continuing to look for a commercial property. **Andrew Stamp** followed up saying that 3.75 years is a long time and possibly this would be re-evaluated at that time.

Bill DeJager, asked Glen if he needed more time to review and to set conditions accordingly.

Glen Higgins said that the application had changed with the new information received from Andrew Stamp and he would like more time, maybe the December meeting.

Robin McIntyre pointed out that if we left the record open we would also have to allow for rebuttal time.

Andrew Stamp wanted to close the hearing and stated that they would work with the staff and fire marshal and would go the extra mile to address concerns and conditions. They also wanted to address the concerns of the neighbors.

Alta Lynch, agrees with having conditions at this site. Addressing the issue of shrubs and landscaping is a bit much, that is very expensive to achieve for something that should not be necessary. The safety issues should be the main concerns and everyone should look at how many neighbors have a huge amount of ammo on their property.

Andrew Stamp pointed out that safety is very important most of all to the Koller's.

Close public hearing.

Jeff VanNatta said there was no reason to push it anymore, go ahead and make a decision, if additional conditions were needed then go ahead and add them.

Alta Lynch made a motion to remove the "hear say comments" in the staff report, **Claudia Frace** seconded.

Jeff VanNatta state that we would modify the staff report to remove "hear say", add hours of operation, address light shields. Add condition number 9 to consider the requirements from the fire department and or building department added by the staff, add a condition #10 to include supplemental findings by staff.

Motion carried all in favor.

8:50 recess

9:00 p.m. meeting called to order.

MO 17-03 & CU 17-03 Logan Louvray & Brian Horay

No ex-parte

Ginger Davidson presented the staff report.

BACKGROUND:

The applicants herein, Logan Lauvray and Brian Horay, are requesting a Conditional Use Permit and a Marijuana Operations Permit. The applicants propose to grow cannabis inside an existing 784 square foot structure and a proposed 1,456 square foot greenhouse on the approximate 4.85 acre property. In order to authorize utilization of the existing building and the proposed building for the marijuana operation as provided for in Sections 603.6 and 1803 of the Zoning Ordinance, the county must review and approve both the applicants' Conditional Use Permit and the Marijuana Operations Permit and the applicants must be issued a Recreational Marijuana Growing License from the State of Oregon Liquor Control Commission (OLCC).

The applicants have started the application process with OLCC for a license in both their names for the marijuana grow on the subject property. Amanda Borup, Policy Analysis at OLCC stated, in a general correspondence with the County dated May 25, 2016, that OLCC will provide written notification to proposed recreational marijuana growers when they have completed a majority of the OLCC application process, including the required criminal background check. Once written notice is given, the applicant will only have the final site inspection left to complete. Before LDS can issue any building permits or authorize any onsite growing the County will require the applicants to provide LDS with this OLCC written document confirming that all licensing requirements are met except for the final site inspection(s) by OLCC staff.

The subject site is already developed with an existing dwelling, driveway, well, septic tank, drain field, and 28' x 28' pole building. The applicants are proposing to construct a 28' x 52' greenhouse and set up a rain storage system for water usage for the proposed grow. According to the FEMA Flood Insurance Rate Map No. 41009CO195 D, there are no flood hazard areas on the subject property. The site does not contain any wetlands or waterways, according to the National Wetlands Inventory Map and county maps. Similarly, it does not contain any sensitive natural areas. However, the property does contain a peripheral big game habitat area, as noted on the BEAK maps, and an unnamed, seasonal creek that transverses mid-way through the property in a north-south direction, as noted on the applicants' site plan and during the site visit by the county planner on 10/17/16. The property is surrounded by other RR-5 zoned properties, except on the west side in which it is bordered by Forest/Agriculture zoned property. Emergency services are provided to the site by the Columbia River Fire & Rescue and the County Sheriff.

Staff finds that the provisions in 1803.2(B) & © have been met. MO 17-03 is proposed to be conducted inside two structures on the property. The regular setbacks for indoor grows in an RR-5 zone are 30 feet from the front and 5 feet from the rear and sides. With the additional 50 feet added for the marijuana grow, the setbacks become 80 feet from the front, and 55 feet from the rear and sides. The 784 sq ft existing structure is located more than 400 feet from the front property line to the east, 80 feet from the rear property line to the west, and over 100 feet from the side property lines. Likewise, the 1,456 sq ft structure is proposed to be located more than 400 feet from the front property line to the east, 110 feet from the rear property line to the west, and over 100 feet from the side property lines. The Project Planner's 10/17/16 site visit verified these approximate distances.

On October 11, 2016, Staff received a phone call from a neighbor that was concerned about the west property line in relation to Orchard View Road. Orchard View Road is a public right-of-way (ROW) that has been platted but not built. Staff confirmed with the county road department that the center line of Orchard View Road coincides with the west property line of the subject property for its entire length. Therefore, the setbacks on the west side begin after the ROW. The ROW for Orchard View Road is 20 feet from the center line. Given that the property has 20 feet of ROW on the west side, the structures still meet setbacks. The 784 sq ft existing structure is 80 from the rear property line and

with allowance for the road it is still 60 feet from the property line, which complies with the 55 foot setback from the rear. The 1,456 sq ft structure is proposed to be 110 feet from the rear and with allowance for the road it is still 90 feet from the property line to the west. See the pictures on the next page for a visual representation of the landscape and structures on the property in relation to the rear property line to the west.

The farm will be operated by the two property owners as a primary source of income, with the potential hire of one employee.” To ensure compliance with CCZO 1803.2(D)(1), a condition of approval should require at least one of the owners of B-Lo farms (as listed in MO 17-03) to show LDS a current driver’s license with the subject address (69855 Beaver Hill Dr) as the license holder’s place of residency. With this condition, Staff finds that the proposal requested for MO 17-03 and CU 17-03 complies with 1803.2(D)(1), which requires the marijuana grow to be operated by a resident or an employee of the resident.

The marijuana operation will utilize a rain barrel collection system for water supply. Jake Constans signed the Marijuana Producer Exempt Water Form approving the rainwater collection proposal and above ground storage tanks. He indicated that B-Lo Farms is not allowed to use their domestic water source for water needs that exceed the rainwater collection system. Supplemental water supply will need to be delivered to the site from a licensed water purveyor.

Staff recommends approval with conditions.

Linda Hooper questioned the terminology in condition #4, remove Dispensary/Retailing to grow site and where it says registered to sell it should say to grow.

Open to the public

In Favor:

Brian Horay, owner. This is a recreational grow only, tier 1 operation, will be grown in two enclosed structures, all set backs are met, there are no other investors, small scale operation, someone will be on the premises 24-7, no sales will be made from this location, a rain water drip system will be used for irrigation, there will be no hazards - no chemicals will be used. Brian and Logan are committed to being good neighbors.

Opposition

Alice Triplett, is concerned about a platted road that was never built, wanted to vacate this road. The wells in that area are shallow and wants to be sure nothing is going to be built in the ROW. Alice has written a letter to the road department concerning the road but at this time had not heard back from them.

Jeff VanNatta explained that there were lots of platted roads in the county and lots of them had not been built.

Ginger Davidson pointed out that the applicants would not be in the ROW and referred to the letter submitted by the road department.

Alice continued by mentioning that the creek is only dry about 2 months of the year and she is concerned about additional run off, extra water and the road flooding. She has concerns regarding her own safety and criminal issues with this type of business.

Rebuttal:

Logan Louvray, owner. Apologized to Alice for not contacting her regarding this application, they tried but never succeeded. The well water is for home use only. They will be collecting rain water and that is what will be used for irrigation and actually that should help with rain run off. As far as security there will be someone on site 7 days a week which is also a OLCC regulation and their driveway is gated.

Closed hearing

Alta Lynch made a motion to approve MO 17-03 & CU 17-03 with condition 4 to remove dispensary and retail site to just a grow site and change registered to sell to registered to grow and add a condition 13 to comply with fire codes and requirements. **Claudia Frace** seconded, all in favor, motion carried.

S 17-01 Circle M Land & Livestock

No ex-parte

Deborah Jacob presented the staff report.

BACKGROUND:

The property owner, Circle M Land & Livestock LLC, is requesting to subdivide a 35.44 acre tract of land in the Rural Residential (RR-5) Zone into a proposed seven (7) Lot subdivision known as Circle M Estates. Proposed Circle M Estates is bordered by Wills Lane to the west, Hazen Road and Rodney Street to the east, and is located in the unincorporated area known as Warren. All proposed lots will have at least 50 feet of usable frontage on Wills Lane (Lots 4, 5 & 6) or Hazen Road (Lots 1, 2, 3, & 7) both of which are publically dedicated right-of-ways.

The only existing structure on the property is a barn on the western portion of proposed Lot 7 that has been on site since at least 1980 according to the County Assessor records .The topography of the site gradually slopes southward from Wills Lane and westward

from Hazen Road to Honeyman Creek located in the southwestern portion of the 35-acre site. There is also an unidentified seasonal waterway and spring located in the central portion of the 35-acre site that also flows into Honeyman Creek which is identified as fish-bearing stream according to the Oregon Department of Forestry's Map of Chapman, Oregon.

A majority of the site has been cleared of vegetation with the exception of significant trees and vegetation associated Honeyman Creek and the spring/waterway in the central portion of the ~35-acre site. No new public right-of-ways are required for this subdivision since all lots will have at least 50' of usable frontage on an existing county road. No site development (i.e. drainage facilities, roads, or other such paved surfaces) will be required to be constructed or installed prior to final plat approval. However, the county will require the County Sanitarian to conduct lot evaluations for all proposed 7 lots and approve methods of sewage disposal prior to acceptance and signing of the final plat.

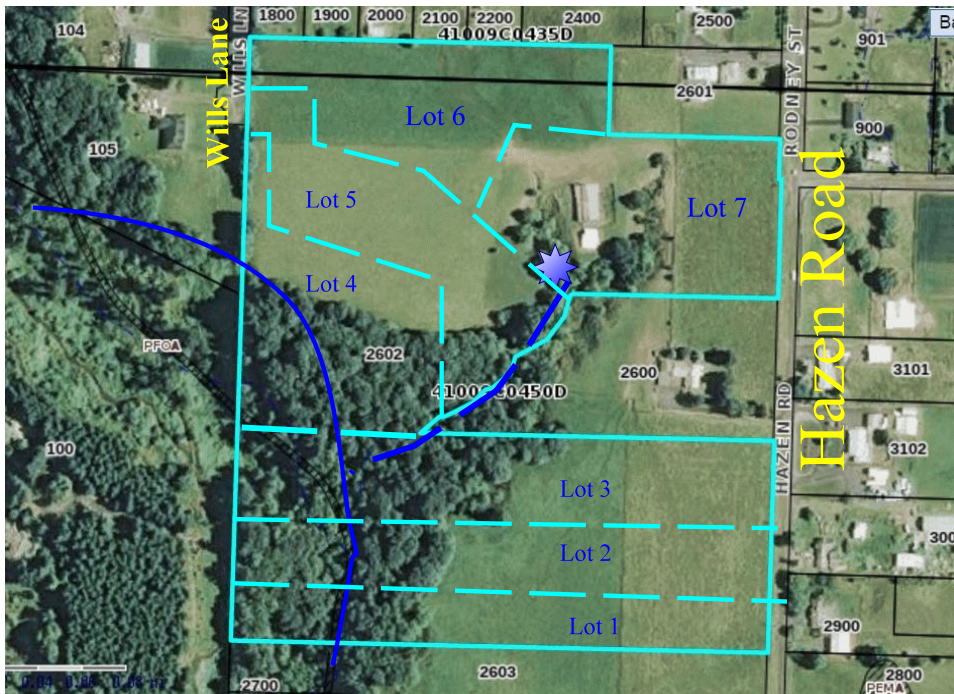
Similarly, the Warren Water Association has confirmed that they can provide water to Lots 1, 2, 3, and 7 from their existing waterlines along Hazen Road. Regarding potable for Lots 4, 5, & 6 off Wills Lane, the applicant submitted a list of all recorded well logs in Section 24 provided for in the Preliminary Plat provisions identified in Section 404.A of the County's Subdivision and Partitioning Ordinance (S&PO).

Although the subject property contains wetlands associated with Honeyman Creek according to the National Wetlands Inventory (NWI) Map of Chapman, it does not contain any identified flood hazard areas at this location. Since Honeyman Creek is identified as fish-bearing by the Oregon Department of Forestry's Stream Classification Maps of Chapman there is a 50' protected Riparian Corridor on both sides which shall be preserved. The central portion of the site contains an unnamed waterway and spring that drains into Honeyman Creek which will also require a 25' Riparian Corridor on both sides. The Scappoose-Spitzenberg Beak Maps indicate that the subject property is not within a Big Game Habitat Area nor does it contain any identified sensitive, threatened or endangered species/vegetation, or hydric soils. Emergency services are provided by Columbia River Fire and Rescue and the Columbia County Sheriff.

The Conceptual Storm Water Plan submitted with S 17-01 states that no onsite right of way dedications or improvements/paved surfaces will be needed prior to final plat approval since all lots will have usable frontage on existing county right-of-ways. The county Roadmaster's comments confirm this. As shown on the Soils Map on Page 5, all 7 Lots contain sufficient acreage of either Aloha (Type 1A) or Quatama (Types 40A & 40B) Silt Loams that can safely accommodate the intended RR-5 development without impacting the steeply sloped and still forested Xerochrepts steep soil (Type 70E) associated with the site's two waterways/Riparian Corridors. Any necessary Erosion Control measures referred to in Section 1003 (6) will be addressed at time of each lot's site development. Prior to future building permit issuance, the proposal shall be reviewed by the County Planner and Building Official for consistency with the applicable

and minimum provisions of the County's Stormwater and Erosion Control Ordinance to help ensure the valuable functioning of the site's Riparian Corridors. Staff finds that due to the rural nature of the subdivision as well as the 35 acre site's identified topographical and soil characteristics, the permanent fencing referred to in Section 1003 (5) does not apply to this request nor do the divided boundary lines referred to in Section 1003(7). With these site specific conditions and without any additional evidence, staff finds these provisions for lot improvement will be met prior to future building permit issuance on all seven lots.

**Aerial View of 35.44-acre RR-5 site
Honeyman Creek, Waterway & Spring**



Open Public Meeting

In Favor:

Dave Reynolds - Reynolds Surveying, this subdivision is pretty cut and dry, no infrastructure is needed and septic lot evaluations will be done.

Laurie Wills, wanted to verify that there will be 3 homes with access from Wills lane. No improvements will be made to Wills lane.

Opposition:

None

Close public hearing

Bill DeJager made motion to approve S17-01 **Alta Lynch** seconded, Motion carried all approved.

V17-03

No Exparte

Hayden Richardson presented the staff report.

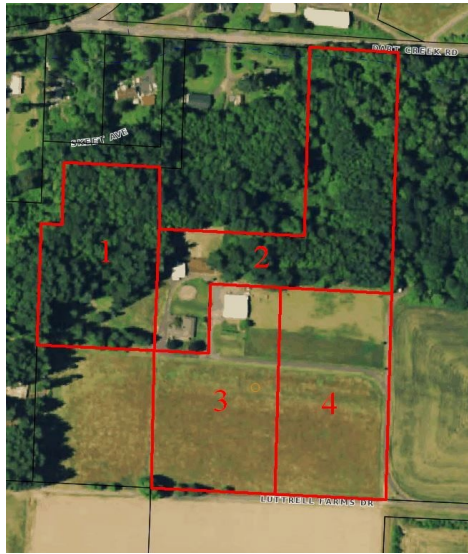
BACKGROUND:

The applicant, Joe Luttrell, is requesting a Major Variance to the standards in Section 1005.A of the Columbia County Subdivision and Partitioning Ordinance (CCSPO) and to those in Section 604.5 (A) of the Columbia County Zoning Ordinance (CCZO) in order to waive the 50 foot minimum public road frontage requirements for newly created parcels in the RR-5 zone. Contingent upon approval of the Major Variance, the applicant would like to create two 5 acre parcels and one 8.33 acre parcel from the subject four tax lots which, combined are 18.33 acres. This combined area contains Dart Creek within it. Each of the four tax lots are not discrete parcels capable of being developed individually. There were two lots of record within the subject property that were subsequently moved through property line adjustments, PLA 03-01 and PLA 03-02. The four tax lots that remain are for tax purposes only.

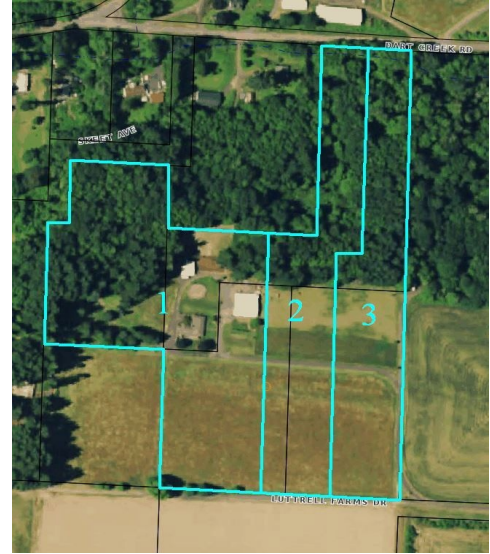
In order to create usable frontage on Dart Creek Road, the applicant would have to install culverts and construct driveways across Dart Creek. In the application, the applicant states, *“Access to Dart Creek Road would require a creek crossing and the terrain to the properties is very steep, exceeding 15% at some points. The cost to build and the disruption to soils and creek would be detrimental and unnecessary with an excellent road already in place”*.

According to the applicant and the October 11 site visit, there is an existing farm road, which has yet to be described as an access easement, that can be accessed from Dart Creek Road through the property associated with current Map Identification # 5225-040-00600, which is also owned by the applicant. This farm road is approximately 1700 feet long to the edge of the properties and is currently only used for agricultural purposes.

Existing Property Lines



Proposed Property Lines



Mr Luttrell does have an application for a partition on this property but the partition is contingent upon the approval of this variance application,

The granting of this variance should not adversely affect other properties in the area, nor be detrimental to public safety, health or welfare. This variance would help avoid possible environmental damages to Dart Creek as well as steep slope areas due to the construction of two driveways. The financial implications of building the two driveways with the existing environmental barriers of Dart Creek and a steep sloped area is not merited and would be an extraordinary hardship to encumber the applicant with for the creation of two additional RR-5 parcels intended for residential use only. The request as submitted, would allow for the creation of three parcels without usable road frontage. The existing farm road on Dart Creek Road already provides access to the proposed properties from the neighboring parcel to the east. However, and because Land Development Services (LDS) has no documentation confirming this current farm road is recorded as a private access and/or utility easement for the benefit of all affected property owners, one condition of approval will require the applicant to file and record with the County Clerk a surveyed *“Private or Non-exclusive Access/Utility Easement”* and a related *“Maintenance Agreement”*. These document(s) shall include all affected properties that utilize this private access to Dart Creek Road and shall specifically identify all of the parcels that it serves. A copy of the recorded document(s) shall be filed with LDS.

This road frontage variance has been requested by the applicant due to unique characteristics of the land that are not generally applicable to the majority of other RR-5 zoned properties in this area; this RR-5 zoned subject property has never had usable frontage on Dart Creek Road. As discussed the applicant is only intending to create

three parcels, two of which are able to be developed for residential purposes. The Northern portions of the properties, where the required driveways would be located, are also steeper than the potential development areas and consist of slopes between 15% - 30%. The area intended for the two new residences is the most logical and relatively flat building site on this entire 18.33 acre parcel.

Previous findings identify reasons that a variance is necessary to allow the ± 18.33 acre parcel to be partitioned into three parcels. There is no existing usable public road frontage and requiring the applicant to incur the costs of constructing new driveways and disrupting natural environments for only 2 more potential residences is not proportionally related to this Major Variance request. The northern portion of the subject properties are constrained topographically and development would occur on the southern portion of the properties. The existing access road can reasonably be improved to fit the requirements of the County Road Standards without causing a financial and environmental burden to the applicant. Constructing two separate ~900' driveways over Dart Creek and up a slope that is greater than 15% in some places would be cost prohibited for the addition of potentially two residential developments. This variance is necessary for the proposed partition to move forward and for the intent of the RR-5 Zone to be realized, and is further necessary for the proper design and function of the partition.

Open for public comment.

In Favor:

Joe Luttrell, Owner. Would like to be able to have this variance for better use of the land and to protect the land as well. There would be environmental damage because of the steep slopes and possible damage to the creek and Joe does not want that.

Opposition:

None

Closed public hearing.

Alta Lynch made motion to approve V17-03 and **Linda Hooper** seconded. Motion carried all in favor.

Other Business: Approval of 9/12/16 & 10/03/16 minutes

Meeting adjourned 10:00 pm