

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

November 4, 2013

Meeting Minutes

Members Present: Gayle Lee, Linda Hooper, Terry Luttrell, Guy Letourneau, Jeff VanNatta, Paula Lichatowich and Rod Lloyd

Staff Present: Glen Higgins, Deborah Jacob, Kay Clay

Others:

The Planning Commission meeting was called to order by Chairman Guy Letourneau at 6:37 pm.

Deborah Jacob read the pre-hearing statement.

### **Conflicts of Interest/Ex Parte Contacts:**

None Disclosed

Staff report presented by Deborah Jacob.

### **CU 14-05**

The applicant has applied for a Type 1 Home Occupation that will allow him to transfer legally bought firearm(s) to their new owners under a Federal Firearms License from his existing residence located at 33140 SW Callahan Road in Scappoose. The Bureau of Alcohol, tobacco, Firearms and Explosives (ATF) has issued Federal Firearms License (FFL) No. 9-93-009-01-6K-04175 to the applicant licensing him to operate the proposal submitted for CU 14-05.

The small home based enterprise will be located entirely in the existing home and will not require the construction of any new structures. Firearms that have already been bought electronically will be delivered to his residence where he will securely store them until their new owners come to his residence to pick them up. The applicant anticipates no more than five customers per week will come to receive their purchased items. The applicant will not clean, repair, or test these firearms on site, nor will he allow customers to conduct these activities within his home or on his property. There would be no employees working at the home, other than the owner. Emergency services are provided to the site by the Scappoose Rural Fire District and the County Sheriff.

The site is approximately 5.02 acres in size and is developed with a single-family dwelling, septic system, private well, and other accessory structures. The home site area is mainly flat and contains no significant and/or sensitive natural features or restraining environmental characteristics. The site is not located in a big game habitat according to the Scappoose-Spitzenberg CPAC Area Beak Map. Per the FEMA FIRM # 41009CO482D and the National Wetlands Inventory of Dixie Mountain, Oregon, the

portion of the property near Jackson Creek contains flood prone areas and PEMW (Palustrine Emergency Intermittently flooded wetlands. However, none of the activities associated with the proposed home occupation will occur within these environmentally sensitive and Statewide Planning Goal 5 protected areas. The subject and adjacent properties are zoned for Rural Residential (RR-5) uses and are characterized with rural residential development. It is unlikely that the proposed use will affect other properties in the area or be visible to surrounding property owners.

On October 3, 2013 during the 10-day administrative review process for this Type I Home Occupation, neighboring property owners requested and paid the fee for the Planning Commission, rather than the Planning Director, to review this proposal. This item was placed on the agenda at the next scheduled public hearing on November 4, 2013.

This application was closed for discussion and opened to the floor .

**In Favor.**

**Tony Bailey**, explained that this business would be a supplemental income for him. This business would allow him to fill out the required forms and do back grounds for those purchasing guns. He is only the middle man and not responsible for the guns. There would be no shooting on the property except for him and his wife for personal use.

**Tina Bailey**, supported what her husband said regarding no shooting on their property except for personal use.

**Opposed.** None

Closed to the public.

**Jeff VanNatta** moved to approved CU 14-05 with a correction made to Condition #3 requested by Linda Hooper to read repairing, loading or “testing” to read “or denotating.”

**Terry Luttrell** seconded. All approved motion carried.

**V 14-01**

**Conflicts of Interest/Ex Parte Contacts:**

None Disclosed

Glen Higgins presented the staff report for Roll Tide Properties.

In summary: The applicant, Roll Tide Properties, is requesting a variance to the standards of Section 1005(A) of the Columbia County Subdivision and Partitioning Ordinance (CCSPO), in order to have the Planning Commission grant a variance to the minimum public road frontage requirements for partitioning. The subject parcel to be divided is 10.18 acres in size, zoned Heavy Industrial (M-1) and is located within the Urban Growth Boundary of the City of Scappoose, known as the old Parker Scappoose Sand & Gavel pit. There has been a prior history of approving road frontage variances in this gravel pit area, where reclamation is still on-going. For example, the subject 10.18 acre parcel was created as Parcel 2 of P.P. 2007-18 which was granted a variance to public road frontage. Presently there are 5 properties served by an unnamed easement off E. Crown Zellerbach Road, the easements are described in Instrument No. 03-07337 amended easement and Instrument No. 07-05570. The properties this easement serves are: 1) Cascade Property Group, T/L 600&601, 33475 E Crown Zellerbach Rd; 2) Scappoose Sand & Gravel, T/L 100, 33485 E Crown Zellerbach Rd; 3) Baker Rock, T/L 603, 33617 E Crown Zellerbach Rd; 4) Laurel Heights LLC, T/L 604, vacant no address; and 5) Roll Tide Properties, T/L 605, 33619 E Crown Zellerbach Rd.

Provisions of the Heavy Industrial Zone in Section 934.4 Standards, require that lots or parcels have frontage or approved access to public streets, thereby, allowing alternate means of access to the public road, including various forms of easements. But, the CCSPO requires that all lots or parcels, regardless of zoning designation, contain a minimum of 50 feet of frontage on a public street. The CCSPO takes precedence, as it is more restrictive or imposes a higher standard. In 2006, a minor partition (MP 07-13), associated with an approved variance, requested to divide the 93.16 acre parcel (Scott Parker's larger gavel pit) into three parcels of 2.9, 10.2 and 81.6 acres. The 10.2 acre parcel owner, actually ending up as 10.18 acres, is applying to divide it again, into two 5 acre parcels.

The subject property currently contains a 32,000 sq. ft. truck maintenance facility, approved and built in 2008 and 2009. Scappoose Sand & Gravel Co. is actively reclaiming the old gravel pit property, immediately south and east. Approval of a variance and partition would allow the applicant to sell a 5 acre parcel without the existing building and possibly use it for a different industrial use. A variance may be granted where extraordinary hardship or practical difficulties may result from strict compliance with applicable regulations. The applicant argues that development of a public right-of-way to serve the proposed parcels is not a viable option as he does not own the access easement road to Crown Zellerbach Road.

### **In Favor**

**Chris Tews**, P O Box 703, Cornelius Or, agrees with the staff report and decision and expressed that the existing business has a 9 bay truck shop.

**Jeff VanNatta** inquired about the heavy foundation settling and Chris Tews responded that there was no settling at this time.

## **In Opposition**

None

**Jeff VanNatta** made a motion to approve this application and **Terry Luttrell** seconded. All approved, motion carried.

## **CU 14-04**

### **Conflicts of Interest/Ex Parte Contacts:**

None Disclosed

**Glen Higgins** presented a letter that Colleen DeShazer had submitted on October 31, 2013, stating that she wanted to rescind this application (CU 14-04) and to state that employees will no longer be reporting to this site and the principal place of business would be changing. (This letter is on file)

**Jeff VanNatta** did express the point that this is a log truck business and it would take a ordinance/amendment change and that the current zoning does apply.

Other business: none

Meeting Adjourned 7:05 pm

