

COLUMBIA COUNTY PLANNING COMMISSION MEETING

September 12, 2016

Meeting Minutes

Planning Commission Members Present: Linda Hooper, Alta Lynch, Jeff VanNatta, Bill DeJager and Paula Lichatowich

Staff Present: Glen Higgins, Deborah Jacob, Kay Clay and Robin McIntyre

Others: Gary Martin, Joanna Wagner, Bart & Shelley Lassard, Wendy Kellington, Lower Columbia Engineering-Steve Alexander, Tom Lawry, Darrell Whipple, Laurie Mapes, Linda Owen, Dennis Spitz, Craig Ellis, Scott Ellis, Doug Anderson, Jeremy Jones, David Banton, Bob Short, Joe Baker, Stoel Reeves, John Helm, David & Donna Leach & w. Olsen

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

Deborah Jacob read the pre-hearing statement

Announced V17-01 was withdrawn

No-exparte was declared on CU 17-01

Deborah Jacob presented the staff report for CU 17-01

BACKGROUND:

The applicant, Gary Martin, and resident at 32000 Raymond Creek Road has submitted an application to the County for the conversion of his authorized Type 1 Home Occupation to a Type 2 Home Occupation. On December 7, 2015 through the approval of CU 16-02 the County authorized the use of the applicant's existing detached shop as a woodworking and metal working studio as a Type 1 Home Occupation. This detached shop was approved by the County in August 2006 with the approval of BLD 2007-20017 and the approval of CU 16-02 allowed the applicant/resident to establish Martin Model & Pattern (MM&P) within this structure as a Type 1 Home Occupation. According to the website, (<http://www.martinmodel.com/>) MM&P provides quality patterns and castings of Engine Kits, Machine Tools and Flywheels. The subject and adjoining properties east and along Raymond Creek are also zoned R-10. Properties west of this site however, are zoned Rural Residential (RR-5) and consist primarily of single family residential development.

The applicant describes his need for this conversion as follows *“Martin Model & Pattern has been in business under the Type 1 Permit for a year..... and there has not been any local resident who has filed a complaint within that time period. I am still the owner of*

the property that the business is located on and will still be operating it myself. My skills have developed from a hobby into a growing successful business and I would like to help individuals to bring out their talents by teaching them skills I have learned and pass them on to the next generation by giving them a job to become successful in a career pathway in woodworking. By hiring no more than five full-time or part-time employees will not change any of the requirements that have been established in the type 1 Permit as far as zoning, characteristics of the site, traffic issues or alter the character of the surrounding area.”

The site is within the City of St. Helens’ Urban Growth Boundary, utilizes a septic system and the City of Scappoose’s water, and is approximately 1.03 acres in size. Although the southern portion of this 1.03 acre site is located within Raymond Creek’s 100 year floodplain according to FEMA FIRM # 41009CO481D, neither the shop nor the existing gravel driveway is within these flood hazard areas.

Home occupations are permissible on the R-10 zoned property, subject to prescriptive standards established in the Zoning Ordinance. The proposed conversion to a Type 2 Home Occupation may be permitted through the Planning Commission’s approval of a Conditional Use Permit. The applicant stated in the application submitted for DR 17-01 that his success over the past year necessitates his hiring of a maximum of five (5) non-resident employees and that the services he provides onsite will remain the same as a Type 1 Home Occupation except for hiring of non-resident employees.

Concerning the off-street parking criteria in Section 704.2, the provisions of Sections 1401 and 1403.1 of the Zoning Ordinance require parking spaces to be available for the parking of vehicles of customers, occupants, and employees. Pertaining to CU 17-01, provisions in Section 1401 require any changes resulting in intensified land uses by employees to include adequate off-street parking facilities.

One condition of approval for CU 17-01 will be for the applicant to establish a landscaping plan for the off-street parking area. This plan shall include the location and height of vegetation, fencing and/or other screening materials that will help preserve his neighborhood’s single family residential characteristics. An appropriate area for this landscaping would be along the southwestern portions of the western property line and near the 3,000 sq ft shop.

The conversion from a Type 1 to a Type 2 Home Occupation does not include any expansions, new structures or new uses of the existing and permitted 3,000 square foot shop that was reviewed and approved by the County as a woodworking studio in 2015 through the approval of CU 16-02.

Staff recommends approval of this application.

Discussion: none

Open for public comments

In Favor:

Wendy Kellington - attorney for the applicant. Submitted pictures of the site-business, stated that the business is not changing. There will be few (maybe 1) if any customers coming to the site. Recommends the Planning Commission approves the change in the application.

Gary Martin, He did live in Portland but does live at the site now. This home occupation is at his residence. They do patterns for casting then the casting itself is done elsewhere. He has done work for Trimet, Disney and for hobbyist that do restorations. He ships out a lot of his product. Regarding the letter from Ms Wagner, the owner does live at the site and the residence in Portland is rented out to another family. It is the understanding that Ms Wagner's client had not been living on his own property. Operations can be done in the shop, the doors do not have to be open. There is not a production line of work, some small electric tools, lots of hand work. Regarding the cargo container it is used to keep the wood dry and stores some of the castings. He wants to hire someone to help organize and to train in hand skills. Mr Martin will have parking in the rear, a fence will block the shop from the neighbors property.

Linda Hooper asked about the ingress and egress regarding the height of the fence. Mr Martin said he would lower the fence to three feet near the road for clearance.

Opposition:

Joanna Wagner, representing Timothy Stiefbold, neighbor to Mr Martin. Ms Wagner stated that her client will be residing at his property as of October 1, 2016. He says that is location is for residential living and not for a business like this. This type of business does not work in this zoning. The noise will increase, would like to have the shop doors shut during office hours to help buffer the noise. The applicant should seek commercial property in Scappoose or St Helens for this type of business. Would like to keep the record open for the opponents comments.

Alta Lynch questioned if Mr Stiefbold would object to this if it was just a hobby. Ms Wagner replied that it is the size of the shop.

Bart & Shelley Lassard said that they live in the canyon and they do hear the noise from the shop and loud telephones, how big will this business be allowed to grow at this site, the area is a rural landscape not a business landscape.

Linda Hooper asked what their distance is from the applicant and the Lassard's replied they were the first house around the corner. **Alta Lynch** wanted to know if they had approached Mr Martin with their concerns and they had not. **Shelley Lassard** does not want to see work on the weekend - not seven days a week because this is not a commercial property.

Rebuttal:

Gary Martin, Appreciated hearing from the neighbors regarding their concerns. There are other saws being ran on the weekend but he will mitigate with the neighbors regarding concerns with him using power tools. The next level of business is probably 2 employees not five, the need for employees is that he could get his product out sooner. The fence that he is putting up is a solid wood fence, no gaps, it will help as a buffer the noise.

Jeff VanNatta asked if the doors could be closed during business hours, when machinery was running.

Linda Hooper wanted to know what is hours would be.

Gary Martin responded that they would work 7-8 hours a day maybe five days a week, not seven days a week.

Public hearing closed.

The Planning Commission understand the request from Gary Martin and yes a technology center would be better for the business but it is at his home. **Paula Lichatowich** requested if another condition could be added so that the neighbors could have the opportunity to come back to the Commission if things got worse.

Paula Lichatowich made a motion to approve CU 17-01, **Linda Hooper** seconded. All in favor, motion carried.

DR 16-05 United Pacific Forest Products

No-exparte declared.

Deborah Jacob presented the staff report.

The pallet factory owners United Pacific Forest Products Inc., propose a 21,700 sq ft storage building to store the kiln dried wood products out of the weather for use in the pallet manufacturing. The subject property is 8.30 acres, zoned Rural Industrial Planned Development (RIPD) and addressed at 34202 Johnson's Landing road. On July 20, 2015

the Planning Commission approved DR 15-06 for a similar but smaller (7,425 sq ft) storage structure that was built 20 feet north of this new storage facility. This new storage structure is needed to protect treated wood products from natural elements (rain, wind, sun, snow etc.)

A wood pallet company has been manufacturing and recycling wood pallets at this rural location near Scappoose for more than 30 years. In recent years, international standards have been developed that directly address the need to treat wood materials used to ship products between countries. The purpose of the treatment is to prevent the spread of disease and insects in the international transport of products. As part of this requirement they are required to use natural gas heat treatment when manufacturing their wood pallets. They have been operating with heat treatment kilns. The lumber dried in these on-site kilns need to be stored in a secure (from the weather) building until needed for manufacturing of the pallets.

This site is served by a private well and an onsite septic system. Emergency services are provided by the Scappoose Rural Fire District and the County Sheriff. The subject site contains no identified wetlands, steep slopes, or Big Game Habitat. The FEMA FIRM # 41009CO505 D shows the property is located within Zone X, which is an area that is protected from flooding by a provisionally accredited levee, the Scappoose Dike. The subject RIPD site is surrounded to the north and west by Primary Agriculture (PA-80) zoned properties, owned by Means Nursery and to the south and east by Existing Commercial (EC) zoned properties associated with Browns Landing.

Aerial Map of Subject 8.30 acre site & location of the Kiln - Storage Building



Open for public comments:

Steve Alexander, Lower Columbia River Engineering, comments that this building is needed to keep the wood dry. From experience with this company they want to do things correct.

Jeff VanNatta added that it is important to have the dry wood for the company to meet the needs of the company.

Opposition: None

Bill DeJager moved to approve DR 16-05, Linda Hooper seconded, all in favor, motion carried.

ZC 17-01 & PA 17-01 NW Aggregates.

Ex parte: Paula Lichatowich thought that she may be recognized as a conflict of interest because she is a member of the Port commission, Glen Higgins said that she would not be. Robin McIntyre, County Counsel supported that conclusion.

Glen Higgins presented the staff report.

SUBJECT PROPERTY:

“**Site**” - Total Tax Lot area: 153.87 acres Mine site: 130 acres

FIGURE 1 BIBLE COLLEGE MINING SITE (2014 GEO Maps)



BACKGROUND:

Northwest Aggregates Co., hereinafter known as the applicant, has submitted an application for a post acknowledgment plan amendment (“PAPA”) to authorize aggregate extraction in 3 phases of the expansion site consisting of approximately 130 acres of the total 153.87 tax lot ownership acres. The applicant owns additional acreage and mine sites in the vicinity.

The applicant requests that the County’s inventory of significant Goal 5 aggregate resource sites include this new expanded site (Bible College) and authorize mining on the site under section 1030 of the Zoning Ordinance. The rock that is mined on the site will be transported by conveyor to the existing nearby Northwest Aggregates Processing Facility where the rock will be processed and shipped.

Once mining has ceased, the applicant proposes to reclaim as an open water body. The expected duration of the project is estimated at 12 years or more, however the exact life of the operation will be determined by market demand.

The subject property is located approximately 3 miles northeast of the City of Scappoose and is contiguous to the Bates Roth gravel pit to its north. Other old mine sites are in the immediate vicinity, north. The existing regional Santosh Aggregate Processing and loading facility is located a half mile or so to the northwest of the subject property. Besides mining operations, large agricultural parcels generally characterize the area with some homes located along Honeyman Road to the northeast and southwest of the subject property.

Excavated material from the site will be transported via conveyor belt to the existing Santosh processing facility. Truck and maintenance vehicles access to and from the mining site will be provided through the Bates Roth site. Once the mined material is separated and ready for sale, approximately 76% of the processed material will be transported to market via barges and 24% via trucks. For outgoing aggregate material to reach the closest major arterial (U.S. Hwy. 30) by truck, the truck traffic will be routed from the main entrance of the Northwest Aggregate Santosh processing and loading facility down Honeyman Road to its intersection with West Lane. The majority of trucks will proceed south on West Lane Road to its intersection with the Crown Zellerbach Road where the trucks will turn right and proceed to Hwy 30 signalized intersection. For material heading for markets north on Hwy 30, trucks will proceed west on West Lane Road to Hwy 30 and turn right at the intersection.

Topographically, the site is flat, there may be a gentle slope to the south toward Evans Slough. The propose mine site is bordered by small drainage ditches to the east and west, to the north is the Bates Roth mine site; and, the Evans Slough, a major drainage collector borders to the south and southwest. A wetland study was conducted by Terra Science Inc. in 2013 and verified by the applicant consultant, Golder Associates, that the site has approximately 45 acres of stand-alone wetlands. (By stand-alone wetlands, staff means the wetland is not associated with a waterway, stream or lake.) These stand-alone identified wetland areas are actually manmade berms and basins, probably constructed for agricultural purposes. The National Wetland Inventory map, St. Helens Quadrangle, identifies these areas as open water, as they are lakes or ponds during wet months, a majority of the year. Summer vegetation on the subject property is composed mainly of blackberry briars on the higher berm areas and agricultural low valued hydric grassland in basins between berms. The site is presently used for pasture grazing. There are very few trees on the site, some along the boundaries. Staff was not able to inspect the southern boundary, the Evans Slough side, that contains some trees and riparian vegetation along this wetland riparian corridor. The Evans Slough is a major waterway. It is mapped on the Department of Forestry Stream Classification Map but not identified as fish bearing , as none of the streams in the Scappoose bottoms lands are classified for fish habitat, except for the Multnomah Chanel and Scappoose Bay.

The applicant indicates that they will avoid mining into the riparian corridor by imposing a 50 feet setback and 50 feet setback for the smaller drainage way bordering to the east. The site is within the Scappoose Drainage District. Emergency Services are provided by the Scappoose Rural Fire Protection District and the Columbia County Sheriff. This is a continuation of the Bates-Roth (Bible College) site.

CURRENT GOAL 5 AGGREGATE INVENTORY STATUS:

The subject site is not listed as a significant aggregate site in the 1985 Comprehensive Plan nor is it listed in the 1998 amendment (Ord. 98-01) or any updates of the Mineral and Aggregate Inventory, approved by the County Commissioners. The Comprehensive Plan has a Table XVI-2 Significant Aggregate Sites and Post Mining Uses, and a process for adding any new sites. The current application is the start of the process to add the subject site to the County Inventory of Significant Aggregate Sites.

The application contains detailed information regarding findings, conclusions and summaries.

The Golder Associates report states that there are, as a conservative estimate, 43.7 million tons of aggregate resource at the Bible College, Bates & Roth Property Expansion site. Therefore, the property exceeds the quantity criteria of 2,000,000 tons required in CCZO section 1035(.2).

The proposed site is not listed as a significant aggregate site in the Columbia County Comprehensive Plan. According to the Columbia County Soil Survey the Bible College Site contains Rafton Silt Loam, Protected Capability Class IIIw and Sauvie Silty Clay, loam, Protected IIw; Sifton Loam Capability Class IIIs. Staff finds the site meets the criteria to be considered a significant Goal 5 aggregate resource because the aggregate resource meets ODOT quality standards and the site contains greater than 2 million tons of aggregate. The average width (depth) of the aggregate layer exceeds 60 feet; so, the soil classifications of prime farmland or unique soils are irrelevant. .

The Director issued a letter that the application was complete on July 25, 2016 and have its initial review by the Planning Commission on September 12, 2016. The applicant has submitted information regarding quantity, quality and location of the aggregate resource in a report prepared by Golder Associates titled, Aggregate Resource Significance Evaluation, for the Bates & Roth Property Expansion, dated May 19, 2016. The report refers to prior significance evaluations prepared for the Bates Roth site and the Fort James site, both immediately to the north. The geological review and investigation report indicate that under the alluvium overburden, of 7' to 20', there is continuous sand, gravel, silty gravel, and cobbles, with minor silt lenses to a depth of their boreholes, 150 to 180 feet bgs.

Samples of the material were sent to a laboratory for investigations and testing. Golder Associates estimate there is approximately 43.7 million ton of aggregate material on the subject site

Access to and from the proposed site will be obtained via the existing access driveway along Honeyman Road. The access road will be used for front end loaders, maintenance trucks, and water truck access to the site. The applicant proposes to transport the mined resource above ground and through a tunnel under Honeyman Road via a conveyor system to their existing aggregate processing center, thereby eliminating the need for an engineered roadway out onto the property. The aggregate resource will then be processed at the NW Aggregates Facility across Honeyman Road as the applicant has been doing for years. The crushed, sorted and stacked rock will either be loaded onto barges or trucks for transport to the market. Seventy six percent (76%) of the mined resource from the Bible College Expansion property will be transported via barge from the Santosh Barge Facility at NW Aggregates while twenty four percent (24%) of the mined resource from the Bible College -Bates & Roth Expansion property will be trucked from the NW Aggregates processing facility. A plan, profile, and cross-section of the proposed access road was not provided since a road will not really be needed to mine the site other than for a front end loader, maintenance, and water trucks. It is for these reasons that plans, profiles, and cross-sections of the access road were not submitted. Staff agrees that at this point in the review process the plans, profiles, and cross-sections of the access road are not needed

Staff finds the applicant has established an impact boundary of 1500 feet. Staff finds that no factual data or other information indicates a significant conflict exists beyond this distance. The 1500' impact area was measured from the perimeter of the site. According to the applicant, there are no approved dwellings, only existing dwellings. The technical studies found no conflicts with vibration levels, surface-water and groundwater conditions, traffic conditions, cultural resources, natural resources, or agricultural practices. The application did identify noise and potential air quality conflicts due to dust.

Staff recommends approval with 28 conditions.

Golder and Associates has submitted a letter addressing drainage concerns and Transwestern Aviation has submitted a letter in support of this application.

No questions from the Planning Commission.

Open for Public Comment:

In Favor:

Tom Lawry, NW Aggregates. Mr Lawry is a geologist and has history of this operation. They want to extend this operation with existing equipment and accepts the condition set forth in the staff report.

Opposition:

Darrell Whipple, does not like seeing farm land converted to a rock quarry, feels we should maintain the farmland. The best choice is to deny this request. Goal 5 does not make sense. We have it then ship it out, we should use it in the County.

Joe Baker, submitted letter to the record. Mr Baker is the care taker of the Olsen farm and this farm borders the bible college property on the south side. Mr Baker submitted an application in 2006 for a house and it was denied by the planning department because it was extremely valuable farm ground. It lies about 200' from the bible college land. There is a great concern regarding the noise and dust, concerns about the quality of water from his well in the future - how will it be effected, will there be an increase in flooding. The drainage district is not ok with this. With global warming we should be saving our farmland. When the rock is gone and a hole is there who will pay the drainage assessment, is there a bond for that? The current mining site has grown many crops and some of the best water fowl, now that ground will never be used again for that, not use able. Is this politics, money or are we really planning ahead, 25 years is not far enough ahead.

Dennis Spitz, has lived on the property since 1987, the water quality is poor, dumping dirt makes the water murky.

Linda Owen, Her property is adjacent to the "B" pit. She has talked to other property owners and they all have dirty water. The water was clear but with the new driveways, trucks dumping dirt, the water fowl is gone, the water is dirty and pumps have been burnt up. The county can't have ag growth without water.

Laurie Mapes, Has personal comments. She is concerned about safety issues in the area, has there been any water predictions - water increases, hydrology studies (complex) and what kind of water pressure will there be on the levee?

Rebuttal:

Tom Lawry, did not know of the water issues with the Owens, he will talk with them and hopefully get a resolution. Wild fowl do require muddy water.

Steve Abel, Stoel Reeves, explained that this a significant aggregate site and want to preserve land balance. Noise and dust studies have been done and can be reviewed in the

book the application came in. Condition #25 “The Applicant shall continue the approved ground water monitoring program. Prior to beginning mining operations on the site, the Applicant shall institute and install Site piezometers as described in the Hydrology Impact Evaluation in Exhibit E of the application. The monitoring program includes: measurement of groundwater elevations in on-site wells; surface water elevation in Santosh and Evans Slough on or adjacent to the site; mine pool water levels; and automated readings at approximately 1-hour intervals. The monitoring program further includes accumulation and management of data, including precipitation and river levels, and analysis of the data to evaluate whether mine water levels behave differently than ground water levels. The monitoring program provides for annual reporting to the U.S. Army Corps of Engineers. The monitoring program also provides for the Applicant to compensate the SDIC for demonstrated increase in costs for pumping caused by mining of the site.” This condition monitor issues with the wells in the area.

Paula Lichatowich, wanted to know if there was a plan for any unseen corrective actions and if the property owners would be compensated and not SDIC. Is there a proactive plan on the applicants behalf?

David Banton, Hydro-geologist. They have records dating back to 1995, recording highs and lows of water tables. In the voided spaces there is water there and the precipitation has not changed and there is now a lake where there wasn't one before. All indicators were based on history records.

Closed the public hearing

This is a recommendation to the Board of Commissioners only.

Jeff VanNatta, there has been many hearings of this sort over the years and science has not changed. The application is complete. The ground aggregate is an important industry, it is very important to construction. Without ground aggregate there would be no highways, sidewalks etc.

Alta Lynch made motion to recommend approval, to the Board of Commissioners, and **Linda Hooper** seconded. Motion carried. **Paula Lichatowich** opposed approval.

Other Business:

Meeting adjourned 9:00 pm