

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Application of Wayde Elliott )	
for a Site Design Review on Approximately 5 )	
Acres Zoned Light Industrial (M-2) in the City of )	FINAL ORDER NO. 36-2011
St. Helens Urban Growth Boundary to Construct )	
New Storage Units and for Future Industrial )	
Authorized Uses )	

WHEREAS, on January 18, 2011, Wayde Elliot applied for a Site Design Review (Application No. DR 11-07) for five new buildings for the storage of recreational vehicles and for the conversion of an existing building for future industrial use. The approximately five-acre parcel is zoned Light Industrial (M-2) and is located at 717 N. Columbia River Highway, St. Helens, Oregon (Tax Account Numbers 5133-034-01200, 1300, 1400 and 1500); and

WHEREAS, the application was deemed complete on February 2, 2011; and

WHEREAS, after proper notice, the Columbia County Planning Commission held a public hearing on the application at its regularly scheduled meeting on March 7, 2011, heard testimony and received evidence into the record. The Planning Commission then closed the hearing to further testimony and evidence, deliberated on the matter and voted to approve the application with conditions; and

WHEREAS, a copy of the Planning Commission's Final Order was mailed to the applicant/owner on March 11, 2011; however, the Final Order was not provided to the City of St. Helens ("City"), a participant in the proceedings, until March 28, 2011.

WHEREAS, on April 4, 2011, the City of St. Helens appealed the Planning Commission's decision to the Columbia County Board of Commissioners ("Board") on the basis that Condition 11(c) of the Planning Commission Final Order, which required the applicant to enter into an agreement with the City for the installation of sidewalks along the site's street frontage, was based on incorrect findings; and

WHEREAS, a hearing was scheduled before the Board for May 4, 2011, and notice of the hearing was sent on April 7, 2011 to the applicants, nearby property owners, and those who participated in the proceeding; and

WHEREAS, on May 4, 2011, the Board held a public hearing on the appeal at its regularly scheduled meeting, heard testimony, and received evidence into the record; and

WHEREAS, the Board then closed the public hearing and continued the matter to its regularly scheduled meeting on May 11, 2011, for deliberation; and

WHEREAS, on May 11, 2011, the Board deliberated on the matter and voted to tentatively approve the application, as recommended by staff, with a revised condition for the installation of sidewalks.

NOW, THEREFORE, in addition to the findings and conclusions in the Staff Report, attached hereto as Attachment 1 and incorporated herein by this reference, the Board of County Commissioners makes the following additional findings based on the evidence submitted and received into the record on this matter:

1. The Board finds that the City of St. Helens timely appealed the Planning Commission Final Order on the subject application. The City of St. Helens participated in the Planning Commission proceeding by submitting written testimony and was therefore entitled to notice of the Final Order pursuant to Columbia County Zoning Ordinance ("CCZO") § 1603 and Ordinance 91-2, as amended. Once the City received notice of the Final Order on March 28, 2011, the City timely appealed the decision within 7 days, on April 4, 2011, in accordance with CCZO § 1701.
2. In its appeal, the City objects to Condition 11(c) of the Planning Commission Final Order requiring the applicant to enter into an agreement with the City for the installation of street frontage improvements. The City asserts that the condition was based on incorrect findings and that the County should instead require the applicant to install street frontage improvements prior to occupancy.
  - a. For the reasons stated in the Board Staff Report, and the following additional reasons, the Board agrees with the City that the Planning Commission's finding was erroneous. Condition 11(c) of the Planning Commission Final Order was supported by Finding 8 of the Planning Commission Staff Report, which found that sidewalks were "not warranted at this time" pursuant to the "essential nexus" test articulated by the U.S. Supreme Court in the takings case, *Nollan v. California Coastal Comm'n*, 483 US 825, 837 (1987). Under *Nollan*, when a local government imposes an exaction on a property owner as a condition of development, there must be an "essential nexus" between the condition and the legitimate state interest advanced by the exaction. The U.S. Supreme Court further articulated in *Dolan v. City of Tigard*, 512 US 374 (1994), that the exaction must also be "roughly proportional" to the impact of the development. However, as the Oregon Supreme Court recently confirmed in *City of West Linn Corporate Park, LLC v. City of West Linn*, 349 Or 58, 86-87, 240 P3d 29 (2010), a condition requiring *off-site* improvements (such as the street frontage improvements here) does not require dedication of property and is not a taking subject to the *Nollan/Dolan* analysis. The Planning Commission therefore erroneously relied on *Nollan* as a basis for postponing the applicant's installation of street frontage improvements.

- b. The City also requests that the County require the applicant to construct street frontage improvements prior to occupancy, rather than at a date later determined through a negotiated agreement. In response, the applicant testified that street frontage improvements are not required at this time pursuant to the “essential nexus” analysis in Planning Commission Finding 8 and *Dolan v. City of Tigard*. As explained above, the Planning Commission erroneously relied on the “essential nexus” analysis to postpone the installation of street frontage improvements, and *Dolan* does not apply here.
- c. Although the County is not required to postpone the installation of street frontage improvements, the Board finds that postponement may nevertheless be appropriate to allow for coordinated development of the improvements. As noted in the Planning Commission Staff Report, the applicant owns another 5-acre property approximately 75 feet north of the subject property. Through an agreement with the City, the applicant has agreed to install street frontage improvements for that property by August 2012. The purpose of street frontage improvements is to provide pedestrian and bicycle connectivity. Because there are currently no sidewalks in the vicinity of the subject property, postponing the installation of frontage improvements until August 2012 will advance the purpose of the improvements in a timely manner without compromising any existing pedestrian and bicycle connectivity. Requiring the applicant to obtain a performance bond to secure the cost of the street frontage improvements will ensure that the improvements are installed.
- d. Because the site is within the City’s Urban Growth Boundary and within the area covered by the Urban Growth Management Agreement between the City and the County, the City also requests that the required improvements be consistent with the standards in the City’s proposed Transportation Systems Plan (“TSP”). The County has authority to require off-site transportation facilities pursuant to CCZO § 1563.G. The Board finds that for the reasons stated in Findings 8 and 9 of the Board Staff Report, and discussion related to those findings, requiring the off-site street frontage improvements to be installed in accordance with the City’s *current* TSP (1997) is consistent with the County’s Road Standards, Comprehensive Plan and the TSP.

The Board notes that the Oregon Department of Transportation (“ODOT”) recommended required improvements that are consistent with the City’s proposed TSP. However, the Board understands from the City’s testimony that ODOT generally defers to the local jurisdiction. Because the County has agreed through the Urban Growth Management Agreement to conform with the City’s current TSP, the applicant should be held to the current, adopted standards.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- A. The Board of County Commissioners adopts the findings and conclusions in the Staff Report dated April 27, 2011, attached hereto as Attachment 1 and incorporated herein by this reference; and
- B. Based on the foregoing and the facts, discussions, findings and comments provided in Attachment 1, **the Board hereby APPROVES DR 11-07**, allowing the construction of five storage buildings and the conversion of an existing building for light industrial use on the approximate 5-acres located at 575 S. Columbia River Highway (Tax Map ID Nos. 5133-034-01200, 1300, 1400, and 1500), **subject to the following conditions:**
1. This Design Review shall remain valid for two (2) years from the date of the final decision. This permit shall become void, unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
  2. A Final Site Plan shall be submitted for approval by the Planning Director. The proposed structures shall be sited in substantial conformance with the submitted site plans and specifications reviewed and approved by the Planning Commission and Board of Commissioners for DR 11-07. Any changes to approved plan(s) for this 5-acre site shall be reviewed and approved by the County prior to implementation. All work shall accurately reflect County approved plans.
  3. All of the existing 10,000 square foot building's proposed light industrial uses shall be reviewed and approved by the Land Development Department prior to building permit application submittal. The County Building Official's review of the structure's authorized light industrial uses may require necessary structural modifications for this structure's Change of Occupancy per provisions of the Oregon Structural Speciality and/or Fire Codes.
  4. Any new uses and structures on the currently vacant portions of the 5-acre light industrial site shall first comply with the applicable provisions of the Zoning Ordinance and approved by the County Planning Official prior to the submittal of any building permit applications. All uses and structures of the 5 acre site shall comply with the applicable provisions of the Oregon Structural Speciality Code, and the Oregon Fire Code related to the intended and authorized light industrial use(s).
  5. A Sign Permit and Building Permit (as applicable) shall be applied for and approved, in compliance with provisions in Section 1300 of the Zoning Ordinance and any other applicable agency's regulations before any new signs are installed on the 5-acre site.

6. If there is a septic system on this site it shall not be used without first getting an Authorization for its use by the County Sanitarian.
7. Prior to commencing any work within the state highway right-of-way, including but not limited to installing sidewalks, tree planting, lighting or drainage facilities, the applicant shall obtain all necessary authorization and permits from ODOT and submit documentation of such to Land Development Services.
8. Prior to any site preparation for any authorized light industrial uses, the applicant shall submit a final engineered Stormwater and Erosion Control Plan (SEC) to LDS to ensure appropriate erosion control measures are taken that will prevent sediment from entering water resources and will protect damage from occurring on the adjacent state highway and on the subject and adjoining properties.
9. The final engineered SEC Plan shall discuss the off-site flow and detention capacities of the site's new bio-swale and its impact on the state highway as well as on the existing drainage facilities and bio-swale installed for the St. Helen's Mini-Storage and Car Wash 75' north of this site. This final engineered SEC Plan shall be (1) submitted prior to any building permit application, and (2) reviewed and approved by the County Planning Director to ensure consistency with the County Ordinance and applicable ODOT requirements.
10. At time of building permit issuance, the County shall review the submitted proposal and require appropriate landscaping to buffer it from any residential development along Pittsburg Road if such landscaping is not included in the separate Parking Plan's landscaping requirements provided for in Section 1405 of the Zoning Ordinance.
11. The proposed authorized uses on this 5-acre site shall comply with the requirements of Columbia County Systems Development Ordinance No 2007-1 and the July 1, 2008 Intergovernmental Agreement between the County and St. Helens School District 502 requiring necessary fees to be collected at the time of building permit issuance.
12. **Prior to building permit application submittal** the following conditions shall be met:
  - a. The applicant shall record with the County Clerk and/or County Surveyor sufficient documentation to either (1) irrevocably combine or (2) reconfigure and vacate lines through surveyed property line adjustments on portions of properties currently associated with Tax Map Nos. 5133-034-1200, 1300, 1400 & 1500 to ensure all existing and proposed site development complies with the M-2 minimum property line setbacks and

the provisions in OAR 340-071-0220. A separate surveyed map of the proposed property reconfiguration shall be submitted to LDS for the County Planning Official and County Sanitarian to review and approve. This separate surveyed map shall accurately delineate the distances between all existing site development (structure, driveways, septic system etc...) and all existing and proposed property lines.

- b. The applicant shall submit to LDS an approved and current ODOT Access Permit dated later than the Access Permit # 2AA35410 of 11/29/96. This current Access Permit shall reflect the proposed new light industrial use(s) of the 5 acre site.
- c. Per Condition 2 of BLDG 2011-00019, and prior to the beginning of any construction activities on the site's SW portion currently associated with tax lot 1300, the applicant shall submit documentation from an Oregon licensed Engineer verifying the fill area meets the minimum requirements for the design loading of the proposed building.
- d. The applicant shall submit a separate Parking Plan to ensure adequate onsite parking is available for both portions of the 5-acres and their site-specific needs. This Parking Plan shall include specifications that comply with the minimum requirements of all Subsections in Sections 1400 Off Street Parking and Loading, and shall be reviewed and approved by the County Planning Official.
- e. The applicant shall submit a Landscape Plan that complies with the minimum Landscaping: Buffering and Screening criteria in Section 1562 to reduce impacts along Columbia River Highway and Pittsburg Road for all of the site's future authorized uses. The County Planning Official shall review the proposed plan and approve its implementation (and effectiveness) with site visit(s).

13. **Prior to final inspection for the Certificate of Occupancy issuance for this proposal**, the following conditions shall be met:

- a. The applicant shall either: (1) construct sidewalk and related frontage improvements in accordance with the City of St. Helens Transportation Systems Plan (1997); or (2) enter into an agreement with the County in a form approved by the County to construct such improvements by August 31, 2012, and secure a performance bond in an amount not less than 125% of the estimated cost to perform the work, as determined by the Columbia County Roadmaster.

- b. The property's proposed use(s) will be reviewed by Columbia River Fire & Rescue and approved according to the minimum fire flow requirements of the Oregon Fire Code.
- c. All improvements per the final approved site plan and the engineered Stormwater & Erosion Control Plan shall be installed.
- d. The County Planning Official shall verify with a field visit that the landscaping is complete and the minimum on-site parking specifications presented in the site's Separate Parking Plan are installed, marked, and signed per the requirements in Section 1400.

Dated this 25th day of May, 2011.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: [Signature]

Office of County Counsel

By: [Signature]

Anthony Hyde, Chair

By: [Signature]

Earl Fisher, Commissioner

By: [Signature]

Henry Heimuller, Commissioner

ATTACHMENT 1

COLUMBIA COUNTY BOARD OF COMMISSIONERS

STAFF REPORT

April 27, 2011

Site Design Review - on 5 acres of Light Industrial Land  
Appeal of Planning Commission's Decision; Condition 11.c.

HEARING DATE: May 4, 2011

FILE NUMBER: DR 11-07

APPLICANT/ OWNER: Wayde Elliott, 575 S. Columbia River Hwy, St. Helens, OR 97051

SITE LOCATION: The site is addressed at 717 N Columbia River Highway in St. Helens

TAX MAP NOS: 5133-034-01200, 1300, 1400 & 1500

ZONING: Light Industrial (M-2)

SITE SIZE: Approximately 5 acres

REQUEST: Site Design Review to (1) construct five personal and recreational vehicle storage unit buildings in the western portion, and (2) convert and/or retrofit an existing 10,000 square foot building and site new structures for future M-2 uses in the property's eastern portion. The 5-acre site within the City of St. Helens' Urban Growth Boundary.

<b>APPLICABLE REVIEW CRITERIA:</b>	<u>Page</u>
<u>Columbia County Zoning Ordinance</u>	
Section 920 Light Industrial (M-2) .....	7
Off-site Sidewalk Improvements - Columbia County and the City of St. Helens Comprehensive .....	13
Plans & Transportation Systems Plans .....	17
Section 1400 Off Street Parking and Loading (OP) .....	18
Section 1550 Site Design Review .....	20
<u>Columbia County Stormwater and Erosion Control Ordinance</u>	
Chapter I Introduction & Standards.....	28

APPLICATION COMPLETE: Feb 2, 2011

120-DAY DEADLINE: June 2, 2011

### **BACKGROUND OF APPEAL: (SUMMARY)**

On March 7, 2011, the Planning Commission held a public hearing for the application of Wayde Elliott to develop approximately 5 acres of Light Industrial zoned land located approximately 150' northwest of the intersection of Pittsburg Road and Columbia River Highway within the City of St. Helens' Urban Growth Boundary. The proposed development consists of two separate projects: (1) the construction of RV and personal storage units in the site's western portion (back) and (2) the conversion and/or retrofitting of an existing 10,000 square foot building for future authorized light industrial uses at the time tenants are identified and also propose the location of additional buildings for such uses in the site's eastern portion.

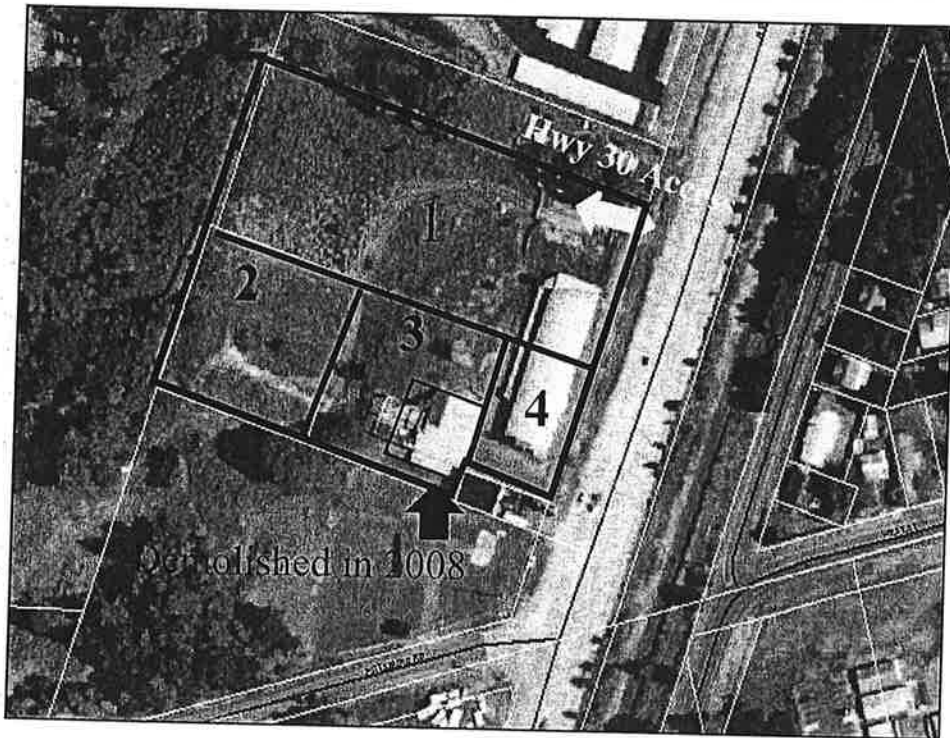
The Planning Commission listened to the Staff report and heard testimony from the applicant and interested parties. Planning Staff recommended approval of the Site Design Review (DR 11-07) with 19 conditions, based on findings included the Planning Commission Staff Report. The Planning Commission approved DR 11-07, adopting recommended conditions including Condition 11.c which required the applicant and the City of St. Helens to *enter into a Development Agreement for the installation of a sidewalk and curb fronting this 5-acre site.* Proof of the signed document was required to be submitted to LDS prior to issuing any building permit applications on the 5 acre site.

On April 4, 2011 the City of St. Helens submitted a timely Appeal to Condition 11.c of DR 11-07. In its appeal, the City requests the *Board of Commissioners revise Condition 11.c to require the applicant to install sidewalk/curbs along the site's entire Columbia River Highway frontage prior to final inspection & occupancy of any building permits.*

The City and the County have entered into an Urban Growth Management Agreement (UGMA) for unincorporated land within the City's UGB. The UGMA provides for coordination of planning efforts in that area.

As outlined in this Staff Report, it is clear that a side walk fronting the subject property is supported by the Columbia County and City of St. Helens Transportation System Plans. It is also clear that the developer of the frontage property that benefits from the public improvement has, in the past, been required to install the sidewalk. Moreover, the analysis in the original Planning Commission Staff Report was based on legal authority that has since been clarified. In light of new findings based on new legal authority, staff recommends the Board revise condition 11.c.

**2009 AERIAL VIEW OF THE 5-ACRE SITE'S 4 SEPARATE PROPERTIES**



**FACTUAL BACKGROUND OF APPLICATION DR 11-07:**

Design Review DR 11-07 is the applicant's, Wayde Elliott, proposed light industrial development of an approximate 5 acres of land located approximately 150' northwest of the intersection of Pittsburg Road and Columbia River Highway within the City of St. Helens' Urban Growth Boundary. The proposed development consists of two separate projects: (1) the construction of RV and personal storage units in the site's western portion and (2) the conversion and/or retrofitting of an existing vacant 10,000 square foot building for future authorized light industrial uses including the construction of additional buildings for such uses in the site's eastern portion. All M-2 authorized uses on the 5-acre site will continue to use the existing single access to Highway 30 (ODOT Permit # 2AA35410) located at its NE corner shown in the aerial picture above. The only existing building on the 5 acre site is the 10,000 square foot existing facility along the property's eastern boundary facing Columbia River Highway.

The subject property is served by the City of St. Helens' water but is not served by sanitary sewer. Although the submitted site plan shows an existing septic system located directly west of the 10,000 square foot building, Land Development Services (LDS) has no record of a septic system on this parcel. Any and all M-2 uses can not utilize this alleged septic system until 1) the

County Sanitarian has reviewed and determined there is no sanitary sewer legally and physically available within 300 feet of the site, and 2) the system is inspected and authorized by the County Sanitarian for use, ensuring that the projected effluent flows will not compromise the minimum requirements of a sewage disposal system.

Since the 5-acre site consists of four different tax lots (referred to as 1, 2, 3, & 4 on page 3's aerial map) and over ten separate property lines, one condition of final approval will require the applicant to either (1) irrevocably combine, or (2) reconfigure and vacate lines through surveyed property line adjustments on all or portions of these four separate properties. This combination of lot lines is necessary to ensure all future site development will be able to comply with the minimum separation between structures and property lines required in the M-2 Zone and those in OAR 340-071-0220 for septic systems. Documentation of the proposed covenant or property line adjustments and the submission of separate surveyed maps accurately delineating the distances separating all property lines and structures will be submitted to LDS and approved by the County Planning Official and the County Sanitarian prior to their recording with the County Clerk and prior to the submittal of all building permit applications on the 5-acre site.

The applicant has indicated a two phased development proposal, the first is the personal and RV storage units, and the second is creating light industrial tenant space for such uses as wholesale trade or machine shop. All authorized uses of the existing 10,000 square foot building will be reviewed by the County Building Official and may also require necessary structural modifications to ensure compliance with the applicable provisions of the Oregon Structural Speciality Code, Oregon Fire Code, and the County Zoning Ordinance. Similarly, all of the property's proposed other light industrial uses shall be reviewed and approved by the County Planning Official prior to conducting any site preparation activities and the submittal of building permit applications.

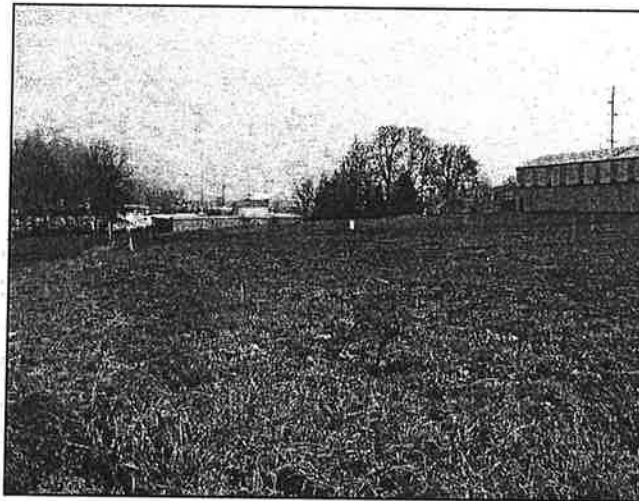
The submitted Type 2 Site Design Review Permit application included the 9/30/10 dated Preliminary Grading and Stormwater Design Technical Information Report conducted on the site by Mackay & Sposito, Inc. of Vancouver, Washington. This Project Overview stated future improvements to the site will include the installation of concrete valley gutters which will channel storm runoff to the bio-swale in the northern edge of the property that will contain a catch basin to collect pollutants. This Technical Report stated on Page A1 that the project's final stormwater design will be based on the planned future improvements and will conform to the minimum requirements of the 11/21/2001 Columbia County Stormwater and Erosion Control Ordinance. Prior to any site preparation for the construction of any new structures or any new uses of the site's existing building, the applicant shall submit a final engineered Stormwater and Erosion Control Plan to LDS to ensure appropriate erosion control measures are taken to:

1. Prevent sediment from entering water resources
2. Protect damage to the subject and adjoining properties and their facilities resulting from increased water runoff rates and volumes.
3. Protect the existing state highway drainage facilities.

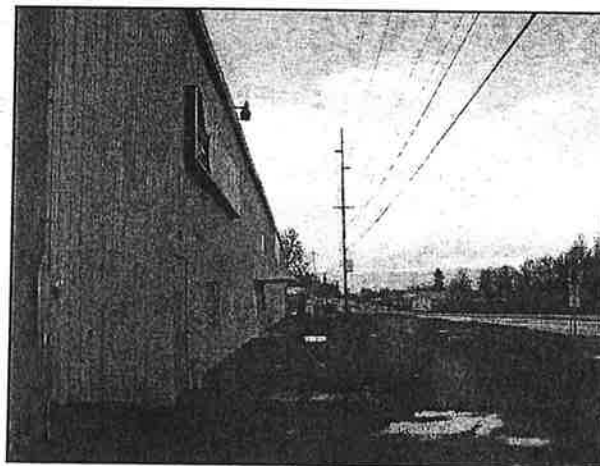
The final engineered Stormwater and Erosion Control Plan will also need to discuss the off-site flow and detention capacities of the site's new bio-swale and its impact on the existing state highway drainage facilities as well as on the existing bio-swale installed for the applicant's other M-2 development 75' North and known as the St. Helen's Mini-Storage and Car Wash. This final engineered SEC Plan shall be reviewed and approved by the County Planning Director prior to or concurrent with building permit submittal.

According to both the National Wetlands Inventory Map of St. Helens and the local St. Helens Wetland Inventory no portions of the 5 acre site contain wetlands although the St. Helens Wetland Inventory shows there are wetlands immediately adjacent to the perimeter of the property's north and west sides. With regards to potential flood hazards, according to FEMA Panel No. 41009CO452 (D) the property is not located within a 100 Flood Hazard Area. Emergency services are provided by Columbia River Fire & Rescue and the County Sheriff.

**VIEWS OF PROPERTY'S VACANT EASTERN PORTION & THE 10,000 SQUARE FOOT BUILDING**  
**View of vacant areas west of existing building**

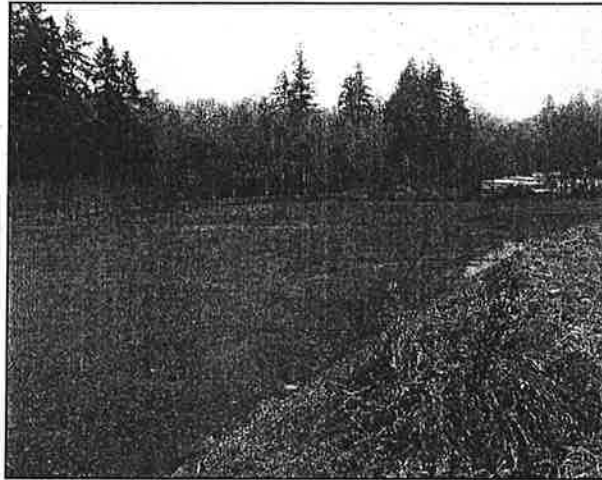


**Front of existing  
Highway 30**

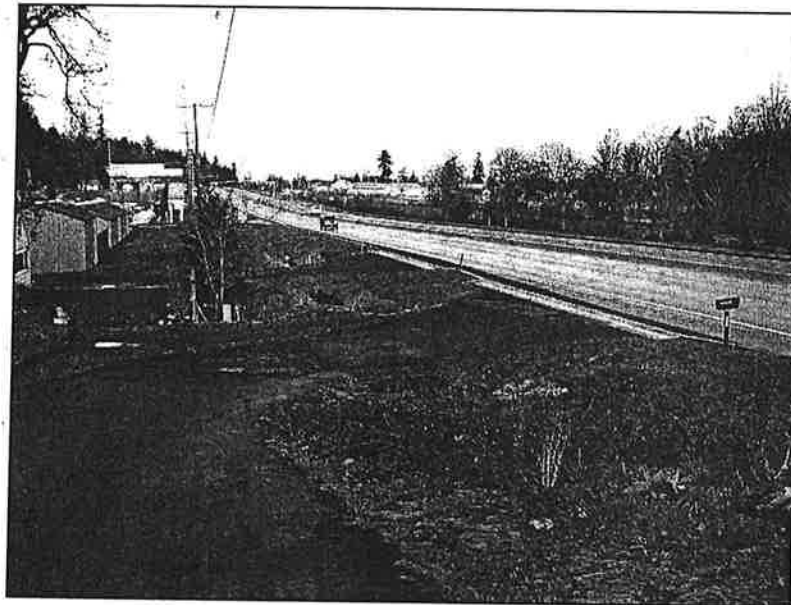


**building as seen from**

**VIEW OF VACANT WESTERN PORTION INTENDED FOR RV AND MINI STORAGE**



**5 ACRE SITE'S EXISTING AND PERMITTED ACCESS TO HIGHWAY 30 IN THE NE CORNER -  
VIEW FACING NORTH**



**REVIEW CRITERIA, FACTS, ANALYSIS & FINDINGS:**

**Beginning with the County Zoning Ordinance Section 920 Light Industrial (M-2)**

**Section 920 LIGHT INDUSTRIAL**

**M - 2**

**921 Purpose:** The Light Industrial District is intended to provide for those manufacturing, warehousing, and sales operations which basically do not create objectionable amounts of noise, odor, dust, glare, vibration, or truck or rail traffic.

**922 Permitted Uses:**

- .1 Any use permitted in an M-3 Industrial Park District.
- .2 The manufacture, compounding, processing or packaging of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food and beverage products except sauerkraut, vinegar or pickles.
- .3 The manufacturing, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt fibre, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious and semi-precious metals or stone, shells, textiles, tobacco, wood (excluding planing mill), yarns, and paint not employing a boiling process.
- .4 The manufacture of pottery and other similar ceramic products, using only

- previously pulverized clay.
- .5 The manufacture and maintenance of electric and neon signs, billboards, or commercial advertising structures.
  - .6 The manufacture of musical instruments, toys, novelties, or rubber or metal stamps.
  - .7 Machine shop not using drop-hammer or punch press.
  - .8 Distribution plant or parcel delivery with off-street loading bay.
  - .9 Electroplating shop.
  - .10 Laundry for carpet, overalls, and rug cleaning, using non-explosive and nonflammable cleaning fluid.
  - .11 Spinning or knitting of cotton, wool, or other fibrous material.
  - .12 Veterinary or dog or cat hospital.
  - .13 Wholesale business, storage buildings, and warehouses.
  - .14 Lumber yards, retail and wholesale. Any open storage is to be enclosed within a sight-obscuring fence not less than 6 feet nor more than 7 feet in height unless otherwise specified by the Commission.

**Finding 1:** Staff finds the applicant's proposed RV and mini-storage units in the property's western portion are permitted uses in the M-2 zone per CCZO 922.13. The submitted application states the applicant intends to attract other tenants to lease portions of the existing 10,000 square foot building who may also want to construct new facilities in the site's eastern portion. Prior to commencing any other commercial activities on the 5-acre site, the proposed use shall be first reviewed and approved by the County Planning Official and/or Planning Commission (as applicable) as an authorized M-2 use. Likewise, all future light industrial uses will be reviewed and approved by the County Building Official prior to occupancy to ensure the new development complies with the applicable provisions of the Oregon Structural Speciality Code and other regulatory requirements as needed. For these reasons, staff finds that all future uses on the 5-acre site shall be required to comply with the applicable local, state, and federal regulatory requirements prior to any building conversions and before the issuance of any building permits on the M-2 zoned property.

**Continuing with Section 920 of the Zoning Ordinance:**

**924 Standards:**

**.1 Setbacks:**

- A. Front yard setback shall have a minimum of 20 feet, unless a previous building line less than this has been established, in which case the minimum front yard for interior lots or parcels shall be the average of the setbacks of the main structures on abutting lots or parcels on either side if both lots or parcels are occupied. If one lot or parcel is occupied and the other vacant, the setback shall be the setback of the occupied lot or parcel, plus one-half the remaining distance to the required 20 foot setback. If neither of the abutting side lots or parcels or tracts are occupied by a structure, the setback shall be 20 feet.

- B. Side yard setback shall be a minimum of 10 feet.
- C. Rear yard setback: None.
- D. If any use in this district abuts or faces any residential or apartment district, a setback of 50 feet on the side abutting or facing the residential or apartment district shall be required.
- E. Setbacks for insufficient rights-of-way. Setbacks shall be established when a lot or parcel abuts a street having insufficient right-of-way width to serve the area. The Commission shall determine the necessary right-of-way widths and the setback requirements in such cases.

**Discussion:** As already discussed during the Summary section, the 5-acre site consists of four (4) different properties associated with Tax Lot Nos. 1200, 1300, 1400 & 1500. With this current configuration the 5-acre site contains over 10 separate property lines. Information presented on the submitted site plan for DR 11-07 demonstrates the proposed location of the storage units/facilities, buildings, and parking areas are not likely to comply with minimum property line setbacks for development in the M-2 Zone. As mentioned, the applicant shall be required to rectify these potentially conflicting conditions by reconfiguring through surveyed property line adjustments or irrevocably binding all or portions of these 4 existing properties as a condition of final approval and prior to any building permit applicant submittal. The County Sanitarian will also need to review and approve (prior to recording documentation with the County Clerk) the proposed property line re-configurations to ensure the site's existing onsite sewage disposal system complies with requirements in OAR 340-071-0220. The reconfiguration of these properties and the submittal of recorded documentation to LDS will enable the County Planning and Building Officials to accurately review and evaluate all setbacks in building permit applications.

Although the subject property does not abut any residential-zoned unincorporated properties, the City of St. Helen's comments dated 2/11/11 (attached) state the west approximate 200 feet (adjacent to the site's 1-acre portion shown as tax lot 1300) abuts currently vacant property that is zoned by the city's Comprehensive Plan as Rural Suburban Residential uses. At time of future building permit issuance on this portion of the site, LDS will review the submitted proposal and require appropriate landscaping to buffer it from any residential development along Pittsburg Road.

**Finding 2:** Staff finds that in order to ensure all of the site's future development will comply with both the minimum requirements of the M-2 Zone and the provisions in OAR 340-071-0220, the applicant shall be required to either (1) irrevocably combine all or some of the four properties or (2) reconfigure these four properties through surveyed property line adjustments and record them with the County Clerk prior to building permit application submittal. The minimum size of the reconfigured M-2 properties will be discussed in the following section of this report. During the 2/9/11 phone conversation between the applicant and LDS Planning staff, the applicant indicated the property line adjustment option (to reconfigure the existing four properties into

two) would better coincide with his plans for two types of M-2 development on site: one related to personal storage and the other geared towards other types of authorized M-2 uses. Staff finds that the applicant can satisfy this siting criterion by submitting adequate documentation of the required property line re-configurations to the County Planning Official and the County Sanitarian for their review and approval before recording these documents with the County Clerk, and prior to the submittal of any building permit applications on the site. For these reasons, staff finds these criteria can be met with conditions.

**Continuing with Section 920 of the Zoning Ordinance:**

- 924 .2 Height Limitations: The maximum height for any structure shall be 45 feet or 3 stories, whichever is less. The Planning Commission may determine that a greater height is in keeping with the general character of the district and surrounding area.
- .3 Off-Street Parking: Off-street parking shall be provided as required in Section 1400.
- .4 All lots or parcels shall have access to public streets, water, and a sewage disposal system.
- .5 Landscaping:
- A. Landscaping will be in accordance with the Site Design Review Section 1550.
  - B. It shall be the owner's responsibility to maintain the landscaping installed on the site.
  - C. Screen planting, masonry walls, or fencing shall be provided to screen objectionable views within 5 months of occupancy of a related building. Views to be screened include garbage and trash collection stations, truck loading areas, and other similar uses.
- .6 Access: No more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, shall be permitted per site.
- .7 Lot or Parcel Size: There is no minimum lot or parcel size in the M-2 zone. The Planning Commission will review each proposal to determine if the lot or parcel is adequate to contain the proposed new use. The Planning Commission may seek the advice of the Fire Marshall in making this decision. Existing uses shall continue on their existing lot or parcel. Any expansion of an existing use must be approved by the Planning Commission. The Planning Commission may seek the advice of the Fire Marshal prior to making this decision.

**Finding 3** LDS staff's review of the elevations plans for the existing 10,000 square foot structure, confirms its 27' height is well below the 45' maximum height for structures in the M-2 zone. All future site development will be reviewed for compliance with this requirement prior to future building permit issuance. *Staff finds the criterion for Section 924.2 can be satisfied with*

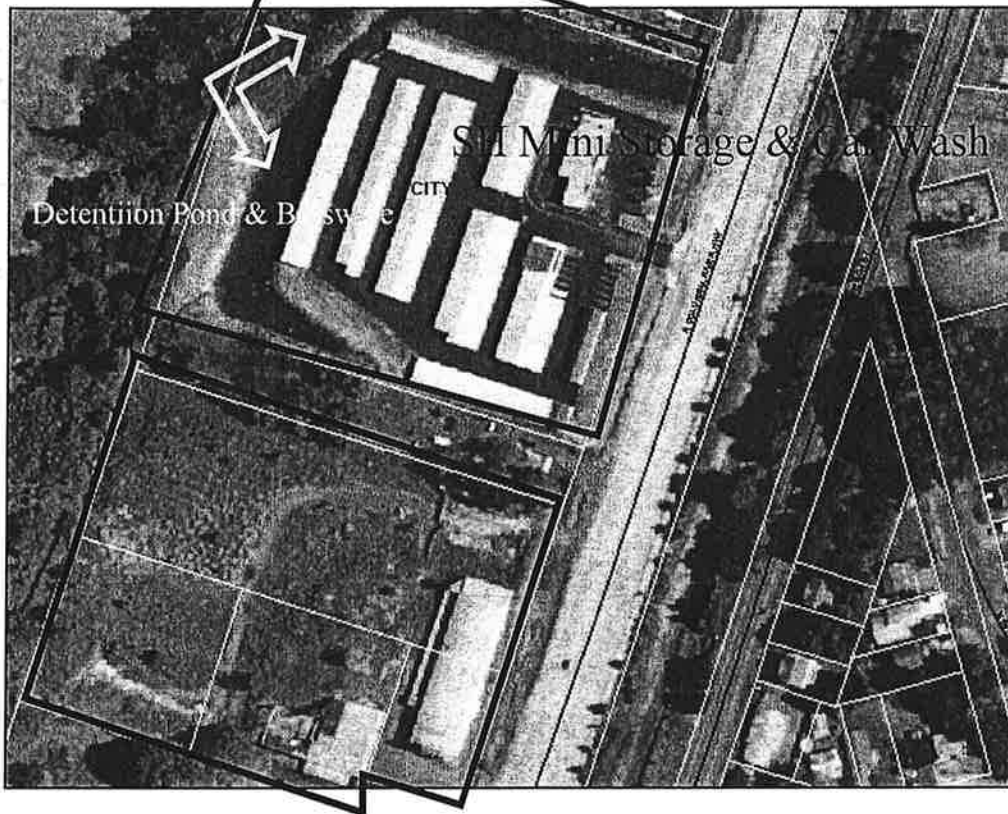
*conditions.*

**Finding 4:** The provisions of Sections 924.3 and 924.5 related to provisions related to *Off-Street Parking and Landscaping* respectively, for this proposal in the M-2 Zone will be addressed in greater detail in Finding 10 in relation to the onsite parking requirements for this proposed M-2 development.

**Finding 5:** The property is served by water from the City of St. Helens and will be accessed via one single access to Columbia River Highway on the site's NE corner. On April 6, 2011 the applicant submitted LDS with a copy of ODOT's Access Permit Number 2AA35410 (signed November 29, 1996) approving the existing 5-acre site's single access to Columbia River Highway. Prior to future light industrial uses on site however, LDS will require the applicant to submit to LDS a current (dated later than 11/29/96) ODOT Access Permit approving the proposed light industrial uses on the 5-acre site. Although the application shows the location of the site's septic system immediately west of the 10,000 square foot building, LDS has no records of this onsite sewage disposal system. As discussed previously, the County Sanitarian shall review and authorize the waste water needs for all future development and uses of this site according to the requirements of Onsite Wastewater Treatment Systems in OAR 340-071-0220. This review will ensure that, until sanitary sewer is available to the subject property, all of the site's proposed onsite wastewater requirements shall be authorized by the County Sanitarian via a system authorization. For these reasons, *staff finds the criteria in Sections 924.6 and 924.4 can be met with conditions.*

**Finding 6:** As discussed for Finding 2, the current 4 properties within the 5 acre site will need to be either irrevocably bound together or reconfigured through surveyed property line adjustments as a condition of approval for DR 11-07. Since there is no minimum acreage requirement in the M-2 Zone, the applicant will be able to reconfigure these properties specifically for each projects' specific needs (personal storage units or for other authorized M-2 uses). The County Planning Official's and County Sanitarian's required review of the surveyed property line adjustments or irrevocably bound covenant will also ensure the site's existing development conforms with the M-2 Zone's minimum property line setbacks and with the minimum requirement of onsite sewage disposal systems in OAR 340-071-0220, *Staff finds the criterion in Section 924.7 can be met with conditions.*

2009 Aerial View of 5 acre subject site and the *St. Helens Mini-Storage and Car Wash* approximately 75' North also owned by the applicant



**Continuing with the Columbia County Zoning Ordinance:**

**Section 922 Permitted Uses----**

- .16 **Additional Conditions:** The Commission may attach additional conditions to setbacks, screening, off-street parking and unloading, construction standards and maintenance, and landscaping which may be deemed necessary to protect the public health, safety, and welfare of the adjacent property owners and the public interest.

**Discussion:** Possible conditions for the protection of health, safety and welfare included in this Report will separately discuss and make Findings pertaining to the requirements of (1) the County's System Development (SDC) Charges; (2) charges related to the St. Helens School District's Construction Excise Tax; and (3) off-site sidewalk improvements. Actual Zoning Ordinance provisions establishing the authority for requiring off-site improvements is located in Section 1563(G) Transportation Facilities, discussed later.

**1) Columbia County's Systems Development Charges (SDC):** The Columbia County Systems Development Charges (Ordinance 2007-1) took effect on May 22, 2007. Transportation SDCs apply to commercial building permits applied for on or after May 22, 2007, the effective date for Ordinance 2007-1. The SDCs will be determined at the time of building permit issuance for all proposed M-2 authorized use on site. The fees will be calculated based on the Institute of Traffic Engineers "Trip Generation" 7<sup>th</sup> Edition and collected at the time of building permit issuance. Various factors included in determining SDCs include the new light industrial use's number of employees, gross floor area, and the acreage of the proposed use(s).

**2) On July 1, 2008 the Intergovernmental Agreement between Columbia County and the St. Helens School District 502** took effect resulting from the 2007 Oregon Legislature's passage of Senate Bill 1036. This Bill authorized Oregon school districts to impose construction excise taxes to fund capital improvements to school facilities. The July 1, 2008 Intergovernmental Agreement authorized the County to collect and remit a Construction Excise Tax on improvements to real property that result in (1) new residential or non-residential structures or (2) additional square footage in existing residential and nonresidential structures. Similar to the County SDCs, these fees will be collected at the time of building permit issuance for all authorized light industrial uses on this site

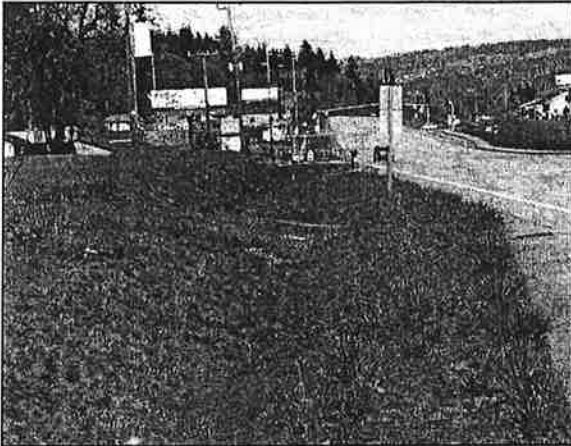
**Finding 7:** Pursuant to the provision in Section 922.16, Staff finds the applicant will be able to comply with the requirements of Columbia County Systems Development Ordinance No 2007-1 and the County and St. Helens School District Intergovernmental Agreement the prior to the issuance of future building permits.

**3) Off-site Sidewalk & Public Right-of-Way Improvements for Properties subject to an Urban Growth Management Agreement (UGMA):**

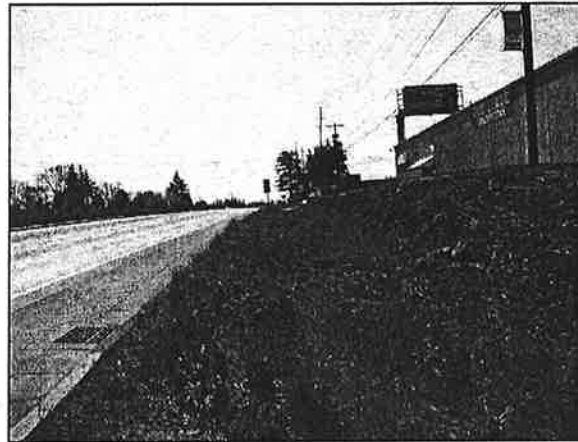
On July 7, 1999 the City of St. Helens and Columbia County entered into an Urban Growth Management Agreement to facilitate the orderly and efficient transition from urbanizable lands to urban uses near but out of the City limits. The County Comprehensive Plan and implementing ordinances are to be compatible with the City's Comprehensive Plan. The agreement is attached.

**AREA OF REQUESTED SIDEWALK IMPROVEMENTS IN ODOT WESTERN RIGHT-OF-WAY  
ADJACENT TO EXISTING BICYCLE LANE**

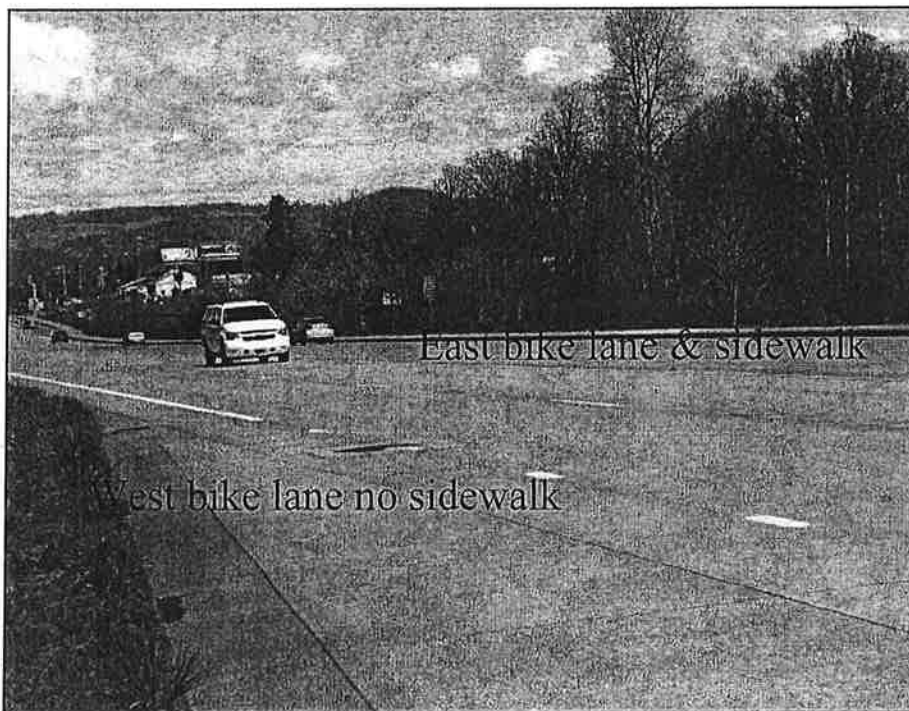
**VIEW FACING NORTH**



**VIEW FACING SOUTH**



**EXISTING SIDEWALK & BIKE LANE ON EASTERN ODOT RIGHT-OF-WAY AT 5-ACRE SITE**



### **3) continued) Off-Site Improvements Sidewalk -Comprehensive Plan and Transportation Systems Plan:**

**Discussion:** Columbia County's Comprehensive Plan and Rural Transportation System Plan apply to this property and project. Both of these Plans are consistent with Urban Area plans of the various Cities within our borders.

County Comprehensive Plan Part XIII Transportation, POLICY 10 (Pg. 223) states:

10. The County will develop plans to address safe and convenient pedestrian and bicycle circulation.

County Rural Transportation System Plan, Chapter 5 Financing and Funding, 5.4.4 states:

"... Exactions generally consist of frontage improvements that are passed on to developers. Developers are responsible for constructing or improving roads adjacent their project. These costs can be credited against SDC fees."

County Rural Transportation System plan, Chapter 6 Implementing Mechanisms, 6.3 Development review and Responsibilities for Road Improvements:

Columbia County Department of Land Development Services operates the development review functions of the County. Public and agency notifications are included in the County's process. Conditions of development are routinely imposed to minimize impacts and protect transportation corridors.

Typical development conditions require developers to provide "half street" improvements to the road fronting the project. In most instances, these improvements can be accomplished within existing street rights-of-way. Dedication of additional right-of-way or new right-of-way can be required. Improvements also can be required beyond the immediate property frontage if significant off-site impacts are expected.

The City of St. Helens's 4/4/11 Appeal requesting the Board require the applicant to install sidewalk/curb prior to final occupancy of a building permit, also it included specific references to their Comprehensive Plan's Goals and Policies related to Public Facilities and their Transportation Systems Plan. Documentation of both Plans are attached and referred to in the City's Appeal Cover Letter. The City of St. Helens Comprehensive Plan Goals & Policies related to this Appeal are found in the St. Helens Municipal Code SHMC 19.08.050.

The City's Transportation Systems Plan includes a Recommended Pedestrian System Plan (attached) which identifies new sidewalks along the applicant's 5-acre Light Industrial property along Columbia River Highway, the City's only Major Arterial Street. This Plan includes new sidewalks along the west side of this state highway intended to provide pedestrian access to

destinations between Pittsburg Road and Deer Island Road. The subject 5-acre site is located along this pedestrian systems plan and the requested (immediate) sidewalk/curb improvements along the Major Arterial's west side will further the completion of this plan.

The City's Transportation Systems Plan's Recommended Functional Classification System and related Recommended Street Design Standards (both of which are attached) provide Major Arterial Street Design Standards for Columbia River Highway, that will encourage and provide users with multiple modes of separated land-based travel for vehicular traffic, bicyclists, and pedestrians. Since the eastern side of Columbia River Highway already has these improvements (shown on Page 15), providing these similar improvements along the western side right-of-way is not an unreasonable expectation for light industrial property owners seeking to develop their land to new uses. It furthers multi-modal improvements for the public's use which accomplishes needs identified in the City's Transportation Systems Plan, accesses and uses by automobile, mass transit, and commercial vehicular traffic, bicyclists, and pedestrians.

Finally, on April 18, 2011 Marah Danielson, Senior Planner ODOT Region 1 submitted the attached ODOT Response to Local Land Use Notification for DR 11-07. This states ODOT's support of the City of St. Helens' requested sidewalk improvements along the Major Arterial Street (Columbia River Highway) identified in the City's Transportation Systems Plan and include the installation of sidewalks, landscape strips, and bike lanes. Prior to commencing any work within the highway right-of-way, including but not limited to sidewalks, tree planting, lighting or drainage facilities, moreover, the applicant shall be required to obtain all necessary authorization and permits from ODOT. ODOT will require the applicant to provide them with a preliminary drainage plan showing impacts to the highway right-of-way. If this preliminary plan indicates the site's drainage will enter the ODOT right-of-way, an ODOT Drainage Permit shall be required for the subsequent connection to the state highway's existing drainage facilities.

**Finding 8:** Staff finds that the City's initial request for the applicant to install sidewalk/curb along Columbia River Highway prior to occupancy is consistent with the City's and County's Comprehensive Plans and Transportation System Plans. ODOT's comments dated 4/18/2011 confirm they have no objections to these improvements within the western right-of-way provided ODOT authorizes (1) all improvements constructed to the City of St. Helens' specifications and design standards and (2) all necessary connections to the state highway existing drainage facilities.

Staff finds these improvements within ODOT's western right-of-way (shown on the pictures on Page 15), prior to the occupancy of the 5-acre site's future light industrial uses will encourage appropriate and efficient development of this and adjacent light industrial zoned land within the UGB. Sidewalk/curb improvements along Major Arterial Streets within the UGB is a reasonable means of furthering the legitimate public's interest. These improvements will encourage establishing a multi-modal street network in the unincorporated land within the UGB that are

designated as such due to their close proximity to urban, rather than rural, levels of infrastructural development, consistent with the County's Comprehensive Plan and Transportation System Plan. For these reasons, staff finds that the City of St. Helens' requested off-site improvements are not only authorized by ODOT but will also help local and state jurisdictions to provide residents and commuters with efficient and sustainable development in this urbanizable area. These multi-modal street improvements along this portion of the state highway will also (1) preserve the surrounding incorporated and unincorporated areas for auto travel, (2) increase bicycle, pedestrian, auto access to local destinations, and (3) provide convenient access to affected businesses, transit facilities and residences.

**3) continued) Public right-of-way improvements for properties within the City of St. Helens' Urban Growth Boundary:**

The City of St. Helens comments for DR 11-07 dated 2/11/11 and reiterated in their 4/4/11 Appeal included a recommendation for the applicant to install a sidewalk and curb adjacent to the subject property's approximate 380' frontage within the western right-of-way for Columbia River Highway. The City recommended the applicant complete these improvements prior to occupancy of the 5 acre site.

The 2/25/11 Planning Commission Staff Report however, as in similar applications, recommended the City's timing for these improvements be controlled and timed through entering into an Annexation Agreement and Development Agreement for future installation of these improvements (provided for in Part IX of the UGMA). The City and County has successfully used this agreement method of realizing installation of public improvements since 1999 when the current UGA Agreement was authorized. As far as the old 2/25/11 Planning commission Staff Report, it was based on past practices and did not consider a legal authority that has recently emerged. Specifically the County applied an old "essential nexus" analysis pursuant to Nollan. In 2010, the Oregon Supreme Court expressly held that Nolan does not apply to conditions requiring off-site improvements such as in this case.

**Finding 9:** With this new information including specific requirements of the City's adopted Comprehensive and Transportation Systems Plans as well as with the Oregon Supreme Court's ruling in *2010 West Linn Corporate Park LLC vs. City of West Linn*, Staff finds that our previous 2/25/11 Planning Commission Staff Report erroneously used the "essential nexus" takings rationale for any connection with this case. Staff finds that installation of sidewalk improvements is in the public interest for the Columbia County, it is consistent with the (1) County's Comprehensive Plan and (2) the County's Transportation Systems Plan. See related Discussion and Finding 8.

\\  
\\

**Continuing with Columbia County Zoning Ordinance Section 1400 Off Street Parking and Loading**

**Section 1400 OFF-STREET PARKING AND LOADING**

**OP**

- 1401 General Provisions: At the time of the erection of a new building, or an addition to an existing building, or any change in the use of an existing building, structure, or land which results in an intensified use by customers, occupants, employees, or other persons, off-street parking and loading shall be provided according to the requirements of this section.
- 1403 Use of Space:
- .1 Required parking spaces shall be available for parking of vehicles of customers, occupants, and employees.
  - .2 No parking of trucks, equipment, or the conduct of any business activity shall be permitted on the required parking spaces.
  - .3 Required loading spaces shall be available for the loading and unloading of vehicles concerned with the transportation of goods and services.
- 1404 Joint Usage of Facilities: Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Director in the form of deeds, leases, or contracts securing full access to such parking or loading areas for all the parties jointly using them.
- 1405 Plans Required: A plot plan shall be submitted in duplicate to the Director with each application for a building permit or for a change of classification to OP. The plot plan shall include the following information:
- .1 Dimensions of the parking lot.
  - .2 Access to streets and location of curb cuts.
  - .3 Location of individual parking spaces.
  - .4 Circulation pattern.
  - .5 Grade and drainage.
  - .6 Abutting property.
  - .7 A landscaping plan which shall include the location and names of all vegetation, and the location and size of fencing or other screening material. This plan shall be approved by the Director.
- 1409 Loading Spaces
- .3 Industrial: Each required space shall be at least 12 feet in width and 60 feet in length.
  - .4 Clearance: The height of each required loading space shall provide a

minimum vertical clearance of 13 feet.

1412 Access: There shall be no more than one 45 foot wide curb cut driveway per 150 feet of street frontage, or fraction thereof, permitted per site.

1413 Surfacing and Marking:

- .1 The surfacing of each parking area shall meet minimum County standards to handle the weight of the vehicles which will use the parking area. All areas used for parking and maneuvering of vehicles shall be marked in accordance with the approved plan and such marking shall be continuously maintained. Handicapped parking spaces shall be marked with a wheelchair symbol.
- .2 The parking and loading areas for commercial, industrial, or apartment uses shall be paved with concrete, asphaltic concrete, or another comparable surface.

1414 Drainage and Lighting: Adequate drainage shall be provided to dispose of the run-off generated by the impervious surface area to the parking area. The drainage system shall function so it will not adversely affect adjoining property. Artificial lighting shall be provided in such a manner as to insure the safety of the parking area without interfering with adjoining properties or creating traffic hazards on adjoining streets.

1415 Parking Areas: All parking areas, excluding one and two-family dwellings, shall meet the following requirements:

- .1 All parking areas of less than 20 parking spaces shall have one handicapped parking space. Parking areas with more than 20 spaces shall provide one handicapped parking space for every 50 standard parking spaces.
- .6 Parking areas shall be set back from a lot or parcel line adjoining a street. The setback area shall be landscaped.
- .7 All parking area setbacks shall be landscaped with major trees, shrubs, and ground cover as approved by the Director.
- .8 A minimum of 10 percent of the parking area shall be landscaped and maintenance of the landscaping shall be the owner's responsibility.

1416 Minimum Required Off-Street Parking Spaces:

.5 Industry:  
Storage:

One space for each 5,000 square feet for the first 20,000 square feet plus 1 additional space for each additional 50,000 square feet.

**Discussion:** The submitted plans for DR 11-07 do not include any specific onsite parking areas for this 5-acre site. Due to the nature of the submitted proposal and per the provisions in Section 1405, one condition of final approval will require the applicant to submit a separate Parking Plan

to the County Planning Official for review and approval per the provisions in Sections 1405 and 1414. This Parking Plan shall provide adequate drainage measures to dispose of the run-off generated by the impervious surface area due to the parking area. The proposed drainage system shall function so as to not adversely affect the subject and adjoining properties and the state highway drainage facilities and shall be incorporated into the final Engineered Stormwater and Erosion Control Plan for the entire 5-acre site. An in-depth discussion of the site's drainage requirements will be addressed later during the discussion concerning the project's required engineered Stormwater and Erosion Control Plan for Finding 16.

This separate Parking Plan shall provide adequate onsite parking for both of the 5-acre site areas' site specific needs: one Plan for the personal and RV storage area in the west and another Plan for other authorized M-2 structures and uses in the east. The Parking Plans shall include specifications that comply with the minimum requirements in Sections 1401, 1403, 1404, 1405, 1409, 1412, 1413, 1413, 1415, and 1416 above related to the use, number, and size of standard and ADA accessible parking spaces, the design and location of loading spaces, as well as each area's surfacing, marking, drainage, lighting, and landscaping requirements. These Parking Plan can be reviewed and approved by the County Planning Official prior to final occupancy of the proposed use.

**Finding 10:** Staff finds that the applicant will be able to comply with the minimum Off-Street Parking and Loading criteria in Section 1400 prior to future uses' final occupancy. The County Planning Official shall review and approve separate Parking Plans for both of the site's eastern and western areas. This review will require the 5-acre site's onsite parking to comply with the minimum and applicable provisions in Section 1400 as well as with those of the Stormwater and Erosion Control Ordinance, and will be verified via field visit(s) prior to final occupancy. For these reasons, staff finds the applicant will be able to comply with the applicable provisions in Section 1400 of the Zoning Ordinance as they relate to the proposed development of this 5 acre M-2 site with conditions.

### **Continuing with Columbia County Zoning Ordinance Section 1550 Site Design Review**

#### **Section 1550 SITE DESIGN REVIEW**

The Site Design Review process shall apply to all new development, redevelopment, expansion, or improvement of all community, governmental, institutional, commercial, industrial and multi-family residential (4 or more units) uses in the County.

##### **1551 Types of Site Design Review:**

- B Type 2:** Projects, developments and building expansions which meet any of the following criteria:
  - a. have an area of 5,000 square feet or more, or are 10% or more of the square footage of an existing structure.

- 1552 Design Review Process: The Planning Director shall review and decide all Type 1 Site Design Review applications. The Planning Commission shall review all Type 2 Design Review applications. Applications shall be processed in accordance with Sections 1600 and 1700 of this ordinance.
- 1553 Pre-application Conference: A pre-application conference is required for all projects applying for a Site Design Review, unless the Director or his/her designate determines it is unnecessary. The submittal requirements for each application are as defined in this section and the standards of the applicable zone, and will be determined and explained to the applicant at the pre-application conference.
- 1555 Submittal documents: The following documents, when applicable, are required for a Site Design Review. The scope of the drawings and documents to be included will be determined at the pre-application conference by the Pre-application Conference Committee, and a Site Design Review Submittal Checklist will be given to the applicant, documenting which items are deemed not applicable or not necessary to determine compliance with County and State standards, with a short explanation given for each item so determined.
- A. History.
  - B. Project narrative.
  - C. Existing site plan.
  - D. Proposed site plan.
  - E. Grading plan.
  - F. Drainage plan.
  - G. Wetland mitigation plan. Goal 5 Resource Protection Plans (streams, wetlands, riparian areas, natural areas, fish and wildlife habitat ).
  - H. Landscaping plan.
  - I. Architectural plans.
  - J. Sign drawings.
  - K. Access, parking and circulation plan.
  - L. Impact assessment.
  - M. Site Design Review Submittal Checklist.
- 1556 Site Plan Submittal and Analysis: The applicant shall submit an application and any necessary supplemental information as required by this ordinance to the Land Development Services Department. The Planning Director or designate shall review the application and check its completeness and conformance with this ordinance. Once a Type 2 application is deemed complete, it shall be scheduled for the earliest possible hearing before the Planning Commission. A staff report shall be prepared and sent to the applicant, the Planning Commission, and any interested party requesting a copy.
- 1561 Proposed Site Plan: A complete application for design review shall be submitted, including the following plans, which may be combined, as appropriate, onto one or more drawings, unless it is determined by the Planning Director that the information is not applicable or is not necessary to determine compliance with County and State standards, and a short explanation will be given for each item so determined:

- A. Site Plan: The site plan shall be drawn at a suitable scale (i.e. 1"=100', 1"=50', or 1"=20') and shall include the following:
1. The applicant's entire property and the surrounding area to a distance sufficient to determine the relationships between the applicant's property and proposed development and adjacent properties and developments.
  2. Boundary lines and dimensions of the property and all proposed property lines. Future buildings in phased development shall be indicated.
  3. Identification information, including names and addresses of project designers.
  4. Natural features which will be utilized in the site plan.
  5. Location, dimensions and names of all existing or platted roads or other public ways, easements, and railroad rights-of-way on or adjacent to the property, city limits, section lines and corners, and monuments.
  6. Location and dimensions of all existing structures, improvements, or utilities to remain, and structures to be removed, all drawn to scale.
  7. Historic structures, as designated in the Comprehensive Plan.
  8. Approximate location and size of storm water retention or detention facilities and storm drains.
  9. Location and exterior dimensions of all proposed structures and impervious surfaces.
  10. Location and dimension of parking and loading areas, pedestrian and bicycle circulation, and related access ways. Individual parking spaces shall be shown.
  11. Orientation of structures, showing entrances and exits.
  12. All exterior lighting, showing type, height, wattage, and hours of use.
  13. Drainage, Stormwater and Erosion Control, including possible adverse effects on adjacent lands.
  14. Service areas for waste disposal and recycling.
  15. Noise sources, with estimated hours of operation and decibel levels at the property boundaries.
  16. Goal 5 Resource Protection Plans. Indicate how project will protect streams, wetlands, riparian areas, natural areas, and fish and wildlife habitat from negative impacts.
  17. A landscaping plan which includes, if applicable:
    - a. Location and height of fences, buffers, and screening;
    - b. Location of terraces, decks, shelters, play areas, and common open spaces;
    - c. Location, type, size, and species of existing and proposed shrubs and trees; and
    - d. A narrative which addresses soil conditions and erosion control measures.
- B. Grading Plans: A preliminary grading plan indicating where and to what extent grading will take place, including general contour lines, slope ratios, slope stabilization proposals, and natural resource protection proposals.
- C. Architectural Drawings:

1. Building elevations and sections;
2. Building materials (color and type);
3. Floor plan.

**Discussion:** The site's 5-acres intended for M-2 development meets the criterion in Section 1551.(B).1 for a Type 2 Site Design Review. The applicant, LDS Staff and representatives from affected government agencies held a pre-application conference on August 25, 2010 where the submittal requirements and the standards of the M-2 Zone were provided and explained to the applicant. On January 18, 2011 the applicant submitted the necessary information and supporting documentation for the proposed Type 2 Site Design Permit including the Engineered Stormwater and Erosion Control Plan and Analysis, Rapid Soil Solutions's Environmental Site Assessment, the architectural drawings of the existing building, the personal and RV storage areas and proposed new buildings, the proposed site maps for the east and west areas, and the plans for the site's outdoor lighting and traffic circulation. These submitted documents satisfy the requirements in Sections 1561(A - C) and are included as Attachments for this Report.

On August 10, 2010, through attached BLDG 2011-00019, the county issued a Grade/fill Permit authorizing the applicant to place 18,000 square feet of fill to a depth of 1' in three (3) low areas on the SW 1-acre portion of this site known as Tax lot 1300. The application indicated no building was intended to be placed upon these fill area. The permit stated the existing (site) condition has been "proof rolled", meaning no compaction studies were conducted. However, Condition 2 of this Grade/Fill permit approval reads as follows:

2. *If a building permit is placed upon this fill project, a registered professional currently licensed in the State of Oregon shall oversee an investigation that the fill area meets the minimum requirements for the design loading of the proposed building. A geo-tech report may be required at that time.*

The submitted site plan showing the proposed location of Building F and Structure D moreover appear to correlate with the same portion of current tax lot 1300 approved for the placement of 18,000 square feet of fill. Per Condition 2 of BLDG 2011-00019 and prior to the beginning of any construction activities on this portion of the 5 acre site, the applicant will be required to comply with the provisions in Condition 2 of BLDG 2011-00019 that are necessary to ensure the fill area meets the minimum requirements for the design loading of the proposed building(s) to be built in this location.

**Finding 11:** Previous sections of this staff report have evaluated the site specific characteristics of the submitted proposal and found that the proposed site's M-2 development can be sited and built on the 5-acre site consistent with the applicable federal, state and local regulatory requirements. As a condition the applicant shall submit necessary documentation to the County Building Official verifying a licensed Oregon engineer confirms the fill area meets the minimum requirements for the design loading of the proposed building(s) prior to their construction, further will also ensure compliance with the minimum requirements for Condition 2 of BLDG 2011-00019.

Findings 1 through 9 have demonstrated all proposed M-2 development shall comply with authorized M-2 development standards and will be able to use the City of St. Helens' water and sewer when available. All future authorized site development and uses will also require the County Sanitarian's approval for waste water treatment. There are no Goal 5 Resources on site. The site does not contain any flood hazards per FIRM Map 41009CO452 D nor are there any jurisdictional wetlands per the St. Helens and National Wetlands Inventories. With the required installment of sidewalk/curb improvements that are consistent with the City's Comprehensive and Transportation Systems Plans per Findings 8 & 9 prior to the occupancy of any new uses, the proposal as submitted for DR 11-07 will not compromise the City of St. Helens' or the State of Oregon's existing Transportation Systems Plans for this portion of Columbia River Highway. For these reasons, staff finds the applicant can satisfy the provisions listed in Sections 1551, 1552, 1553, 1555, 1556, and 1561 for this Type 2 Site Design Review Permit Application with conditions.

### **Continuing with Columbia County Zoning Ordinance Section 1550 Site Design Review**

#### **1562      Landscaping: Buffering, Screening and Fencing:**

##### **A.    General Provisions:**

1. Existing plant materials on a site shall be protected to prevent erosion. Existing trees and shrubs may be used to meet landscaping requirements if no cutting or filling takes place within the dripline of the trees or shrubs.
2. All wooded areas, significant clumps or groves of trees, and specimen conifers, oaks or other large deciduous trees, shall be preserved or replaced by new plantings of similar size or character.

##### **B.    Buffering Requirements:**

1. Buffering and/or screening are required to reduce the impacts on adjacent uses which are of a different type. When different uses are separated by a right of way, buffering, but not screening, may be required.
2. A buffer consists of an area within a required setback adjacent to a property line, having a width of up to 10 feet, except where the Planning Commission requires a greater width, and a length equal to the length of the property line adjacent to the abutting use or uses.
3. Buffer areas shall be limited to utilities, screening, pedestrian and bicycle paths, and landscaping. No buildings, roads, or parking areas shall be allowed in a buffer area.
4. The minimum improvements within a buffer area shall include:
  - a. One row of trees, or groupings of trees equivalent to one row of trees. At the time of planting, these trees shall not be less than 10 feet high for deciduous trees and 5 feet high for evergreen trees, measured from the ground to the top of the tree after planting.

Spacing of trees at maturity shall be sufficient to provide a year-round buffer.

- b. In addition, at least one 5-gallon shrub shall be planted for each 100 square feet of required buffer area.
- c. The remaining area shall be planted in grass or ground cover, or spread with bark mulch or other appropriate ground cover (e.g. round rock). Pedestrian and bicycle paths are permitted in buffer areas.

C. Screening Requirements:

- 1. Where screening is required, the following standards shall apply in addition to those required for buffering:
  - a. A hedge of evergreen shrubs shall be planted which will form a four-foot high continuous screen within two years of planting; or,
  - b. An earthen berm planted with evergreen plant materials shall be provided which will form a continuous screen six feet in height within two years. The unplanted portion of the berm shall be planted in lawn, ground cover or bark mulch; or,
  - c. A five foot or taller fence or wall shall be constructed to provide a continuous sight obscuring screen. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
- 2. When the new use is downhill from the adjoining zone or use being protected, the prescribed heights of required fences, walls, or landscape screening along the common property line shall be measured from the actual grade of the adjoining property at the common property line. This requirement may be waived by the adjacent property owner.
- 3. If four or more off-street parking spaces are required, off-street parking adjacent to a public road shall provide a minimum of four square feet of landscaping for each lineal foot of street frontage. Such landscaping shall consist of landscaped berms or shrubbery at least 4 feet in total height at maturity. Additionally, one tree shall be provided for each 50 lineal feet of street frontage or fraction thereof.
- 4. Landscaped parking areas may include special design features such as landscaped berms, decorative walls, and raised planters.
- 5. Loading areas, outside storage, and service facilities must be screened from adjoining properties.

D. Fences and Walls:

1. Fences, walls or combinations of earthen berms and fences or walls up to four feet in height may be constructed within a required front yard. Rear and side yard fences, or berm/fence combinations behind the required front yard setback may be up to six feet in height.
2. The prescribed heights of required fences, walls, or landscaping shall be measured from the lowest of the adjoining levels of finished grade.
3. Fences and walls shall be constructed of any materials commonly used in the construction of fences and walls such as wood, brick, or other materials approved by the Director. Corrugated metal is not an acceptable fencing material. Chain link fences with slats may be used if combined with a continuous evergreen hedge.
4. Re-vegetation: Where natural vegetation or topsoil has been removed in areas not occupied by structures or landscaping, such areas shall be replanted to prevent erosion.

**Finding 12:** Staff finds that the applicant will be able to comply with the minimum Landscaping, Buffering, and Screening requirements along Columbia River Highway and Pittsburg Road prior to the authorized uses' final occupancy. The applicant will be required to submit a final Landscaping Plan before building permits are issued. The County Planning Official shall review the proposed plan and approve its implementation (and effectiveness) with site visit(s). For these reasons, staff finds the applicant will be able to comply with the applicable provisions in Section 1562 of the Zoning Ordinance related to reducing or eliminating the light industrial uses' potential impacts along Columbia River Highway and Pittsburg Road, with conditions.

#### **Continuing with Columbia County Zoning Ordinance Section 1550 Site Design Review**

##### **1563 Standards for Approval:**

The Planning Commission or Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:

- A. Flood Hazard Areas: See CCZO §1100, Flood Hazard Overlay Zone. All development in Flood Hazard Areas must comply with State and Federal Guidelines.
- B. Wetlands and Riparian Areas: Alteration of wetlands and riparian areas shall be in compliance with State and Federal laws.
- C. Natural Areas and Features: To the greatest practical extent possible, natural areas and features of the site shall be preserved.
- D. Historic and Cultural sites and structures: All historic and culturally significant sites and structures identified in the 1984 Comprehensive Plan, or identified for inclusion in the County Periodic Review, shall be protected if they still exist.
- E. Lighting: All outdoor lights shall be shielded so as to not shine directly on adjacent properties and roads.
- F. Energy Conservation: Buildings should be oriented to take advantage of natural energy saving elements such as the sun, landscaping and land forms.

- G. Transportation Facilities: Off-site auto and pedestrian facilities may be required by the Planning Commission, Planning Director or Public Works Director consistent with the Columbia County Road Standards and the Columbia County Transportation Systems Plan.

**Finding 13:** The 5 acre site is not subject to flood hazards per FIRM Map # 41009CO452 D as previously discussed during the Summary and for Finding 11.

As already discussed during the Summary, the National Wetlands Inventory Map of St. Helens and the St. Helens Local Wetland Inventory confirm the 5-acre site does not contain any jurisdictional wetlands or riparian areas. The City of St. Helens confirmed there are wetlands located along and immediately adjacent to the perimeter of the site's west and north boundaries. The submitted Wetland Reconnaissance conducted on the subject property by Henderson and Services in August 2010 also confirmed this information. This submitted documentation confirms the submitted proposal for the site's M-2 development is consistent with the federal and local wetland regulatory requirements.

This property has been zoned and used for industrial uses since at least 1985 and the Comprehensive Plan does not identify any significant natural areas or features or any Goal 5 Protected Resources within the boundary of the subject property. The County Planning Official's review and approval of the site's Parking Plans will ensure the site's outdoor lighting does not negatively impact adjoining properties or traffic along Columbia River Highway or Pittsburg Road.

The county and city have no knowledge of the existence of any Historic/Cultural sites or structures within the subject property. Requiring the applicant to install, prior to site occupancy, (Findings 8 & 9) the City of St. Helens' requested sidewalk/curb improvements along Columbia River Highway adjacent to this 5-acre site consistent with design standards for Major Arterial Streets included in the City of St. Helens' Comprehensive and Transportation Systems Plans, will not compromise the local and state transportation systems plans for this urbanizable area of Columbia River Highway.

In the eastern ½, the applicant's intent is to convert and/or retrofit the existing 10,000 square foot building in order to facilitate renting portions (or all) of this structure to various clients for authorized M-2 uses. Prior to conducting any M-2 uses within any portion of this structure, the County Building Official shall approve a Change of Occupancy for the affected portion of the structure per the applicable provisions of the Oregon Structural Speciality Code. The proposed new uses(s) of this building will need to meet the minimum requirements for the new occupancy and, where the new requirements are more restrictive than the existing requirements, may mandate upgrades to the existing facility. The new M-2 uses within the existing facility are likely to make the remaining western portions of the 5-acre site attractive to other similar uses and will only promote and encourage additional light industrial employment opportunities and revenue generation for the county and for nearby incorporated areas.

Likewise the proposed RV and personal storage facilities intended for the western portion of this site will also help to maximize in-fill development for this currently underutilized 5-acre M-2 zoned site within the City of St. Helens' UGB that is served by City water and is likely to have access to sanitary sewer services upon its future annexation.

As stated in the Discussions and related Findings 8 & 9, the Board of Commissioners can require the applicant to install Major Arterial Street improvements within the western ODOT right-of-way adjacent to the property's frontage. The required improvements are consistent with Columbia County and the City of St. Helen's adopted Transportation Systems Plan's and Comprehensive Plan's. These imposed improvements will also be consistent with the off-site auto and pedestrian facilities discussed and referenced here in County Zoning ordinance Section 1563.G, above.

For these reasons, staff finds that these criteria is met subject to conditions.

#### **Continuing with Columbia County Zoning Ordinance Section 1550 Site Design Review**

##### **1564 Final Site Plan Approval:**

If the Planning Director or Planning Commission approves a preliminary site plan, the applicant shall finalize all the site drawings and submit them to the Director for review. If the Director finds the final site plan conforms with the preliminary site plan, as approved by the Director or Planning Commission, the Director shall give approval to the final site plan. Minor differences between the preliminary site plan and the final site plan may be approved by the Director. These plans shall be attached to the building permit application and shall become a part of that permit.

**Finding 14:** A Final Site Plan shall be submitted for this 5-acre site as presented in DR 11-07. Its contents dictate the subsequent review and standards. As such the final site plan shall be approved only if it conforms with the preliminary site plan reviewed and approved by the Planning Commission and revised by the Board of Commissioners before any building permit applications are to be submitted. Staff finds that the criterion is met subject to conditions.

#### **Continuing with the Columbia County Stormwater and Erosion Control Ordinance Chapter I Introduction:**

##### **B. Applicability**

##### **1. Provisions of this ordinance apply to:**

- a. Building Permits for residential, commercial, industrial and accessory

uses that involve disturbing more than 2000 square feet of land or activities disturbing more than 1000 square feet of land on sites with known and apparent erosion problems.

**Finding 15:** This proposal is for an industrial project and will result in more than 2,000 square feet of disturbed land. Thus, stormwater and erosion control plans and standards apply.

**Continuing with Columbia County Stormwater and Erosion Control Ordinance Chapter III Standards Specific to Activities**

B. Building Permits for Commercial, Industrial, Multi-Family, and Associated Accessory Uses

1. *Erosion Control*

a. *Required Measures*

- I. A Gravel Construction Entrance (ECM-Section 3.3.1) shall be installed prior to the beginning of grading.
- ii. Where slopes exceed 5%, a Sediment Fence (ECM-Section 3.3.2) shall be installed at the base of the disturbed area or dirt stockpiles.
- iii. On slopes exceeding 10%, sediment fences are required at intervals specified in Table 3-2 of the Erosion Control Manual.
- iv. As an alternative to a sediment fence, vegetated and undisturbed buffers at the base of the slope on the subject property can be utilized. Slopes above the buffer cannot exceed 10% and the buffer width must be at least equal to the uphill-disturbed area draining to it.
- v. During wet weather, October 1-April 30, a 6-mil plastic sheet cover (ECM-Section 3.3.9) or a minimum 2" of straw mulch cover shall be required on stockpiles where sediment is eroding and leaving the subject property or entering a water resource.
- vi. Ground cover shall be reestablished prior to removing the erosion control measures described above (ECM-Section 3.3.6).

b. *Erosion Control Plan*

- I. A Final Erosion Control Plan is required.
- ii. The plan shall be prepared by an Engineer.
- iii. The plan shall specify use of the erosion control measures outlined above, plus additional measures as may be necessary to prevent sediment from leaving the subject property or entering a water resource.
- iv. The plan shall be completed in the format specified in Section IV.
- v. The plan shall be submitted to the county with the building permit application.
- vi. A building permit will not be issued until the plan is

approved by the county.

2. *Long Term Water Quality Protection*

a. *Required Treatment Measures*

- i. Runoff from parking lots, driveways, and other exposed traffic areas shall be treated using one of the following treatment methods: biofiltration swales, vegetative filter strips, or *alternative treatment methods*
- ii. Treatment methods shall be sized to treat the water quality storm.
- iii. Biofiltration swales and vegetative filter strips shall be sized for a 9-minute hydraulic residence time.
- iv. Oil/water separators shall be required for activities exhibiting a significant risk of high oil loading in runoff, oil spills, or illegal dumping of oil or grease.

b. *Required Runoff Control Measures*

- i. Runoff from the development site shall be controlled such that the following criteria are met:
  - A) The peak flows for the 10 and 100-year design storms after development does not exceed the respective pre-development peak flows.
  - B) The peak flow for the 2-year design storm after development does not exceed one-half the pre-development peak flow for the 2-year storm.
- ii. Discharges directly into tidal water bodies are exempt from the above runoff control measures, but not treatment requirements.

c. *Stormwater Plan*

- i. A Final Stormwater Plan is required.
- ii. The plan shall be prepared by an Engineer.
- iii. The plan shall specify use of the treatment and runoff control measures outlined above.
- iv. The plan shall be completed in the format specified in Section IV.
- v. The plan shall be submitted to the county with the building permit application.
- vi. A building permit will not be issued until the plan is approved by the county.

**Discussion:** As initially mentioned during th Summary discussion, the September 30, 2010 engineered Stormwater & Erosion Control (SEC) Plan and Analysis by Mackay & Sposito Inc.

summarizes the proposed Stormwater and Erosion Control Plan for the 5-acre site's development as follows:

*"...The site will be roughly graded to elevations anticipated by the final design and building pads will be installed based on the future finished floor elevations. The bio-swale, inclusive of the outfall area and the flow spread curb will be installed to treat the stormwater runoff. Once improvements are completed, all stormwater will be discharged from the site to the natural drainage to the west....Future improvements to the (mini storage) site will include the installation of concrete valley gutters which will channel storm runoff to the northern edge of the property where it will be gathered in the existing bio-swale which will treat the water quality storm and convey the 100 year storm runoff. A catch basin will be installed to collect pollutants. The stormwater design for this project will be in conformance with the Columbia County Stormwater and Erosion Control Ordinance dated 11/21/2001. The stormwater design is based on the planned future improvements."*

On Page A4, Mackay & Sposito conclude that their final report will include future conditions discussions of the off-site flow capacities as well as detention capacities of the existing swale on the northern property ( installed for the St. Helens Mini Storage and Car Wash facilities) as part of their completed and Final SEC Plan. Including these requirements in the final SEC Plan will make sure it will be reviewed and verified by the County Planning Division to ensure provisions are included to adequately address and provide necessary measures to protect erosion control, drainage, and long term water quality for the subject and adjoining properties and facilities. These engineered SEC Plans for the 5 acre site will help reduce potential detrimental impact on the existing drainage facility serving the St. Helens Mini Storage and Car Wash and to the existing state highway drainage facilities nearby. This Final SEC Plan shall be submitted prior to or current with the building permit application and shall be reviewed and approved by the Land Development Services Planning Division prior to the commencement of any construction and/or site preparation activities on the 5 acre site.

Per the Discussion related to Finding 8, the 4/18/11, ODOT Response to Local Land use Notification requires the applicant to obtain ODOT's necessary authorization and permits before commencing any work within the highway right-of-way. This work includes, but is not limited to, installing sidewalks, tree planting, and installing lighting or drainage facilities which impacts the 5-acre site's drainage. In addition, ODOT will require the applicant to provide them with a preliminary drainage plan showing impacts to the highway right-of-way. If this preliminary drainage plan indicates the site's drainage will enter the ODOT right-of-way, an ODOT Drainage Permit shall be required for the subsequent connection to the state highway's existing drainage facilities. Additionally, the Planning Division Manager's approval of the Final Engineered SEC Plan shall require all necessary work to be authorized and approved by ODOT to ensure appropriate measures are taken to protect the state highway drainage facilities.

**Finding 16:** Staff finds that the Planning Division's review and approval of the final engineered Stormwater and Erosion Control Plan prior to the commencement of any site preparation

activities will help to ensure all future site development for DR 11-07 is authorized and approved by ODOT and will be consistent with the county's Drainage, Erosion Control and Long Term Water Quality Protection requirements in Chapter II Section B of the Stormwater and Erosion Control Ordinance for commercial building permits.

The final site plan submitted prior to building permit submittal, shall be reviewed and approved by the Planning Director to ensure consistency with the applicable ODOT requirements, with the preliminary site plan, and with those measure identified in the September 30, 2010 Engineered Stormwater & Erosion Control Plan and Analysis. Consistency with all ODOT and local SEC regulations shall be required prior to future building permit issuance as presented for Site Design Review DR 11-07. Staff finds that the criterion is met subject to conditions.

#### **COMMENTS RECEIVED:**

**City of St. Helens:** The City of St. Helens 1/11/11 initial concerns and comments and those included in their Appeal dated 4/4/11 all have been incorporated in the applicable sections of this revised report for the Board of Commissioners.

**Columbia River Fire & Rescue:** Has reviewed the submitted proposal and has no objections to its approval provided the project complies with the requirements of the 2011 Oregon Fire Code.

**County Roadmaster/Transportation Planner:** The 2/7/11 comments stated they have no objections to its approval as submitted. The 4/12/11 comments reiterate these earlier comments and state the county has no concerns with the City's requested sidewalk/curb improvements along this portion of Columbia River Highway.

**County Building Official:** Will require the proposed site development to comply with the applicable provisions of the M-2 Zoning Code, the Oregon Structural Speciality Code and the Oregon Fire Code.

**ODOT Highway Division:** The concerns and comments stated in the 4/18/11 ODOT Response to Local Land Use Notification have been incorporated into the applicable portions of this 4/27/11 revised Report for the Board of Commissioners.

**County Sanitarian:** Since the county has no records on file for the site's existing septic system, a site authorization will be required prior to future occupancy of the M-2 zoned property. Future occupancy of industrial tenants may be limited depending on the activities' waste water minimum requirements. All future development shall not compromise the functioning of the sewage disposal system.

**St. Helens - Columbia City CPAC:** Commented they would like to see the applicant utilize local resources to develop this site.

No further comments from agencies, citizens or otherwise have been received regarding this proposal as of the date of this revised staff report, April 27, 2011.

### **CONCLUSION, RECOMMENDED DECISION & CONDITIONS:**

Based on the facts, discussions, findings and comments herein Staff Report dated April 27, 2011, the Planning Director recommends the Board of Commissioners revise the Planning Commission's initial **APPROVAL for DR 11-07** as requested by the City of St. Helens' 4/4/11 Appeal. Recommend revising Conditions by adding a Condition 7 & 13.a (and renumber) and revising Conditions 6,9 an 12.b to include getting an ODOT permit for and installing a sidewalk along the property's frontage on Columbia River Highway. These revisions are consistent with the applicable provisions of the County Comprehensive Plan, Zoning Ordinance, the Urban Growth Management Agreement between the County and City of St. Helens, as well as with the City of St. Helens' Comprehensive and Transportation Systems Plans. The Approval will allow authorized light industrial development to occur on the approximate 5-acres associated with Tax Map ID Nos. 5133-034-01200, 1300, 1400, and 1500 addressed at 575 S. Columbia River highway subject to the following conditions:

1. This Design Review shall remain valid for two (2) years from the date of the final decision. This permit shall become void, unless the proposal has commenced in conformance with all conditions and restrictions established herein within the two-year validity period. Extensions of time may be granted by the Planning Director if requested in writing with the appropriate fee before the expiration date, given the applicant is not responsible for failure to develop.
2. A Final Site Plan shall be submitted for approval by the Planning Director. The proposed structures shall be sited in substantial conformance with the submitted site plans and specifications reviewed and approved by the Planning Commission and Board of Commissioners for DR 11-07. Any changes to approved plan(s) for this 5-acre site shall be reviewed and approved by the County prior to implementation. All work shall accurately reflect County approved plans.
3. All of the existing 10,000 square foot building's proposed light industrial uses shall be reviewed and approved by the Land Development Department prior to building permit application submittal. The County Building Official's review of the structure's authorized light industrial uses may require necessary structural modifications for this structure's Change of Occupancy per provisions of the Oregon Structural Speciality and/or Fire Codes.
4. Any new uses and structures on the currently vacant portions of the 5-acre light industrial site shall first comply with the applicable provisions of the Zoning Ordinance and approved by the County Planning Official prior to the submittal of any building permit applications. All uses and structures of the 5 acre site shall comply with the applicable provisions of the

Oregon Structural Speciality Code, and the Oregon Fire Code related to the intended and authorized light industrial use(s).

5. A Sign Permit and Building Permit (as applicable) shall be applied for and approved, in compliance with provisions in Section 1300 of the Zoning Ordinance and any other applicable agency's regulations before any new signs are installed on the 5-acre site.
6. If there is a septic system on this site it shall not be used without first getting an Authorization for its use by the County Sanitarian.
7. Prior to commencing any work within the state highway right-of-way, including but not limited to installing sidewalks, tree planting, lighting or drainage facilities, the applicant shall obtain all necessary authorization and permits from ODOT and submit documentation of such to Land Development Services.
8. Prior to any site preparation for any authorized light industrial uses, the applicant shall submit a final engineered Stormwater and Erosion Control Plan (SEC) to LDS to ensure appropriate erosion control measures are taken that will prevent sediment from entering water resources and will protect damage from occurring on the adjacent state highway and on the subject and adjoining properties.
9. The final engineered SEC Plan shall discuss the off-site flow and detention capacities of the site's new bio-swale and its impact on the state highway as well as on the existing drainage facilities and bio-swale installed for the St. Helen's Mini-Storage and Car Wash 75' north of this site. This final engineered SEC Plan shall be (1) submitted prior to any building permit application, and (2) reviewed and approved by the County Planning Director to ensure consistency with the County Ordinance and applicable ODOT requirements.
10. At time of building permit issuance, the County shall review the submitted proposal and require appropriate landscaping to buffer it from any residential development along Pittsburg Road if such landscaping is not included in the separate Parking Plan's landscaping requirements provided for in Section 1405 of the Zoning Ordinance.
11. The proposed authorized uses on this 5-acre site shall comply with the requirements of Columbia County Systems Development Ordinance No 2007-1 and the July 1, 2008 Intergovernmental Agreement between the County and St. Helens School District 502 requiring necessary fees to be collected at the time of building permit issuance.
12. **Prior to building permit application submittal** the following conditions shall be met:
  - a. The applicant shall record with the County Clerk and/or County Surveyor sufficient documentation to either (1) irrevocably combine or (2) reconfigure and vacate lines through surveyed property line adjustments on portions of properties currently associated with Tax Map Nos. 5133-034-1200, 1300, 1400 & 1500 to ensure all existing and

proposed site development complies with the M-2 minimum property line setbacks and the provisions in OAR 340-071-0220. A separate surveyed map of the proposed property reconfiguration shall be submitted to LDS for the County Planning Official and County Sanitarian to review and approve. This separate surveyed map shall accurately delineate the distances between all existing site development (structure, driveways, septic system etc...) and all existing and proposed property lines.

- b. The applicant shall submit to LDS an approved and current ODOT Access Permit dated later than the Access Permit # 2AA35410 of 11/29/96. This current Access Permit shall reflect the proposed new light industrial use(s) of the 5 acre site.
- c. Per Condition 2 of BLDG 2011-00019, and prior to the beginning of any construction activities on the site's SW portion currently associated with tax lot 1300, the applicant shall submit documentation from an Oregon licensed Engineer verifying the fill area meets the minimum requirements for the design loading of the proposed building.
- d. The applicant shall submit a separate Parking Plan to ensure adequate onsite parking is available for both portions of the 5-acres and their site-specific needs. This Parking Plan shall include specifications that comply with the minimum requirements of all Subsections in Sections 1400 Off Street Parking and Loading, and shall be reviewed and approved by the County Planning Official.
- e. The applicant shall submit a Landscape Plan that complies with the minimum Landscaping: Buffering and Screening criteria in Section 1562 to reduce impacts along Columbia River Highway and Pittsburg Road for all of the site's future authorized uses. The County Planning Official shall review the proposed plan and approve its implementation (and effectiveness) with site visit(s).

**13. Prior to final inspection for the Certificate of Occupancy issuance for this proposal, the following conditions shall be met:**

- a. A Sidewalk shall be installed per the City of St. Helens' standards as identified in the Transportation Systems Plan adjacent to the subject property's entire Columbia River Highway frontage. Written documentation confirming these improvements are approved by the City of St. Helens and ODOT shall be submitted to Land Development Services.
- b. The property's proposed use(s) will be reviewed by Columbia River Fire & Rescue and approved according to the minimum fire flow requirements of the Oregon Fire Code.
- c. All improvements per the final approved site plan and the engineered Stormwater & Erosion Control Plan shall be installed.

- d. The County Planning Official shall verify with a field visit that the landscaping is complete and the minimum on-site parking specifications presented in the site's Separate Parking Plan are installed, marked, and signed per the requirements in Section 1400.

**ATTACHMENTS:**

City of St. Helens Appeal of Planning Commission's Decision for DR 11-07

Site Design Review Application and Preliminary Site Plans

Zoning, Address & Vicinity Maps

Preliminary Grading & Stormwater Design prepared by Mackay and Sposito Inc. dated 9/30/2010  
2/03/11 comments from the County Sanitarian

Grade & Fill Permit for BLDG 2011-00019 dated 8/10/10

4/12/11 comments from Lonny Welter County Transportation Planner

4/18/11 ODOT Response to Local Land Use Notification

cc: City of St. Helens

**Final Order/Notice of Decision:**

*Reynolds Land Surveying*, 32990 Stone Road, Warren, OR 97053

*ODOT Region 1 Planning, Development Review*, 123 NW Flanders St., Portland OR 97209

Attn: *Marah Danielson*, ODOT Region 1 Development Review Planner

*Marty Jensvold*, ODOT Region Access Management Engineer

*Steve Schalk/Jim Nelson* ODOT District 2A Access Management