

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 19, 2017
Meeting Minutes

Planning Commission Members Present: Paula Lichotowich, Linda Hooper, Alta Lynch, Bill DeJager

Staff Present: Glen Higgins, Deborah Jacob, Hayden Richardson, and Kay Clay

Others: Vonda Bitikofer, Andrew Neimi, Michael Taylor, Kevin Theobald, Bing Theobald, Kelly Bledsoe, Eugene Thompson, Doug Rumrill, Karen ??,

Linda Hooper, Vice Chairman, called the meeting to order at 6:30pm

Hayden Richardson read the pre hearing statement.

V 17-07 No Exparte

Hayden Ricardson, presented the staff report for V 17-07

The applicants request a variance to the required 30 feet setbacks for frontyards. Specifically, the applicants are requesting to build a 40' x 80' shop approximately 10' away from the Slavens Way right-of-way.

BACKGROUND:

The applicant is requesting a variance from Section 622.4 and Section 213.1 of the Columbia County Zoning Ordinance for property line setbacks applicable for an accessory structure. The subject property is located on the corner of Slavens Road and Slavens Way and it is addressed at 33699 Slavens Road in Warren. The home was built in 1998 and permitted via BLD 1998-00204. The property uses Slavens Road as an access and does not have any sort of access off of Slavens Way. This property is zoned RR-2 and the development consists of the residents' home and it is approximately 1.53 acres in size. The subject property is part of Warren Water Association and utilizes a septic system for waste water disposal that is located on the western side of the home.

The parcel is not within an urban growth boundary and the Scappoose-Sptizenberg Beak Map does not indicate that it is within a Big Game Habitat or endangered species area. The FEMA Flood Hazard map does not indicate that there is the presence of any flood hazards on the property. Emergency Services are provided by Columbia River Fire and Rescue as well as the Columbia County Sheriff.



**Proposed Shop
Location on
Subject Property**

The subject property is located at the corner of Slavens Road and Slavens Way, both public right-of-ways. This means that the accessory structure that is being proposed is required to meet the frontage setbacks from both Slavens Way and Slavens Road right-of-ways. The applicant is requesting a 20' variance to the setback from the Slavens Way right-of-way. The applicant describes the need in the application as, *“the existing 30 foot setback on the north edge of the property would not allow us to build a structure any larger than a small garage which would not allow us to store our RV or partake in our crafts and hobbies. By decreasing the required setback on that side to 10 feet, we will be able to build a structure that is esthetically pleasing and useful, without infringing on any others views or imposing any safety hazards.”* Staff finds that a variance is necessary to site the structure 10' from the north property line fronting Slavens Way.

The applicant proposes to construct a shop on their property in order to store their RV, classic car, as well as a place for wood working activities and additional storage space for household and seasonal items. As stated in Finding 1, to meet the setbacks of the RR-2 zone the applicant must be at least 30' from Slavens Way and Slavens Road. Because there is not enough room between their home and the Slavens Way right-of-way, the applicant is seeking a major variance in order to site their new shop structure 10' from the

Slavens Way right-of-way instead of the required 30'. Although there are no identified wetlands on the property, the applicant has submitted photos showing that the depressed areas located on the property do get very wet and saturated. Siting a building in this wet areas could divert the stormwater onto neighboring properties, causing unnecessary property damage.

The applicant has not submitted building plans for the proposed structure referenced in this application. Also, there has been no indication that the proposed structure will be over 35 feet tall. Regardless if this variance is approved, the proposed structure shall not be taller than 35 feet or 2 ½ stories, whichever is less. Staff finds that this criteria will be met at the time of building permit issuance.

Staff recommends approval with conditions.

Paula Lichatowich asked if there was a recommended height restriction. The legal height is less than 35'.

Scappoose CPAC recommends that the building is no taller than the house

Linda Hooper asked if there was a waste water plan needed. There is not. She also questioned if the CRFR comment about the sprinkler system was needed and that was a mistake on their part, it is not.

Open to the Public

In Favor:

Vonda Bitikofer. The building will not be taller than the house, expecting to be 23' high.

Alta Lynch asked is the shop was full service with bathroom and water?

Vonda replied this is only for crafts, woodworking, quilting

Paula Lichatowich asked if this was going to be a home occupation and no it is not.

Opposition: None

Bill DeJager made a motion to approve V 17-07 and Paula Lichatowich seconded. All in favor motion carried.

DR 17-06 Michael Taylor. No ExParte

Deborah Jacob presented the staff report.

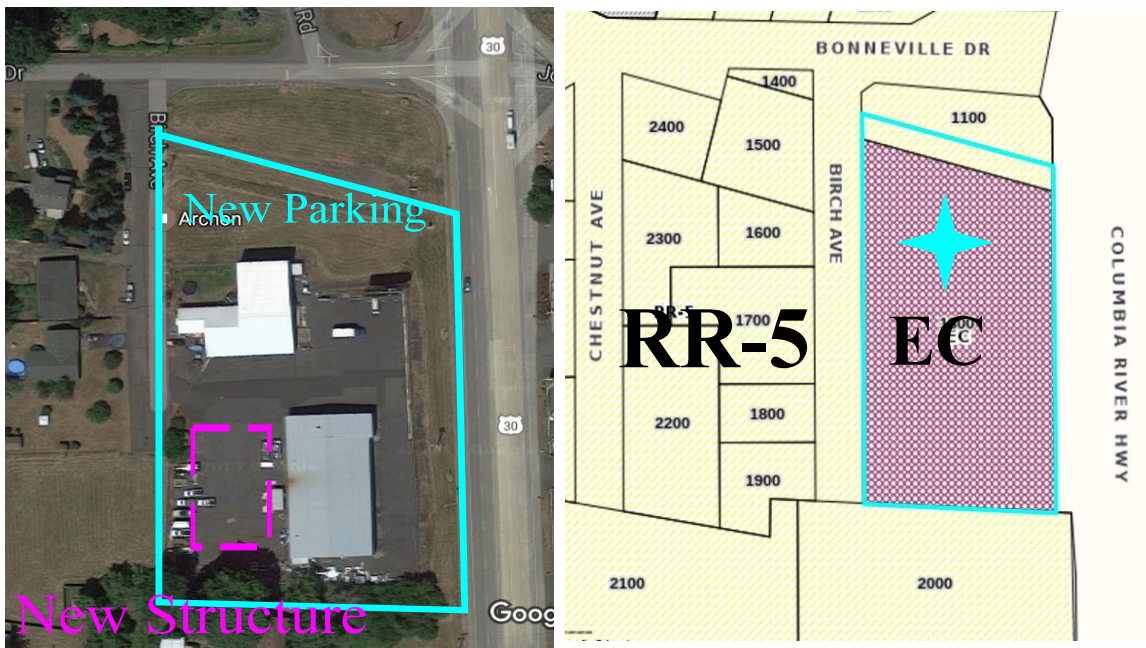
Type II Site Design Review to Construct a new 74' by 145' (10,730 sq ft) fabrication and storage facility adjacent to their existing structure

Background:

Michael Taylor the owner of the Archon Facility, proposes an approximate 10,730 sq ft fabrication and storage building adjacent to the exiting 12,000 sq ft facility on their 2.26-acre Existing Commercial (EC) zoned property addressed at 50602 Birch Avenue in Scappoose. Although the custom metal fabrication facility has been manufacturing custom stainless steel kitchen equipment for the past 30 years this business has grown to include original equipment manufacturer(OEM) products and components as well as high end architectural components. The existing facilities include an administrative office and two warehouses. The proposal requested for DR 17-06 will allow Archon to replicate their fabrication and storage activities onsite in their new 10,730 ss ft facility. The projected five (5) new employees will not significantly impact Archon's existing public facilities (water and sewage disposal) or the existing capacities of Birch Avenue or Bonneville Drive, or Highway 30.

This site is served by a private well and an onsite septic system. Emergency services are provided by the joint Scappoose Rural and Columbia River Fire and Rescue (CRF&R) Districts and the County Sheriff. The subject site contains no identified wetlands, steep slopes, or Big Game Habitat. The FEMA FIRM # 41009CO505 D shows the property contains no identified flood hazard areas. The subject EC site is surrounded to the north, south, and west by RR-5 zoned properties and by one EC and another RIPD zoned properties to the east and across Highway 30.

Aerial & Zoning Maps of Subject 2.26 acre site



Since the new fabrication/storage building is located on an existing impervious surface, its construction will not add to any stormwater discharge to the site. However, the applicant has developed a conceptual design for installing a new storm basin to the north of the new parking area that is currently a grass field (seen on Page 10). This new storm basin will help to manage stormwater runoff from the new parking area in accordance with the County's Stormwater and Erosion Control Ordinance. The new parking area's proposed access to Birch Avenue will require the County Roadmaster to issue a new Road Access Permit as one condition of building permit issuance

This property does not contain any flood hazard areas, identified wetlands, waterways, steep slopes, big game habitat, natural areas and/or features, or any sensitive plant or animal species as already mentioned during the Summary.

The existing Archon 's administrative office and the fabrication/storage warehouses structures have been in existence for 30 years. The new 10,800 sq ft warehouse will comply with the minimum applicable regulatory requirements of the Oregon Structural Speciality and Oregon Fire Codes needed for sufficient energy conservation measures and design. LDS has no knowledge of the existence of any Historic/Cultural sites or structures within the subject property.

No new onsite lighting is proposed with DR 17-06 and neither the County Roadmaster or joint Scappoose/CRF&R Rural Fire District will require additional improvements to the site's existing paved access to Birch Avenue as a result of this proposal. The County Building Official will ensure that the construction of the requested building will comply with the necessary provisions of the Oregon Fire and Structural Speciality Codes prior to building permit issuance. The existing paved driveway complies with the minimum fire apparatus access specifications.

The applicant will also install a new parking area west of the existing developed portion of the site that will help to reduce potential hazardous conditions between vehicular traffic and pedestrians. The property owner will install additional landscaping along the north property line adjacent to Birch Avenue to help buffer the new 10,800 sq ft structure and the new parking area from the existing residences across Birch Avenue.

Finally, the property owner intends to install a new storm basin in the site's far NW portion in order to ensure the onsite management of all additional stormwater generated by the improved new parking area. These parking improvements will improve the 2.26 acre site's internal parking and loading areas in ways that better meet Archon's existing and expected long term requirements. For these reasons, staff finds that the Standards of Approval criteria will be met.

Staff recommends approval with conditions.

Bill DeJager asked if there were limitations on the current septic system.

Staff responded “The County Sanitarian has no objections to DR 17-06 provided the site’s existing septic system’s design capacity of 40 people and 600 gallons a day is not compromised”.

Opened the meeting.

In Favor:

Andrew Neimi, Lower Columbia Engineering. See’s no problem adding the additional square footage and the septic has been discussed. It’s a growing business and an asset to the community.

Opposition:

None.

Bill DeJager made a motion to approve DR17-06 with conditions, Alta Lynch seconded, all in favor motion carried.

MO 17-18 & DR 17-07

No ex-parte

Hayden Richardson presented the staff report.

Background:

Site Design Review to construct two 132' by 60' pre-fabricated metal buildings to be used for establishing an indoor marijuana growing operation provided for in Sections 923.1 and 1803.2of the County Zoning Ordinance

The applicant, Kevin Theobald, submitted an application to build two approximately 7,920 square foot metal structures to be used for the production of recreational marijuana on Tract 16 of Tax Lot 7207-030-00500. Tract 16 of Tax Lot 7207-030-00500 is 2.5 acres in size and currently consists of a hayfield with no structures or improvements other than livestock fences. Tax Lot 7207-030-00500 consists of a farm dwelling, addressed at 76412 Ege Road, and three farm buildings that date back to the 1940's and are located on Tracts 13 and 14 of the Tax Lot. This property was zoned for Primary Agriculture until ZC 98-4 was passed which included this property into the City of Rainier’s Urban Growth Boundary and designated it as Light Industrial (M-2). The two 7,920 square foot buildings requested for DR 17-07 will be the first of many phases of the West Rainier Industrial Project.

The new buildings will require approximately 3 parking spaces - one for each employee on the largest shift. In the application it is noted that these buildings will require no more

than 3 full-time employees. However, the applicant is proposing 5 regular parking spaces and 2 ADA parking spaces as noted in their site plan. This 7-space parking area will be improved to the minimum requirements in Section 1400 of the Zoning Ordinance related to Off-Street Parking and Loading as one condition of occupancy.

In the submitted application materials, the applicant has included an overview of the marijuana activities that will be occurring on the property. All activities that relate to marijuana production will be located within the two, windowless metal buildings. Approximately 5,000 square feet will be allocated for flowing plants, 1,000 square feet for cloning and growing immature plants, and 700 square feet for drying and packaging, with the remaining area for corridors, storage, utilities, and administrative office space.

The water demand for this marijuana operation will be approximately 300 gallons per day per building. The applicant has submitted materials from the Oregon Water Resources Department that states the use of a well may be allowed for nursery use, subject to further investigation. The application states that if growing operations are able to begin prior to water rights approval, the applicant shall truck in the necessary water. If this is the case, Columbia County will require the applicant to provide a contract from a water service company stating that they are willing and able to provide water to this marijuana grow prior to the issuance of any building permits.

The application also describes the waste water plan for the marijuana production, which is to capture the waste water and store it in portable tanks for later disposal. This disposal will compose of spraying the waste water on areas of the property to allow the vegetation to absorb the nutrients. As a condition of approval this waste water plan shall be approved by the County Sanitarian prior to the issuance of any building permits.

A wetland delineation was done in April of 2017 for the subject property. On Tract 16 there is a small isolated agricultural wetland area (approximately 0.1 acres in size) in a depressed area between the proposed development site and Ege Road. There is another agricultural wetland on the southeast side of the building site, which extends over a larger area and extends onto other tracts that are adjacent to Young Road. There is also a small ditch that lies between the property and Ege Road. This ditch drains the area into Rinearson Slough.

The new structures and related development will be sited approximately 20 feet from the wetlands on either side of the proposed buildings. Consequently, before the County can issue any building permits for this project, Land Development Services (LDS) will require written confirmation that the Oregon Division of State Lands has reviewed and approved all work for compliance with their regulatory requirements.

Although the Rainier-Fernhill CPAC Beak Map indicates the property is located in a Major Waterfowl Habitat Area, this property and the surrounding area has been zoned for industrial uses since the Zone Change (ZC 98-4) in 1998. The subject property is protected from 100 year flooding by the West Rainier Dike which has been provisionally approved by the U.S. Army Corps of Engineers. Emergency services are provided by the Columbia River Fire & Rescue and the Columbia County Sheriff. The remainder of this report will evaluate the

extent to which the proposal requested for DR 17-07 and MO 17-18 complies with all the applicable local and state regulatory requirements for the development of M-2 zoned properties.

Staff recommended approval with conditions.

Paulette Lichatowich questions what the portion of wetlands were in comparison to total acreage. Staff responded total acreage is 10 acres and approx 9.25 acres is in wetland. The report covers 3 parcels

Linda Hooper address the septic system and bathrooms and the applicant is proposing a system approved by the sanitarian. Linda wanted it noted that a septic system would need to be a condition of approval

Paulette Lichatowich wanted to know the difference between agriculture wetland and just wetlands. Hayden pointed out that wetlands in an ag zone were not as prevalent, difference is on the vegetation.

Bill DeJager pointed out that section 16 of the staff report covers the different wetland.

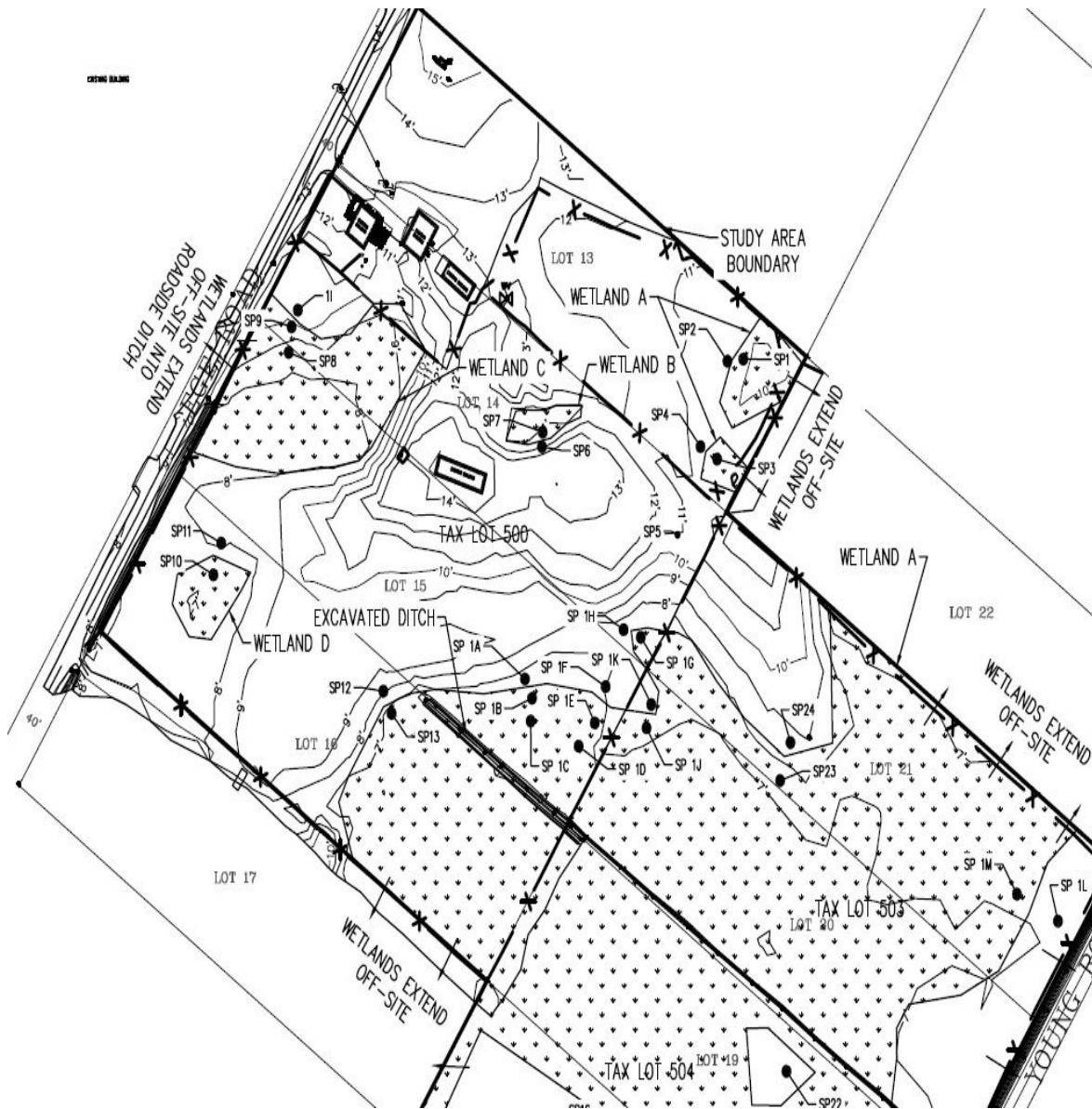
Linda Hooper inquired about the ability to control odors, would they have scrubber and wanted to know how they would be getting their water (nothing was mentioned in the staff report of an approved water system or contract to haul water)

Paulette Lichatowich wanted to know if we have a data base of how many operations we have in the County and want to know if we are able to enforce the regulations beyond the OLCC

Alta Lynch wanted to know how we enforce the conditions that we set and Glen Higgins pointed out that it is through those conditions and code compliance.

In Favor:

Kevin Theobald, owner/applicant.



In reference to the map above the building would be located near Wetland D wording out of the flood area, the dotted area representing the flood areas. An architect will be designing the building and it will be designed to industrial rated criteria. The scrubbers in the building be all have carbon filters to minimize the odors. Linda Hooper wanted to know how many scrubbers and Kevin replied he did not know but the designer would know. Kevin continued

that in regards to water they have applied for water rights, rain water will be used. There is some review regarding water rights for use on agricultural crops and since this is an indoor grow it may be considered a nursery. That is being further reviewed by Kevin. Alta Lynch wanted to know if he was living on the property? Kevin said not at this time but there was a tenant that was living there now and that would not make an impact on this operation. Paula Lichatowich also wanted to know if Kevin owned all of the property. Kevin's response was there are eight tracks total per Kevin, 4 tracks off Ege Rd and 4 tracks off Young Rd for a total of 2.5 acres but there are a total of 20 acres, the Young Rd side has more of the wetland, then there 4 other tracks that equal 10 acres but 20 acres is what was platted. The wetland issues are being review by the AKS firm. As far as septic is concerned they are waiting on the DSL findings and review what options they have because it will be for the employees and there would not be any other wastewater. Paula Lichatowich suggested that maybe Kevin work with the County Sanitarian prior to building permits.

Karen (unable to read) she lives on Debast rd and has not noticed any foul odors, she knows the owners and knows they will do what it takes to keep this project in compliance. This operation will make revenue for the county and they have to have high security per the State regulations. All procedures have to be documented through the state and all of the products are organic.

Opposition :

Kelly Bledsoe, lives across the street and would like to know the height of the building, the wetland study does not jive, appears the building will be in the wetlands, 20' of the road will cross the wetlands, isn't this light industrial, what about porta potties and public utilities. What about Ege Road, it is a bad road now, there are a lot of soft spots in the road and there are foot deep potholes, more traffic is not be good. In the rainy season Ege roads can get 3-4 inches of water on it, the drainage is poor. Since this is light industrial will there be a need for a fire hydrant, what about the dust in the summer months? Longview has traffic issues now where the grows are located, it was noted that there would be 3-5 five cars at an operation and it ended up being at least 20-30 cars at the Longview grow. Kevin stated he will only have 2-3 and that will be enough to run a business.

Eugene Thompson, lives at the end of the road. Will the building itself have a concrete floor or a dirt floor, will there be any runoff from the building? Will there be drainage onto Ege Road and will it go into the slough, if it does that will not be a good thing. There are a lot of water issues and for 3 months of the year the road is under water and that does equal wetlands, is there an illegal grow now? (Kevin voiced out that the is not a grow there at this time) There are drainage concerns in area and the well is only 80' deep.

Douglas Rumrill, lives behind the proposed building. When he was building he had to have permits to build, meet setback and expects that this owner will have to also. Mr Rumrill is opposed to the application due to possible increase in crime in the area.

Rebuttal:

Kevin Theobald, In 2003 the City of Rainier did a wetland study but it was over a larger area, it was a broad base study. In a later study 12" deep plugs were found in the study in the summer & winter samples. Accurate wetland boundaries are always changing and the life of a study is 5 years. DSL agrees with AKS for the deciding factor. The employee count will go up in the processing season but there will only be 3 at a time. The plants require minimal care, the traffic will not consist of heavy trucks. As far as productions there will be several 1000's of pounds a years, big truck won't be needed. The floor will be concrete and they will control the internal environment , drainage will be collected and stored in tanks, the waste water will be sprayed on hay and trees from the storage only. There will not be anything illegal sprayed, the well there is 106' and there will be a filtering system for the environment., primarily rain water is what is being used.

Alta Lynch wanted to know how many employees there would be. Bing Theobald responded that they would have 3 employees per building in the flowering season, one shift.

Closed the public hearing.

Linda Hooper has concerns about the conditions, LLC, RAP improvements, improvements may be a requirement. The improvements need to be identified.

Alta Lynch was concerned regarding teen-agers verses employees, would the owner have to do the improvements ? Road improvements would need to be done regardless. It also appears that there have or will be changes on the maps. There is no sewer, no septic or water. Needs some answers. Just remember that the voters voted this in not the planning commission.

Paulette Lichatowich was curious about conversations with the sanitarian, building permits for the scrubbers and the unknown height of the building. There are a lot of things that need defined prior to issuance of permits. Things are not well defined in the application or staff report, wet land, water rights, well usage, water resources. Paulette believes that we should have clarity on these issues before we continue.

Glen Higgins pointed out that there would be no changes on the maps that Alta spoke of for 5 years because that is how long the study is good for. Glen said it is possible for make a motion to continue due to the application not being complete enough to answer the concerns, it can be postponed to date certain. The record can be left open.

The 150 day waiver will have to be signed.

Paulette Lichatowich made motion to postpone this application to the next schedule meeting due to insufficient information and waiting for the DSL report. Alta Lynch seconded.

Motion carried

Meeting adjourned at 8:40pm