

## COLUMBIA COUNTY PLANNING COMMISSION MEETING

July 17, 2017  
Meeting Minutes

Planning Commission Members Present: Paula Lichotowich, Linda Hooper, Claudia Frace, Bill DeJager

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

Others: Doug Reed, George Wulzen, David & Gail Clark, Daniel Frangipani, Dolores Brinster, Belay Bithane, Perry Salzhorer and Bill Miller

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

Deborah Jacob read the pre hearing statement

Deborah presented a request from Ross Day requesting a postponement of MP 17-01 from July to the August public hearing. Bill DeJager made a motion to postpone this application to August and Claudia Frace seconded. Motion carried MP 17-01 was postponed.

Deborah Jacob asked if there was any ex-parte regarding CU 17-09, Doug Reed, no exparte was declared.

Deborah presented the staff report for CU 17-09.

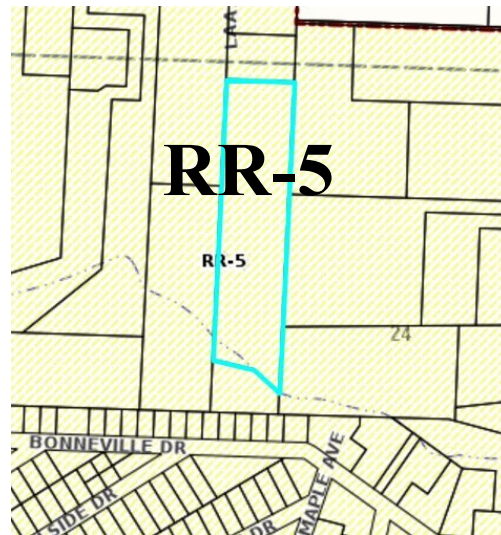
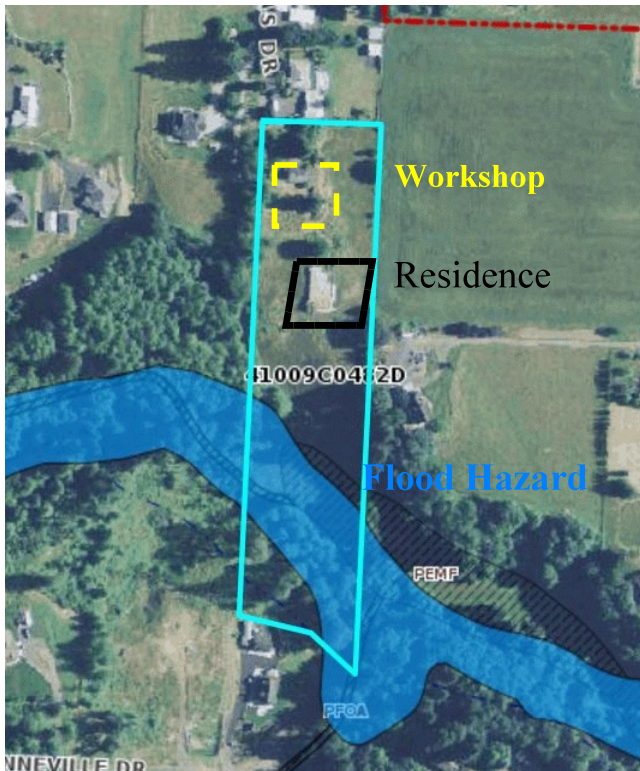
Background:

The applicant, Doug Reed, resides at 59088 Laas Drive and has submitted an application to the County to operate a multi-state insurance company from his home as a Type II Home Occupation on his 6.2 acres in the Rural Residential (RR-5) Zone. The property is served by a private well, a septic system and Lass Drive, a private road off the south side of Callahan Road. The applicant describes his proposal as follows:

*“We just completed a new house. The original house has been renovated through a Change of Occupancy to be used as a work shop/storage area. There are three employees, including myself. Only two of us work out of this structure and the third employee works out of her home off-site. We will be performing clerical, administrative work as it pertains to my insurance business. The majority of the work is done over the phone, the mail or through e-mail. We typically only have 1 - 2 clients come into our shop per month.”*

As shown below, the subject and adjoining properties along Laas Drive and Callahan Road are zoned and developed primarily for RR-5 uses. On June 16, 2017 the County Building Official approved the Change of Occupancy for this detached workshop through the issuance of BLD 2017-0289.

**Aerial View, Flood Hazard and Zoning Map of 6.2 acre subject property**



Although the southern ~ 2 acres of the property is located within Jackson Creek's 100 year floodplain according to FEMA FIRM # 41009C0482D, the workshop is not within this creek's protected flood hazard, riparian, or wetland areas. Jackson Creek is fish-bearing and contains PEMP (Palustrine Emergent Freshwater) wetlands according to the Oregon Department of Forestry and National Wetland Inventory Maps of Dixie Mountain. The Project Planner's site visit on 6/22/17 confirmed that these environmentally sensitive areas are over 500 feet south of the workshop. Emergency services are provided to the site by the Scappoose Rural Fire District and the County Sheriff.

Deborah reviewed that criteria for a home occupation and found that the applicant meets all the qualifications. Upon the review and findings that all criteria has been met staff recommends approvals of this application with conditions.

Opened the meeting. No discussion at this time.

In Favor:

Doug Reed, owner. Accepts the staff report and finds no conflict with the conditions.

Opposition:

None

Bill DeJager made a motion to accept CU 17-09 with conditions and Paulette Lichatowich seconded. All in favor. Motion Carried.

CU 17-11 and MO 17-19  
Belay Birhaue

No Exparte declared

Hayden Richardson presented the staff report.

Background:

On November 25, 2015 the Columbia County Board of Commissioners adopted Ordinance No. 2015-4 related to cannabis regulation in Columbia County, Oregon. The State of Oregon regulates cannabis by provisions in the Oregon Revised Statutes in ORS Chapter 475B. County Ordinance No. 2015-4 amends the Columbia County Zoning Ordinance and sets time, place and manner regulations for the growing, processing, and retailing of marijuana operations in the county's unincorporated areas.

The applicant, Belay Birhaue, is requesting a Conditional Use Permit and a Marijuana Operations Permit. The applicant proposes to grow cannabis inside three proposed structures, each of which will be 320 sq ft, on the approximate 9.66 acre property. In order to authorize the proposed buildings for the marijuana operation as provided for in Sections 603.6 and 1803 of the Zoning Ordinance, the county must review and approve the applicants' Conditional Use Permit and the Marijuana Operations Permit and the applicants must be issued a Marijuana Growing License from the State of Oregon Liquor Control Commission (OLCC) or the Oregon Health Authority (OHA).

The applicant is proposing medical marijuana production facilities, he is required to submit adequate documentation proving that he is licensed by the Oregon Health Authority. The applicant has not submitted any proof that he is currently or has been licensed by OHA for the

growing and producing marijuana. This will be required as a condition of approval of MO 17-19 and CU 17-11.

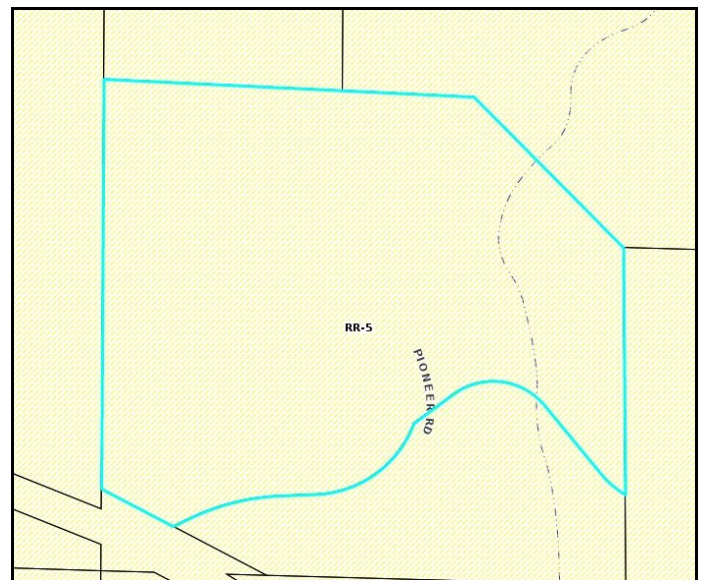
The subject site is already developed with an existing dwelling, driveway, well, septic tank, drain field, and pole building. The dwelling and proposed grow will use Pioneer Road as an access. Pioneer Road is a private road that runs directly through the property and is utilized by approximately 9 other property owners. The proposed grow will be located on the east side of Pioneer Road and the dwelling in which the applicant lives in is located on the west side.

The applicant is proposing to construct one new structure and site two storage containers on the east and west side of the newly constructed shed. According to the FEMA Flood Insurance Rate Map No. 41009CO450 D, there are no flood hazard areas on the subject property. The site does not contain any wetlands or waterways, according to the National Wetlands Inventory Map. The subject property does not contain any sensitive natural areas. Although, the property does contain a peripheral big game habitat area, as noted on the BEAK maps, and an unnamed, seasonal creek that transverses on the east side of the property in a north-south direction, as noted on the applicants' site plan, this seasonal drainage is located approximately 200 feet east of the proposed marijuana grow. Both the creek and the habitat area will be addressed in subsequent sections of this report. The property is surrounded by other RR-5 zoned properties. Emergency services are provided to the site by Scappoose RFPD and the County Sheriff.

**Subject Property Aerial Map**



**Zoning Map**



In the application, the applicant states that he will contract a water company to deliver water and take the waste water off of the site. As a condition of approval, and prior to the issuance of any building permits, the applicant shall provide the county with a contract which states that the water company is willing and able to supply this marijuana grow with water and is willing and able to take the waste water.

The property has an existing septic system, however, this will not be used for the marijuana operation. As stated in the submitted narrative, "There shall be no land application of wastewater." The County Sanitarian submitted comments on 6/30/17 which state, "*The methods for wastewater handling presented by the applicant are contradictory and would not meet the applicable requirements. Revised wastewater disposal plan required*". These comments refer to the contradictory statements that are presented in the supplemental information provided in the application. The applicant states that the company "Grey Water Disposal" will take the wastewater off site, but under the "Hazards" section of the supplemental questions, the applicant states that wastewater will be collected in a large tank and will be used to irrigate existing grass and fruit trees on the property. As a condition of approval, the applicant must submit a wastewater plan that has been approved by the County Sanitarian.

Hayden reviewed the criteria applicable to the applicants requests and finds that the criteria has been met. With that being stated staff recommends approval with conditions.

Open for Commission comments

Linda Hooper was concerned if there will be any easements. Hayden responded that this was in existence before the CZ trail was private, No easement is necessary. Linda also wanted clarification as to who the owner is. Ardeshir Talebi is the owner and Belay Birhaue is the applicant.

Paulette Lichatowich wanted to know if this is being established under a renter. That is ok if the owner is aware and authorizes the use. There are concerns of who will handle code issues, the code enforcement officer does not monitor the operations. The road is not built to standards and there is a possibility of a maintenance agreement. Who maintains the road?

Glen Higgins pointed out that the county inherited this road and it is not at the top of the list for repairs nor are a lot of funds available. If there are complaints and they are not following the conditions in the final order then the case can be reviewed.

Claudia Frace mentioned that there are more than 6 houses on this road, why no requirements for the road? It was pointed out that the homes were there before the regulations.

Paulette Lichatowich asked if there would be bathroom facilities for the workers. Hayden mentioned there would be facilities for the employees as a condition.

Linda Hooper wants to know about the temporary construction of the road and mentioned that the construction permit for the access is two years.

Open for public comment.

Perry Salzhorer, Representative for the applicant

As far as the traffic goes there will not be an increase, the only transport will be in a car or van. There may be noise during construction and minor traffic. The applicant will comply with whatever he needs to do. The applicant lives at the site, the owner has a lease. The registration will need to be clarified if the application is approved. The height of the containers is 20'. There will be a water contract when everything is ready. As far as wastewater goes the intent is not to have any gray water, if there is water it will be used as irrigation. A bathroom will be provided for the employees.

Claudia Frace wanted to know if the owner and applicant live at the site. Only the applicant lives there now. What about the water transport?

Perry Salzhorer, responded that it would depend on the size of the storage tank. As far as the wastewater it is unknown at this time.

Paulette Lichatowich wanted to know if the OHA had to know the number of plants and if the container size is 8 x 40 x 20. Also if there is any expansion it would have to go through planning. What about odors and ventilation?

Perry Salzhorer, this is not a major operation. The plants are limited to 97. As far the water rights go that is still being reviewed. There will be scrubbers and that will be in the conditions. The odors that Longview have are because of the scale of the business.

Claudia Frace wanted to know how much water is going to be discarded and what is the waste tank size.

Hayden Richardson pointed out that the is explained in the waste water plan submitted.

In Favor: none

Opposition:

George Wulzen, concerns regarding additional noise and issues with the road.

William Miller, has many concerns regarding this application, the water run off - what will get into the spring/creek, will it have contaminants, increased traffic (cars and trucks), vehicle noise on the gravel road. He can smell the odor from 18" plants that are two blocks away, will there be

scrubbers for the odors, does DEQ monitor, what about the security for kids and who will have to deal with crime increase?

David Clark, There are already issues on pioneer road, there is no fire access to the location, no easements, Deane road is a private road. It is already an overloaded road and they do not need to have a commercial business using it. There are collision hazard areas and they don't need to add the concern of trucks for sewer and water use.

Paulette Lichatowich wanted to know if there was a turnaround on the road and what the size of the road is. Mr Clark said there was a turn around at the end of the road but did not know what exact size of the road.

Daniel Frangipani has concerns about the road issues, smells and garbage. What are the applicants going to do when they are out of power for four days?

Rebuttal:

Perry Salzhorer, representative for the applicant. In regards to security the OLCC requires fencing. The runoff of minimal water is covered in the wastewater plan. There are no standards at this time for odor filtration but his client is open to solution negotiations . Any noise that a truck may cause will only be in the daytime hours. With the size of the facility the amount of garbage is going to be minimal . There will be a new power line to the facility and no generators due to the noise. There will be minimal noise with the exhaust fans. The applicant wants to be a good neighbor and be in compliance.

Claudia Frace wanted to know if there is a difference in recreational security vs medical security. The response is that the security for medical facilities is not as strong as a recreational facility. Mr Salzhorer said the applicant will adhere to the recreational security guidelines.

Paulette Lichatowich inquired about the fact that the CZ trail has hikers and bikers on it if there would be a need for additional fences. Perry pointed out that the fences that they will have will comply with the state requirements.

Closed the public hearing.

Paulette Lichatowich commented on the road issues, maintenance is high and there are no current or future solutions to the issues. Linda Hooper pointed out that this private road may be out of compliance. Hayden Richardson pointed out that the applicant does not want to take on the expense to complete the road by himself. Paulette Lichatowich wanted to know how they can approve this application without a solution for the road issue. Claudia Frace said it already appears that there is too much use on the road as it is. How would a container being brought up on this road. Paulette Lichatowich pointed out that it is a steep road and loose gravel. Glen Higgins pointed out that any easements that may be addressed is totally up to the owner. He also

mentioned that we could continue this hearing to a date certain and involve the road department and include emergency vehicles. This can be continued when we get more input from the road department, fire department and the applicant.

Bill DeJager thought it would be more feasible to leave it open to the next meeting. The attorney agreed because many issues came to light.

Bill DeJager made a motion to continue this application to the September 11, 2017 meeting, Claudia Frace seconded. All in favor motion carried

Meeting adjourned 8:10 p.m.