

COLUMBIA COUNTY PLANNING COMMISSION MEETING

June 4, 2018
Meeting Minutes

Planning Commission Members Present: Bill DeJager, Claudia Frace, Alta Lynch, Jeff VanNatta, Linda Hooper and Shaun Stewart

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

Others: John & Robin Costic, Fred Butcher, Sonja Parker, Genet Smiens, Carla Warnock, Rhonda & Mike Watson, Brian Womack, Greg Engstrom, Scott & Beth Winegar, Cary Wacker, Kevin Apperson, Mike & Collette Burr, Rebecca & Jim Swatman, Patty Parsons, Michael Detzel, Kari Engstrom, Taylor & Brandon Muir, Michael Langlais, Ed Cox, Micaela & Dan Swanson, Grant Kirby, Lexi & Jim Wyatt, Linda Bolen, Barb Mason, Stephen Pfieffer, Boyd & Leslie Ruby, Maureen Schleick, Randy Kubeck, Jessica & Ryan Jacobsen, Ryan & Lisa Scholl, Tony & Lynette Cronin, Jeremiah Ellis, Misty Plank, Kevin Alvarez, Rachel Barr and Celeste Alvarez

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

Deborah Jacob read the pre-hearing statement.

V 18-06 Kari & Greg Engstrom

Request: Variance to Section 1005(A) of the Subdivision and Partitioning Ordinance and to Section 604.5(A) of the Zoning Ordinance - in order to vary the standard requiring all newly created parcels to have at least 50' of usable public road frontage.

Deborah presented the staff report.

The applicants, Kari and Stuart Engstrom, are requesting a Major Variance to the standards in Section 1005.A of the Columbia County Subdivision and Partitioning Ordinance (CCSPO) and to those in Section 604.5 (A) of the Columbia County Zoning Ordinance (CCZO) that require all newly created parcels to have at least 50' of usable frontage on an exiting public right-of-way. This request, if approved, will allow the applicants to proceed with the submission of a 2-Parcel Minor Partition that will create two 5+ acre parcels one of which will not have 50' of frontage on Columbia River Highway. Matt Caswell, the Oregon Department of Transportation (ODOT) Review Coordinator submitted comments for V 18-06 confirming that *“the chances of getting approval for a 2nd approach to Columbia River Highway for the 11 acre subject property would be slim to none.”*

The applicants live on the subject property at 55585 Columbia River Highway which is zoned Rural Residential (RR-5) with a minimum 5-acre parcel size for newly created parcels. The site is surrounded by other Rural Residential (RR-5 & RR-2) zoned properties on the west side of Columbia River Highway and by Primary Agriculture (PA-80) zoned properties across the state highway. The FEMA Flood Insurance Rate Map (FIRM) No. 41009CO465D indicates there are identified flood hazard and wetlands associated with the excavated pond in the central portion of the property shown below. According to the Scappoose-Spitzenberg Beak Map, the site is not located within a Big Game Habitat area, and does not contain any threatened or endangered plant or animal species. Emergency services are provided to the site from the Columbia County Sheriff and the Joint Scappoose Rural Fire/Columbia River Fire & Rescue.

Section 1005.A of the County's Subdivision and Partitioning Ordinance and Section 604.5(A) of the County's Zoning Ordinance require all newly created lots or parcels to have at least 50 feet of usable frontage on an existing public road that complies with County Road Standards. If this Variance is approved, the proposed +5 acre western parcel will be partitioned with the requirement that it benefit from a new surveyed *Private Access & Utility Easement* over the eastern parcel matching the location of the site's existing driveway. This Major Variance request can be approved by the Planning Commission if it finds that the Major Variance is:

1. In the public interest,
2. Originates from unusual circumstances of the subject property,
3. Will result in undue hardship if it were denied,
4. Will not vary the provisions of the Zoning Ordinance and Comprehensive Plan and
5. Necessary for the proper design and function of the subdivision or partition.

Upon review of the criteria and findings of this request staff finds that the owner/applicant has met all the criteria and findings. Staff recommends approval of V 18-06 with conditions.

Open public hearing:

In Favor:

Mr & Mrs Engstrom. They have no problem with the staff report or conditions.

Opposition:

None

Bill DeJager made a motion to approve V 18-06 with conditions, Claudia Frace seconded. All in favor, motion carried.

PA 18-01 & ZC 18-02 Warren Community Fellowship Church

Exparte: None

Request: To amend the County's Comprehensive Plan Map from Rural Residential to Community Service and the County's Zoning Map from Rural Residential-2 (RR-2) to Community Service-Institutional (CS-I) to allow for the relocation of the Columbia County Christian School (CCCS)

Hayden Richardson presented the staff report.

Background: The applicant, Scott Winegar representing Warren Community Fellowship Church, proposes a County Comprehensive Plan Map Amendment and Zone Change for an approximate 7.4 acre property located near the intersection of Highway 30 and Church Road. Currently, the subject property has a comprehensive plan map designation of Rural Residential and a zoning designation of Rural Residential - 2 (RR-2). The request is to amend the comprehensive plan map from Rural Residential to Community Service and the zoning from RR-5 to Community Service - Institutional (CS-I) to allow for the relocation of the Columbia County Christian School, which is currently located on the parcel to the south in conjunction with the Warren Community Fellowship Church.

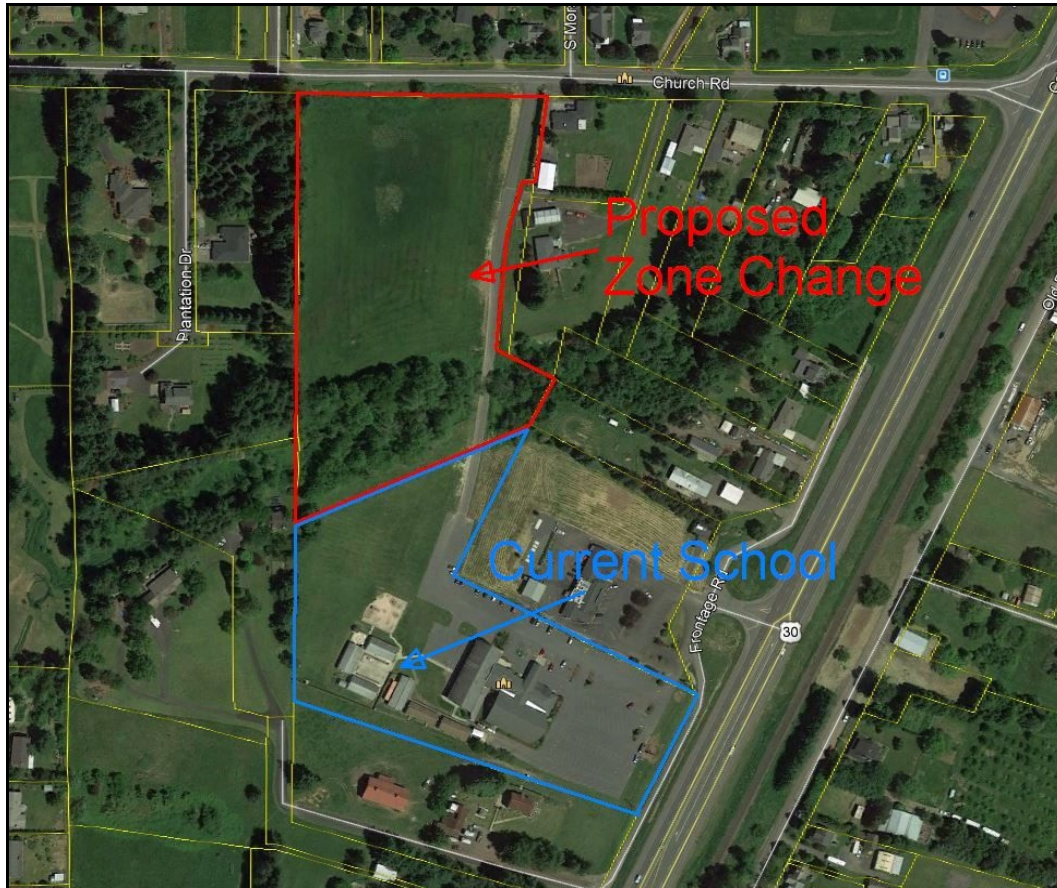
The subject property has frontage along the north property line on Church Road which is a County right of way. Access to the site is obtained from Church Road via a paved driveway. This access is currently being used for the existing school located on Tax Lot 4119-AC-00701, however the church also has access off of Highway 30 which is currently being used for the school traffic as well. Fire services are provided to the site by Columbia River Fire and Rescue.

Currently, the subject parcel contains no improvements other than the existing paved driveway that is used to access the current Christian School. This property does not contain any Big Game Habitat, Threatened Species, or Natural Areas according to the Scappoose-Spitzenberg Area Beak Map. Although, the southern portion of the property contains Warren Creek, which is a fish bearing creek. According to FEMA FIRM Panel 41009C0453D, the southern portion of this property is located within the floodplain associated with Warren Creek. Also, the property has natural low areas in the central portion which causes pooling throughout the rainy season. According to neighboring property owners, this pooling is very substantial and is a main topic of concern.

The site is surrounded to the north, east, and west by Rural Residential (RR-2) zoned properties and to the south by the existing church and school which is zoned CS-I. RR-2 zoned properties in this area are developed with single-family residential dwellings at fairly high density, with lots ranging in size from 0.5 acres to approximately 5 acres. A number of neighbors have expressed concerns regarding this proposed Zone Change and Plan Amendment. Land Development Services has received comments from Jessica and Ryan

Jacobsen, John Costic, Linda Bolen, Michael Burr, and Randy Pfeiffer. These concerns will be addressed in findings throughout this report.

Aerial Photograph



The applicant requests approval of a Comprehensive Plan Map amendment and Zone change to allow for the relocation of a private Christian school on a 7.4 acre property that is currently zoned for Rural Residential. With its current zoning of Rural Residential (RR-2), the subject property can not be developed as a private school. As per Section 1002 of the Columbia County Zoning Ordinance, the Community Service-Institutional zone allows “Schools, public or private, and their accompanying sports facilities.” as permitted uses, and is therefore, an appropriate zoning designation for the proposed use. The appropriateness of the subject property for the proposed land use district and use is reviewed through the proposal’s consistency with the Zoning Ordinance, Comprehensive Plan and Statewide Planning Goals. Additionally, prior to development, a Site Design Review will be required to address design standards intended to mitigate potential adverse impacts on surrounding properties of different uses.

Much of the actual design and expectation of the project will be discuss in length in the Site Design process. Many conditions and development plans will be addressed.

According to the application for PA 18-01 and ZC 18-02 this zone change is necessary in order for the property owners to relocate the Columbia County Christian School from Tax Lot 4119-AC-00701 to the subject parcel (Tax Lot 7119-AC-00700). As discussed in the Summary, the surrounding area is predominantly zoned Rural Residential with three other parcels zoned CS-I and one zoned EC within approximately 1,000 feet of the subject parcel. Two of the three CS-I zoned properties are currently being used as churches (Warren Community Fellowship and Warren Baptist Church) and the other is being used as an elementary school (Warren Elementary).

This proposal will not adversely affect any farm or forest uses since there are no commercial farm or forest operations in the surrounding area. A significant natural resource, Warren Creek, runs through the subject property on the southern portion.

This request is for a Zone Change and Major Comprehensive Plan Map Amendment for the subject 7.4 acre property which is currently zoned RR-2. In comments received on 4/12/18 from the Columbia County Roads Department, they state that the County Road Department is not requiring a Traffic Impact Study. As discussed at the Pre-Application meeting, this activity/development will not change the traffic counts. This is because the school is already in existence on the adjacent parcel and already utilizes the existing access. However, the Road Department states if the school/church is to expand its operations, or if another activity is to be conducted on the property, a Traffic Impact Study may be required at that time. Also, the Oregon Department of Transportation commented on the proposed Zone Change and Comprehensive Plan Map Amendment and stated that they have no concern over traffic implications regarding this proposal.

The application materials were sent to Oregon Department of Transportation on April 16, 2018. ODOT submitted comments for the proposed Zone Change and Comprehensive Plan Map Amendment and stated that they have no concerns over traffic implications for this proposal.

Currently, there are no public sewage disposal facilities located within the vicinity of this site. The applicant will be required to show adequate private, onsite sewage disposal feasibility prior to a Site Design Review. The property does have an approved lot evaluation (LOV 07-065) for an alternative septic system, however this septic system would only provide enough flow for a four-bedroom residence. The County Sanitarian commented on this proposal and stated, "detailed septic feasibility will be required for subsequent site design review process". Also, comments received from neighbors are very skeptical that a system that can handle this proposed private school is able to be approved on the subject property. An email from Ryan Jacobsen dated May 6, 2018 shows pictures of the subject parcel from 2015 and 2017 with a large pond in the central portion of the property, described as a "lake". The neighbors also bring up, if a school is sited in the portion of the parcel where there is poor drainage, what is going to happen to

all of the water? Staff notes that an engineered stormwater and erosion control plan will be required at the time of Site Design Review, however Staff recommends a condition of approval state that this Zone Change and Comprehensive Plan Amendment shall not be valid unless the applicant design and show septic feasibility for the intended facilities prior to the approval of this Zone Change and Plan Map Amendment.

After review of the findings and conditions staff recommends approval of this application. A recommendation of approval to the Board of Commissioners is requested.

Linda Hooper wanted to be sure that there was a condition regarding the septic system and Hayden Richardson pointed out that it was covered in condition #2. Linda also wanted to know if the reason a TIA was not required was because there is already an existing access and there would be not be an increase in traffic. Both Hwy 30 and Church Road would have an increase.

Shawn Stewart wanted to know what would happen with the existing building and Hayden Richardson responded that they would either have to demolish it or do a change of occupancy.

Open for public comment:

In Favor:

Scott Winegar, Applicant. The reason we have a school there is because that is what the community wanted, we offer smaller class size, even though we are a Christian school you do not have to be a Christian to belong. We want to move the location approximately 1000' feet and for details I will refer to Kevin Apperson with David Evans & Associates for any technical questions. One of the reasons that there were drainage issues was that the clay pipe was plugged.

Jeff VanNatta mentioned that there are many clay pipes in that area and there is no map to show where they are. One thing to keep in mind is why was it plugged and where is it draining to now?

Claudia Frace wanted to verify the grade levels, will the new building allow the student count to go up and does the church run the school. Scott replied that the school is for Kindergarten through middle school, the student will not go up and the church does not run the school.

Kevin Apperson, wanted to point out that before any development is done there will have to be a site design review.

Opposition:

John Costic, this area is a quiet peaceful area and we want it to remain that way and not have a zone change to change it to a commercial environment . Why don't they build on the Hwy 30 side where it is more commercial. Feels that the Scappoose CPAC did a poor job of notifying them, no body contacted them and when Thelma Bonar and Mike Sheehan were contacted they were told the meetings were non-existing and they poll the committee over the phone. No actual meeting was held. The CPAC supported this without any input from the community. John felt that not enough of the community was notified (250' is the state requirement) . It appears that the current system wants to expand and a projected increase in size is not addressed. This is not in the UGB and there are no public facilities near. There have been previous LOV's done and the finding were that it would only support 1 SFD and that was after six test hole sites. How can this new school be built if the area will only support 1 single family dwelling. There are loud concerts at the church now and more noise is not needed and last but not least what will happen to the property values?

Jessica Jacobsen, lives on Church Rd and this is not the right area for a school. That area was approved for a 4 bedroom development not a school. This is a limited area for a building. In regards to the water disappearing once the clay pipe was unplugged, well it did not. The need for this new site is not there, the need for more schools is not there, the Warren school can accommodate more students. What will happen to the property values, what about the drainage. It has been stated that they would like to have 300 students, this was a quote in the paper. There has been minimal involvement with the area residents regarding this. It appears that if this application is approved that would be handing them a blank check.

Steve Pfeiffer, lives on Church Rd. There are many concerns regarding the traffic increase to Church Rd. Mr Pfeiffer has actually done his own trip check on May 29th. There were in the excess of 53. ODOT had once had that area of Hwy 30 as a safety zone, which has been lifted, but that does show the area is a hazard area for traffic. The traffic needs to be observed during the school year. It has been seen that the drainage goes into the lake in the field. What will be the future use of the existing building. We should look at the community attendance based on zip codes. Just wondering about the plugged drains - where does that flow to now, maybe warren creek? There needs to be more of an evaluation to see where the traffic is coming from.

Alta Lynch stated that the access road has been there. All the traffic is not from the Church-School.

Michael Burr. This area that we are speaking about floods every year, the water pools up in his field. Pictures have been submitted to view. When the creek floods there are bridge issues, there are swamp lands with bad drainage. The area was approved for one house not a new school, there is an issue with the septic approval area. The existing school is adequate and the access should be off Hwy 30 not Church Rd. Church Rd is not a good access road. On the Web the school talks about its desire to increase.

Kevin Alvarez lives on Church Rd. He is not opposed to the school. This area does flood and the runoff needs to go in a culvert near the driveway. The Church needs to put in a culvert. There is late night traffic on the road probably from the Church and the County Inn. The back access is not a driveway. Possibly a gate could be put up to limit the access. Everyone says that a traffic study is not needed but it is. The school says they may be able to offer community use and that will also increase traffic. The future impact needs to be considered.

Jim Wyatt, live off Church Rd. Says that he is unhappy about not being sent the information regarding the meeting after 2 request. If they move the school there will be noise pollution because of the increase noise closer to him from the playground. He knows the commission has a tough decision in front of them he encourages them to make the decision ethically rather than politically.

Grant Kirby, lives on Church Rd. There is a lot of traffic on Church Rd now, some of it is bar traffic and there is a lot of noise from the school. Wishes that there could have been more dialogue with the Church prior to this meeting.

Rebuttal:

Cary Wacker, Pastor for Warren Christian Fellowship. The arrangement with the school is totally separate from the church, (501T3), the school uses the bottom floor of the church and three portables and they are currently on the same septic system. Previously there were 6 LOV's and on the proposed property there were three and there was a lack of top soil. As far as the standing water in the field it was designed that way. The culvert under Church Rd leads to drainage in the pond. The traffic issues are not just from the church it is also the Country Inn that uses that road. The reason the church did not have a meeting regarding this application is that it should have been the schools position to do that.

Genet Smeins, one of the founders of the school. They have looked at 85 properties trying to locate a place for the school with no luck. There is a need for the school and erosion control is needed. There will be noise buffers along the property line if needed.

Mike Watson, The kids love the creek and they take care of the trees along the creek, they keep it safe and it is good for the kids.

Closed the public hearing.

Linda Hooper wanted to verify that nothing would change if the school was relocated. There would not be an increase just a new location.

Alta Lynch wanted to know what the procedure was for notifying the surrounding property owners. Hayden Richardson explained that according to the rules and

regulations that we follow we are required to notify property owners within 250' of the specific property noted in the application. Each zone has could have a different distance to notify.

Closed the hearing.

This is just a recommendation to the BOC. Linda Hooper made a motion to recommend denial, stating that traffic is a major concern. Shawn Stewart, Linda Hooper and Bill Dejager opposed the recommendation and Claudia Frace and Alta Lynch recommendation were in favor. Recommendation for approval was denied.

Other Business: None

Meeting adjourned 8:25 pm