

COLUMBIA COUNTY PLANNING COMMISSION MEETING

April 1, 2019
Meeting Minutes

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

Staff Present: Karen Schminke, Matt Laird, Hayden Richardson, Deborah Jacob, and Kay Clay

Others: David Burnham, Alyn Doyle and Darrell Dixon

The meeting was called to order at 6:30 p.m. by Jeff VanNatta

The pre-hearing statement was read at 6:30 by Hayden Richardson. Hayden introduced the new planning manager – Matt Laird.

V 19-05 Darrell Dixon

No ex-parte declared.

Deborah Jacob presented the staff report.

REQUEST: The applicant is requesting a variance to the required 50' front yard setback for forest structures. Specifically, the applicant is requesting authorization to construct a temporary seasonal fishing operation with accommodations 20 feet from Pebble Creek Road's right-of-way.

BACKGROUND: The applicant is requesting a Major Variance from the provision in Section 509.6(A) of the Zoning Ordinance requiring forest structures be constructed at least 50 feet from front property lines. Currently, the 1.2-acre subject property along Pebble Creek Road does not have any permanent structures, is zoned Forest-Agriculture (FA-80), and is adjacent to the City of Vernonia city limits and to Vernonia Lake Park. All but the approximate 2,500 (50'by 50') square foot graveled northern plateau of the 1.2 are site consists of a forested cliff along the Nehalem River's eastern shoreline. Currently the site has no potable water supply nor has it been approved by the County Sanitarian for an onsite wastewater treatment system.

The applicant would like to establish a temporary seasonal fishing operation with accommodations on this property provided for in Section 504.14 of the Zoning Ordinance. However Land Development Services (LDS) will not be able to accept and review the necessary land use and building permits unless the Planning Commission reviews V 19-05 and allows this future structure to be constructed 20', instead of 50', from the front property line. The property does have topographical issues and will require a geo tech report in order to review the construction applications.

Research of the County Assessor's and DS' records reveal that the subject property has not recently been in either farm or forest deferral. Although the subject site soils consist of Treharne silt loam (Type 58) and McNulty silt loam (Type 32) both of which are classified as Class II agricultural capability, Staff could not find any documentation confirming the site's agricultural uses since 1993. Consequently, since the majority of the property appears to have predominantly been in forestry, rather than agricultural uses, the county will process the site's uses, activities and development for compliance with the provisions in Section 500 of the Zoning Ordinance related to PF-80 development.

The request to vary 30' from the required 50' front yard property line setback is defined as a Major Variance since this reduced setback exceeds the 25% (12 ½ feet) of the minimum 50' front yard setback requirement for structures in the frost zone. Therefore this application requires the Planning Commission to grant a major variance for the front yard setback from the end of Pebble Creek Road's 60' public right-of-way that is maintained by the county. The applicant states that not only is the site undersized for a resource zoned property, but it is also a very narrow property that is adjacent to the City of Vernonia but not within its Urban Growth Boundary (UGB).

The Project Planner observations during the 2/28/19 site visit confirmed that constructing a structure 50' from the edge of the Pebble Creek Road's right-of-way would further compromise the stability of this steeply sloped far northern portion of the subject property. The City of Vernonia's state it *"...is not opposed to appropriate use of the flat graveled area in accordance with the County and City's development code and regulations related to riparian zones, wetlands, and forestry. The City does however have concerns about uses below this graveled area. It is very steep and unstable, including a large slide area which has pushed Pebble Creek Road out of its right-of-way. This area also had major flood inundation in 1996, 2017 and 2015."*

The County Building Official's comments reflect the potential instability of the steeply sloped portions adjacent to the 50' by 50' graveled area. Specifically, the County Building Officials will require any structures on this site to comply with the applicable requirements of Chapter 18 of the Oregon Structural Specialty Code related to Geotechnical Investigations preceding the construction of structures in close proximity to steep slopes and known landslide areas.

Deborah Jacob continued to review the criteria and findings in the staff report, upon completion of the review staff recommends approval of V 19-05 with the stated conditions. Condition number 4 was corrected to read "the applicant shall comply" not "the city shall comply".

Comments from the Planning Commission:

Shaun Stewart wanted to know if there were any structures on the property. The applicant mentioned there was a shed structure that he just moved in, it is not sited or permanent.

Claudia Frace wanted to know if there was available parking. The applicant responded that there was not a lot of parking.

Hearing closed.

In Favor:

Darrell Dixon. The City of Vernonia says there have been slides in the area but the City of Vernonia has not been to the site in quite a while. The slide that happened was actually 300 feet from this site. There is some erosion but it is not near the site and the improvements to the property entrance is completed.

Opposition: None

Alta Lynch made a motion to approve V 19-05 with conditions Linda Hooper seconded. All in favor motion carried.

V 19-06 David Burnham

No ex-parte declared

Request: The applicant requests a variance to the required 55 foot setbacks for front yards. Specifically, the applicants are requesting to build a 24' x 24' shop approximately 10' away from the Harbor View Drive right-of-way.

BACKGROUND:

The applicant is requesting a variance from Section 705.7(B) of the Columbia County Zoning Ordinance for front yard property line setbacks applicable for an accessory structure in the R-10 Zone. The subject property is located on Harbor View Drive toward the end of the cul-de-sac, within the City of Rainier's Urban Growth Boundary, addressed at 29300 Harbor View Drive. The home was built in 1992 and permitted via Building Permit 4110. The property has two legal accesses, one for the existing home and another located in the south western portion of the property to access the proposed accessory structure. The development that exists on the subject property

includes the existing dwelling, septic system, and private well. The proposal consists of constructing an accessory structure that is approximately 24' x 24', approximately 10' from the front property.

The applicant has not submitted building plans for the proposed structure referenced in this application. In order to site the structure where the applicant is proposing, the applicant is seeking a major variance from the criteria listed in Section 705.7(B), to vary the standards of a 55 foot minimum front yard setback in the R-10 Zone. The applicant states that topographical concerns limit the property from obtaining the full 55 foot front yard setback. Also, the applicant states that there is an existing structure located on the adjacent property that has the same setbacks as requested.

In 1998, the neighboring property was approved for a variance to site a 16'x16' garage structure approximately 14' from the front property line. The approval of V 98-9 was due to the topographical characteristics of the area, which are the same reasons for the current proposal. This existing structure will be located approximately 10' from the proposed structure for V 19-06. Due to the established building line from the approval of V 98-9, Staff recommends a setback of 14' rather than the proposed 10' from the front property line as requested in V 19-06.

The proposed structure will be sited approximately 5 feet from the west property line, which meets the standards of Section 705.7(C)

The unique characteristics of this property are mainly attributed to the topography of the entire property. The north side of Harbor View Drive is located on a steep hillside which would not only affect the cost of excavation and grading for a building site, but could also affect the stability of the entire hillside. According to the Columbia County Webmap's elevation, the site exceeds 40% slopes in the general area. Most single-family residentially zoned properties do not contain slopes in excess of 40%, as well as they don't generally have an approximate 12' difference in elevation between the road right-of-way and the first few feet onto the property, the right-of-way being higher than the proposed building site. Due to the topographical concerns and slope stability, this variance request is required to site the building in the most preferable location.

After reviewing the criteria in sections 702, 705 and 1504 in the Columbia County Zoning Ordinance staff finds the criteria's and finding have been satisfied. Staff recommends approval of V 19-06 with conditions.

Hayden Richardson pointed out that the request has been changed somewhat. The original request was for one structure and now that has been changed to two smaller structures. The site plan will need to reflect the 13' setback rather than the submitted 10' foot setback. It will also need to show the 16 x 16 enclosed structure as well as the carport structure no closer than 13' from the Harbor View Dr right of way.

Staff does recommend approval with conditions.

In favor:

David Burnham, Agrees with the staff report and the changes. With the shape of his property the changes will work better for him.

Opposition - None

Alta Lynch made the motion to approve V 19-06 with the changes for the storage structure and the carport with the 13' setback. Linda Hooper seconded. All were in favor, the motion carried.

Other business: Approval of February 4, 2019 minutes

Shaun Stewart was appointed as a second member from the Planning Commission to be on the CCI committee

Meeting adjourned 7:27 p.m.