

# City Council Meeting Minutes

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THURSDAY, JANUARY 15, 2015

CITY HALL COUNCIL CHAMBERS

CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON

**AGENDA ITEM 1**      **CALL TO ORDER/ROLL CALL:**

**CONVENED:**

Mayor Young called the regular meeting to order at 6:00 p.m. Mayor Young delivered the invocation and led the flag salute.

**COUNCIL MEMBERS PRESENT:**

Mayor Cheryl A. Young (arrived 6:03 p.m.)  
Councilor Josh Fromm  
Councilor Nell Harrison  
Councilor Sally Ann Marson  
Councilor Gordon Thistle

**COUNCIL MEMBERS ABSENT:**

None

**ALSO PRESENT:**

Lisa Smith, City Planner (departed 6:54 p.m.)  
Micah Rogers, Public Works Superintendent  
Leahnette Rivers, City Administrator/Recorder

**ATTORNEY PRESENT:**

None

A quorum was present and due notice had been published.

**AGENDA ITEM 2**      **PUBLIC HEARINGS:**

**2.1      Public Hearing:** To accept public comments about proposed amendments to the Columbia City Development Code Chapter 7.162 Quasi-Judicial Decision Making Procedures and Chapter 7.164 Limited Land Use Decision Making Procedures.

Lisa asked if there were any conflicts of interest or bias related to the hearings. All councilors declared there were none. Lisa explained that the public hearing would be conducted in accordance with Columbia City Development Code 7.160.050. Lisa noted that the staff report was included in the City Council meeting packet, along with the proposed ordinance, which includes the emergency clause.

Public Hearing opened. No comments were heard from the public.

Public Hearing closed.

**2.2      Public Haring:** To accept public comments about proposed amendments to the Columbia City Development Code Chapter 7.112 Accessory Dwelling Units.

Lisa asked if there were any conflicts of interest or bias related to the hearings. All councilors declared there were none. Lisa explained that the public hearing would be

conducted in accordance with Columbia City Development Code 7.160.050. Lisa said the staff report was included in the City Council meeting packet, along with each of the proposed ordinances - options A and B. Leahnette noted that the proposed ordinances include the emergency clause.

Lisa said Columbia City's Development Code has included provisions for attached accessory dwelling units of up to 1,000 square feet in size, or 50% of the size of the main residence, whichever is less, in all of the residential zones for some time. She explained that an accessory dwelling unit shares the street address and utility meters with the primary residence - the two units are still considered a single family dwelling.

Lisa she said it wasn't until last year that we received our first application for accessory dwelling units. She said the development caught the attention of the Planning Commission because it involved the construction of 1,000 square foot accessory dwelling units attached to primary housing units on 5,000 square foot lots, neither of which will be owner occupied. She said this past year the Planning Commission also spent some time reviewing ordinances from other communities to see how they handle things like temporary housing, vacation rentals, and accessory dwelling units. She said the Planning Commission came to the conclusion that the current accessory dwelling unit provisions should be revised. As a result of their review, she said the Planning Commission is recommending we: 1) reduce the maximum size of accessory dwelling units to 750 square feet in size, or 50% of the size of the primary residence, whichever is less; 2) allow detached accessory dwelling units on lots of 10,000 square feet or greater; 3) require that the property owner occupy one of the units to maintain the single family dwelling character, and 4) require a parking space for each accessory dwelling unit, as outlined in the revised version of the proposed option B ordinance.

Public Hearing opened.

Wayne Weigandt of St. Helens said he is the only owner of two accessory dwelling units in Columbia City, and the City has not been inundated with applications for these types of units, yet they have been permitted for at least 10 years or more. He said according to state law, any single family residence can be rented to five unrelated people or rented as a group home for drug rehabilitation or rented to a sexual predator, and we have no controls over that. He said rental units are rental units, and there is nothing illegal about being a renter. He said limiting the accessory dwelling units to owner occupied properties would accomplish nothing, and if you are going to try to control them in that way, they should just be eliminated all together. Wayne said he's received many very positive comments about his two accessory dwelling units, but he has two disgruntled neighbors next to them that are upset because he exercised his right to build on property that he owns. He said when you walk by the property, you cannot tell there are accessory dwelling units there. He said the City should not penalize someone who owns real estate just because they don't live there. He said, for example, that a serviceman could not rent one of the units to his mother if he went overseas.

Lisa explained that often times people travel, go to college, or join the service and still maintain their home and address. In addition, she said that the accessory dwelling could still be occupied in the event that the property is not owner-occupied, but there could be no revenue stream from the second unit. She emphasized the fact that Mr. Weigandt's new units have been constructed within the current guidelines and will continue to be grandfathered in, even if the regulations change.

Wayne said he would like to have that fact memorialized in a document that could be recorded. Wayne expressed concern about the way these changes are being fast-tracked. He said he has had very little time to prepare for these meetings because he did not realize that the Planning Commission had been discussing this subject during the past several months. He said he first heard about the subject when he received a letter from the City in early January. He said the Planning Commission held their public hearing Tuesday night, and now the Council is considering an ordinance with the emergency clause on Thursday night. He expressed concern about the rights of other property owners. He said this is a

big deal to him. He said renters are no worse than property owners, and in fact many renters take far better care of the property they rent than some property owners do. He said he thinks higher density housing is coming, and Columbia City has historically attempted to maintain lower density housing.

Mayor Young said she can see quite a difference between a primary home with an accessory dwelling unit and a single piece of property that has two rental units located on it. She said oftentimes an accessory dwelling unit is occupied by family members, while rental units are operated as a business.

Wayne said a single family residence rented to five unrelated college students would have a lot more impact on the neighborhood than his accessory dwelling units, and he cannot comprehend the logic behind the changes and cannot understand the rush. He asked what exactly is wrong with the homes he recently constructed.

Lisa said there is nothing wrong with his homes - he has done a beautiful job constructing them. She said when the accessory dwelling unit regulations were applied during the issuance of his permits some unintended consequences resulted that were not anticipated.

Shelly Sandford of Columbia City said she serves on the Planning Commission, and for her the matter was very simple. She said if an owner does not occupy the property, then the property becomes two rental units which counter defines the intent of a single family residence. She said she felt that it was also contrary to the mission and goals of our overall encompassing guidelines, which is to keep our neighborhoods safe and livable.

Public Hearing closed.

#### **AGENDA ITEM 7**

##### **NEW BUSINESS:**

**7.1 Council Bill No. 15-747; Ordinance No. 15-688-O: An Ordinance amending Ordinance No. 03-586-O, the Columbia City Development Code, Chapter 7.162, Procedures for Decision Making: Quasi Judicial and Chapter 7.164, Procedures for Decision Making: Limited Land Use; declaring an emergency.**

MOVED (MARSON), SECONDED (THISTLE) AND CARRIED UNANIMOUSLY TO DECLARE AN EMERGENCY.

MOVED (MARSON), SECONDED (THISTLE) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 15-747 WITH THE EMERGENCY CLAUSE.

**7.1 Council Bill No. 15-748-B; Ordinance No. 15-689-O: An Ordinance amending Ordinance No. 03-586-O, the Columbia City Development Code, Chapter 7.25, Accessory Dwelling Units; declaring an emergency.**

MOVED (MARSON), SECONDED (HARRISON) AND CARRIED UNANIMOUSLY TO DECLARE AN EMERGENCY.

MOVED (MARSON), SECONDED (HARRISON) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 15-748-B WITH THE EMERGENCY CLAUSE.

Lisa said Council action with regard to these two ordinances is the final local action. She said anyone with standing may appeal to the Land Use Board of Appeals (LUBA) within 21 days. She the regulations for filing an appeal to LUBA are addressed in ORS 197, and parties intending to file an appeal to LUBA are advised to seek legal counsel.

#### **AGENDA ITEM 3**

##### **CITIZEN INPUT:**

Joe Turner of Columbia City said he installed a new water heater when he purchased his home. He said periodically, water heaters should be drained and checked for sediment. He said his water heater was full of so much sediment he couldn't get it all to come out,

and he's going to have to drain it a few more times. He said it sounds like there's a golf ball in his water heater that bounces around. He produced a plastic bag containing some of the sediment.

Micah said the sediment is calcium carbonate and it is naturally occurring. Micah said resident's have the option of installing a water softener, but water softeners add sodium to the water which can be a health concern for some people. He said since Columbia City started treating its own water, we have been raising the pH levels and loosening up the calcium carbonate that is coating all of the water mains, and the problem should begin to improve over time.

**AGENDA ITEM 4**

**COUNCIL REPORTS:**

**4.1 Parks Committee:** Chair Marson said we are preparing to pour the concrete bases for the monuments, Leahnette is working on a third grant, and we will meet later this month.

**4.2 Water and Sewer Committee:** Micah discussed the radon gas issue that appeared in the newspapers this past week. He said radon gas is created from the breakdown of natural occurring Uranium in the ground, and it can also be present in groundwater, and thus can be found in water wells. He said Leahnette had asked him to check to see if we had tested our water for it in the past, and he has confirmed that we have not. He said radon testing is not required by the state, and it had not previously shown upon on our list of water samples. He said according to Howard Burton, St. Helens Water Treatment Plan Operator, the City of St. Helens has tested for radon and no radon was detected. He said he plans to have the radon testing done as part of our water sampling during the month of February, and he will share the results when they become available.

**4.3 Street Committee:** Micah said they have been busy cleaning up the streets after the recent wind storm and working on some storm drainage problems.

**4.4 Audit Committee:** Leahnette said the Audit Committee will meet on February 2, 2015 at 4:00 p.m.

**4.5 Hazard Mitigation Planning Group:** No report.

**4.6 Other Reports:** Mayor Young and Councilors Marson and Harrison attended the recent City County Quarterly Meeting in Vernonia, which they found to be informative.

**AGENDA ITEM 5**

**CONSENT AGENDA:**

**5.1 Minutes of the Special City Council Meeting of January 6, 2015.**

**5.2 Financial Report for the month ending December 31, 2014.**

**5.3 Activities report for the months of November and December 2014 from the Public Works Superintendent.**

**5.4 Portable Basketball Hoop in ROW Permit request - Beth Sisemore of 1715 Second Street.**

**5.5 Permanent Basketball Hoop in ROW Permit request - Colleen Jellison of 1725 Seventh Street.**

MOVED (FROMM), SECONDED (HARRISON) AND CARRIED UNANIMOUSLY TO APPROVE THE CONSENT AGENDA.

**AGENDA ITEM 6**

**UNFINISHED BUISNESS:**

None.

**AGENDA ITEM 8**

**OTHER BUSINESS:**

5 - Regular City Council Meeting  
January 15, 2015

**City Attorney services:** Leahnette recommended the Council approve paying the bar dues for Harold Olsen so he can continue to serve as our City Attorney until April 30, 2015. Meanwhile, she suggested the City invite applications from other candidates in an effort to hire another attorney to replace Harold when he retires.

MOVED (MARSON), SECONDED (THISTLE) AND CARRIED UNANIMOUSLY TO PAY THE BAR DUES IN THE AMOUNT OF \$537.00.

**AGENDA ITEM 9**

**ADJOURNMENT:**

There being no further business to come before the Council, the meeting adjourned 7:25 p.m.

APPROVED:

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Cheryl A. Young  
Mayor

ATTEST:

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Leahnette Rivers  
City Administrator/Recorder