

**COLUMBIA CITY PLANNING COMMISSION
PUBLIC HEARINGS & REGULAR SESSION
CITY HALL – 1840 SECOND STREET
NOVEMBER 8, 2011, 7:00 P.M.**

PLANNING

COMMISSIONERS:

Deborah Jacob, Chair
Glen Pritchard, Vice-Chair
Kelly Niles
John Sachs*
Lisa Bush*
Nell Harrison
Kenneth Wieland

*Denotes Commissioner absent

STAFF:

Lisa Smith, Planner
Helen Johnson, Planning Administrative Assistant

OTHERS:

Valerie Nelson, Tigard OR
Barbara Gordon, Columbia City OR
Linda Guy, Columbia City OR
Emily Braman, St. Helens OR
Cassandra Asher, Deer Island OR
Susan Baker, Columbia City OR
Paige Evans, St. Helens OR
Benjamin Tait, Scappoose OR
Sheri Baird, St. Helens OR
(Above list reflects those who signed in)

MEETING TO ORDER:

Deborah called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE:

Deborah led the pledge of allegiance.

APPROVAL OF MINUTES:

IT WAS MOVED (KEN) AND SECONDED (NELL) TO APPROVE THE MINUTES OF THE MAY 10, 2011 MEETING, AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

CITIZEN INPUT AND REQUESTS:

None.

PUBLIC HEARING:

REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.

Deborah read the legal information for the hearing and stated the application is for a Type II Home Occupation with variances to hours of operation and number of deliveries.

Ex-parte contacts, bias or conflicts of interest

Deborah asked if there were any ex-parte contacts, bias or conflicts of interest related to the hearing. She also asked if any of the Planning Commissioners were members of Columbia County Natural. Commissioner Pritchard stated he is a current member of Columbia County Natural and excused himself from the meeting, leaving at 7:05 p.m. Deborah also stated she is not a member, but before she was aware this group was

operating without authorization, her and her husband did purchase some items from Ms. Baker. She asked if anyone had any objections to her being a part of the hearing and if so she too would need to excuse herself. No objections were heard.

Deborah also asked if anyone in the audience had any objection to any of the Planning Commissioners hearing this application. None were heard.

Staff Report

Lisa S. confirmed with Commissioners that they were familiar with the property location. She stated the application is a conditional use type II home occupation with variances to hours of operation and delivery limits.

Lisa S. explained the request is to continue operating the Columbia County Natural non-profit food-buying club from the residence at the corner of Sixth and "A" Streets. Various suppliers make deliveries, some as early as 5:00 a.m. Statue outlines hours of operation to be from 8:00 a.m. to 8:00 p.m. and for 3 deliveries per week from suppliers. Lisa S. stated that typically with this type of application there are always questions about parking. She states in the staff report there is a discussion about parking and staff recommends limiting the number of vehicles, relating to this activity, which can be at the site at one time.

Lisa S. stated the activity conforms to the 25% gross floor area requirements. Also there is no request for exterior storage of materials and no request for a sign.

Lisa S. explained this is also a daycare home that is exempt from the home occupation regulations because there are three or few children in care that do not residing in the home.

Lisa S. stated there was not a direct recommendation from staff partly because when it comes to conditional uses, the Planning Commission has a great deal of authority to approve or not approved depending upon the applications ability to comply with statutes. She also stated that she didn't feel qualified to determine if this application's activities would negatively affect the livability of the neighborhood, as each neighborhood can be very individualized in what they are comfortable with. She did state that Columbia City is one of the quietest places she has ever been to. If the Planning Commission does approve this application with or without the variances, it will need to address the issue of the number of vehicles allowed to park at the site and any given time. If the variances are determined appropriate then the Planning Commission will need to determine what hours those variances are appropriate. Lisa S. also stated there is an additional request for pickups on Saturdays and Sundays that needs to be addressed.

Applicant's Presentation

Susan Baker who resides at 555 "A" Street on the corner of Sixth and "A" Streets introduced herself as the applicant. She stated the organization, Columbia County Natural, is a 501 3 (c) group that has been in existence since April 2010. They formed the group in order to provide organic and natural foods and supplies to Columbia County, as they can be hard to find. They started small and have grown and they grow they have added pickup locations, so not all the members are coming to Columbia City. Susan explained that one member will come to pickup 10 boxes or so and take them to another location in Scappoose, St. Helens or where ever is necessary. They currently have two pickup locations, one in Scappoose and this one in Columbia City.

Susan explained the reason for the variance on the number of vehicles per week is because it is not a set amount each week. Sometimes there may only be one delivery in a week and the next may have five. A lot depends on the farmers and what the season brings. The club buys a lot directly from farmers in Oregon and Washington. Susan stated on a normal week, they would have a delivery from their organic dealer and one other vehicle.

Susan thought in the original application they had requested Saturdays and Sundays for pickups, but apparently it had been missed. She explained it is necessary because occasionally there will be that need. She continued to explain about an event this upcoming Saturday, where she will be going to a special buying event and bringing some meat back that must be pickup up right away. They do not have a place to store meat and they are not authorized to store it, so it must be pickup up immediately.

Susan explained the need for the variance to hours of operation is because one of the produce company stops and drops off goods on the way to the coast and they come early in the morning. She explained that the truck is quiet and uses bio-diesel fuel. Susan said it is quieter than all the log trucks that come down "A" Street. She also stated she did some vehicle counts and the buying club is only increasing the number 5 to 10% depending on the week how many vehicles they get.

Susan stated another reason for setting up the buying club was because it is difficult to get organic and fresh quality produce directly from the farm at a reasonable cost. She explained how everyone's finances are tight in the current economy and wanted to be able to provide organic food not just for people who everyone thinks can afford it, but to everyone who wants it. She also stated they will be accepting EBT cards soon to be able to offer to those individuals who receive food stamps.

Susan explained the buying club has been modeled after one in Wisconsin, with some of the boxes going to other locations for pickup so that not everything is being picked up in one location. Susan explained she could only recall one time they had five cars at the house at one time. She stated she has parking for four cars in her driveway, which is a pull through and there is parking for three to four vehicles right in front of the home without going into anyone else's property.

Susan said she talked with her neighbor who is a member of the buying club about parking and she wasn't concerned. There is an empty lot between them and she doesn't mind if people park in front of there.

She explained they have been trying to be good neighbors and she didn't think there have been any complaints. She stated if there were, she would make sure the participants of the buying club do not block anything that would be important to anyone.

Susan explained volunteers show up between 6:00 a.m. and 6:30 a.m. to sort produce. This is usually one or two people. She said they usually come that early so that the items can be sorted and ready for pickup at 9:00/9:30 a.m. She explained that it has work out well so far, because the pickups have been spread out very well throughout the day. She again explained that a Saturday or Sunday pickup would be abnormal, but if someone had a family emergency or other events come up they would like to accommodate.

Lisa S. wanted to ask a few questions for clarification; she asked about the number of deliveries per week and stated in the written information provide with the application, it was stating 35 deliveries per month and that is considerably larger than what was just presented. Susan explained that at times the volume could get that high, for example the summer when there are a lot of different farmers they purchase from and if the variance is approved they anticipate purchasing from UFNI, which is the largest organic wholesaler in the area. Lisa S. asked what type of vehicle they use for delivery. Susan stated UFNI uses a tractor-trailer. They would anticipate UFNI only once a month same as Azure who also delivers with tractor-trailer and has been delivering to Columbia City for 15-20 years. Azure used to deliver to a different person and location, but that resident had to move.

Susan stressed that the vehicle counts of 35 a month was the highest she could anticipate happening. The normal would be 10 to 12 vehicles at the most.

Deborah asked how many members are in the club. Susan stated there are 80 active members, who order two times a month and 150 members that order occasionally.

Deborah questioned how long she had been operating and if she was still operating. Lisa S. explained that they have allowed them to continue to operate and Susan said they started operating in April 2010 with 10 members. Susan stated she talked to the City and was told she didn't need any type of permit. She also spoke to the Police Chief who lived across the street at the time they started and he stated he didn't have any concerns with what they were doing. Deborah stated that unfortunately he is not the land use authority.

Kelly stated he was a bit confused about the number of deliveries and asked Susan for what the high and low would be and he understands about the seasons causing different demands. Susan stated the low would be 12 deliveries per month and high would be 36 deliveries a month. Lisa explained that the 12 deliveries per month is what the statutory limit is. Susan stated that June, July, August and September would always have much higher

deliveries. After some additional conversation Lisa S. and Susan agreed it was safe to say six months of the year have higher deliveries and six months have lower deliveries.

Susan said sometimes when they place an order and it is delivered by FedEx, it can arrive in three deliveries and that is another reason she wanted to go so high on the high side of the delivery numbers.

Kelly expressed concern about refrigerating some items. Susan explained that produce is their highest volume item and they are not required to refrigerate or distribute it immediately. She said if they have any meat being delivered, she requires member to pick it up immediately. She also said she talked with the local health inspector and the club activities do not require any warehouse storage etc.

Input in Opposition

None.

Input in Favor

Paige Evans from 314 S. 15th Street in St. Helens asked for the Planning Commission to approve the variances. Deborah verified that she was a member of the buying club.

Barbara Gordon from 1630 Eighth Street in Columbia City is a member of the buying club. Barbara stated she has gone at all different times on Thursdays to pickup product and she has only occasionally seen anyone else. She stated if she couldn't find parking and was required to park a ways away and walk she would not want to be a member because it wouldn't be convenient. Barbara stated it has been a great alternative to regular grocery store shopping and good on her budget and improved her health. She confirmed how product deliveries could vary depending on the weather. She hopes we allow the buying club to continue.

Benjamin Tait from 33854 NE Kale Street in Scappoose stated his wife is on the board of the Columbia County Natural and helps sort each week. He stated her wife works hard to help keep things running as efficiently and effectively as possible. Benjamin stated she has been helping to locate additional sites away from Columbia City in order to keep traffic in Columbia City to a minimum. He asked the Planning Commission to keep the buying club in operation as it has been working very well and continues to improve and is a great service to the community.

Cassandra Asher from 32121 Canaan Road in Deer Island is a buying club member and has really loved it. She too has never experienced an issue with parking.

Sheri Baird from 58947 Evergreen Loop in St. Helens has only been a member of the buying club since spring and is very thankful to have this opportunity to shop for the produce and other products for her family without having to drive to Portland. She agreed that she has never had any issues with parking and her times for pickup always vary. She has only met a few members since she has become a member. Sheri hopes the application is approved, as it is a great opportunity for the community.

Input neither in favor nor in opposition

Linda Guy from 2700 Sixth Street in Columbia City who lives just across the street from the buying club thinks the buying club is great. Her only concern would be that the delivering business pay for business licenses if the ordinance call for that.

Deborah asked staff to clarify about the business license requirement. Helen stated the business license fee for deliveries only is \$40 a year. The question then was asked what is considered a delivery company. Further clarification needs to be obtained from the City Administrator.

Written material submitted

Lisa read the email that Susan Baker sent to Helen regarding adding Saturday and Sunday delivery. The email had been sent after Susan received the staff report and read the conditions of approval.

Lisa explained the conditions of approval in the staff report were outlined before Susan's request for Saturday and Sunday. The Planning Commission will need to make the decision about whether or not Saturday and Sunday deliveries would be allowed. Lisa stated that she did not specifically state any limits to the number of deliveries, because there was such a wide range and because the number of active members it was too difficult to specify.

Lisa also stated that under a Type II Home Occupation the City always reserves the right should it begin to get complaints from the neighborhood about the buying clubs activity, they would automatically call a public hearing and review the conditions of approval. The conditional approval associated with a Type II Home Occupation can be revoked.

Jerry Donovan from 2750 Sixth Street in Columbia City stated he is almost a neighbor to Columbia County Natural and questioned if they would have any kind of signage. It was stated the applicant has not applied for any kind of sign and does not intend to. He also questioned that a commercial vehicle would be allowed to be on-site. Lisa clarified that any Type I or II Home Occupation can have one commercially licensed vehicle on-site. There have been no requests or discussed intentions for such a vehicle on this property.

Applicant's rebuttal

Susan wanted to ask the Planning Commissioners to look kindly on Columbia County Natural and what they are trying to do. The organization wants to help the community by hopefully offering cooking classes and assisting the food bank. They are working hard not to create issues for their neighbors and people in the community. Susan stated there are probably 25-30 active group members who live in Columbia City. She explained when she talked with some buying clubs in Portland who chose to relocate to commercial locations, they lost 50% of their members because they had to raise the price of membership to cover the costs. Susan explained their goal in a buying club is to provide low cost, high quality products and goods.

Kelly asked about membership numbers again. Susan stated they email to over 200 people with approximately 80 active members who order twice a month. She went on to explain that a lot of times members will group together and pickup each other's orders. Kelly explained his reason for asking about membership is to look at the future if this is approved, at what point does it out grow the current location. Susan stated that most clubs that try to go to a commercial location end up coming back to their homes because the cost is too expensive. She said they intend to add drop off locations when and if they are needed. Sorting and deliveries are kept at one location, but then the boxes go out to other locations for pickup. Susan said she anticipates by next summer needing to go to an additional location for pickups, but currently they only have pickups Columbia City and Scappoose. She stated people from Rainier have shown interest and they may add a pickup location there.

Deborah also expressed concern about the continued growth and how much can you sort at one location. Also if you start to have a lot of people, wouldn't the perishable items that need to be picked up right away and could be difficult to handle if the club grew too much.

Kelly stated he is not concerned about traffic on "A" Street as it has been improved and has sidewalks, but Sixth Street does not have sidewalks or bike lane etc. He stated there is a lot of kids who ride up and down to their friends on that street and as the traffic increases in that area, it becomes a concern.

Susan stated the amount of deliveries won't increase, but the volume of stuff to sort would. Susan said they can currently sort 60 boxes on a one time sort. So if there is an increase in membership, she would see sorting twice instead of once and there wouldn't be an increase of people coming to the home, it would mean the products would be going to other locations for pickup.

Barbara Gordon added that the physical layout of the house and the picking up of product is all geared toward "A" Street. Sixth Street is not used much at all.

Susan said they really want to keep the price down for the members and at the same time to not be detrimental to the neighborhood.

Deborah closed the public hearing at 8:00 p.m.

Planning Commissioner Questions, Discussion and Decision

Lisa S. stated there are three questions for the Planning Commission to answer: does the Planning Commission see this as an activity that can be conditioned in a way that is not disruptive to the neighborhood; is not monopolize the on street parking and is not materially detrimental to the surrounding property owners. She stated her suggestion for addressing the parking concern is pretty clear, to only allowing a maximum of four vehicles on the site related to the activity at any given time.

Ken questioned who would monitor the parking? Lisa answered that neighbors would call City Hall if they had any concerns or issues related to parking and we would look into them.

Lisa S. also commented that the location is quite ideal for the activity. She drove by the site and discovered the closest neighbor is on Sixth Street and is totally away from the area of the home entrance which is on "A" Street. She also stated there are big wide right of ways with plenty of on street parking.

Deborah's concern is that the type of activity they are doing doesn't sound like it would normally be conducive to this neighborhood, yet it has been operation since April of 2010 and no neighbors are here expressing significant concerns.

Deborah and Lisa S. had a conversation with regard to variances and the criteria to be met for approval of one and debated the difference between development of the land and use of the land.

REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.

At 8:10 p.m. Deborah re-opened the public hearing for Kelly to question Susan regarding the need for Saturday and Sunday operations. She stated the need for Saturday and Sunday pickups would not be regular, but they do happen occasionally and wanted to be sure she did not get in any trouble for operating on those days.

Deborah again closed the public hearing at 8:12 p.m.

Lisa cautioned the Commissioners when they decide on the deliveries and/or pick-ups being allowed on Saturday and Sunday, they would not be limited, so to considered this might be the area they would start to see complaints if they were allowed to operate on both Saturday and Sunday.

The Commissioners discussed different options and decided there would be Saturday deliveries and pickups from 8:00 a.m. to 8:00 p.m. and on Sundays there would be no deliveries or pickups, no Sunday activity related to the buying club. As for Tuesday and Thursdays deliveries, there were some questions about the earliest deliveries would be allowed.

REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.

At 8:15 p.m. Deborah re-opened the public hearing and asked Susan what the earliest a truck comes. The discussion was no earlier than 5:00 a.m. on Tuesday or Thursday could deliveries be made and Susan stated it could be as many as twice a week and usually only takes approximately 15 minutes to off load the delivery. Susan also stated that the truck is turned off while it unloads on "A" Street.

Deborah again closed the public hearing at 8:17 p.m.

The Commissioners discussed allowing deliveries as early as 5:00 a.m. only on Tuesdays and Thursdays and 8:00 a.m. on all remaining days except Sunday and all activities relating to the club shall cease at 8:00 p.m. all days.

REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.

At 8:19 p.m. Deborah re-opened the public hearing and asked the neighbors, Jerry Donovan and Linda Guy, if the clarifications to hours of deliveries and pickups would address their concerns. Linda questioned whether the construction noise ordinance would conflict with these conditions. Deborah explained to her that this is establishing special conditions for their activities only. Jerry commented if they don't know it is operating because they are doing such a good job at keeping the noise down and not creating traffic concerns, he would be ok with the buying club.

Deborah again closed the public hearing at 8:23 p.m.

IT WAS MOVED (KEN) AND SECONDED (KELLY) TO APPROVE THE APPLICATION BASED ON THE FINDINGS IN THE STAFF REPORT AND MODIFIED RECOMMENDATIONS MADE DURING THIS MEETING. MOTION CARRIED UNANIMOUSLY.

Lisa then read the appeal process and requirements. She also stated to the applicant to carefully read the information in the code related to revocation of a type II home occupation approvals.

UNFINISHED BUSINESS:

Helen distributed to the Planning Commissioners the recent changes to the Development Code.

NEW BUSINESS:

Helen asked if any of the Commissioners were interested in the training offered by League of Oregon Cities relating to Planning. She knew Nell was interested and will be asking Lisa B. if she wants to attend. There is a meeting offered in Salem on January 28, 2012. Kelly said his work schedule would not allow him to attend. Helen also advised the Commissioners that funds are tight for the City and they would not be able to fully pay for the training as they have in the past and may be able to assist with applying for scholarships.

Lisa advised the Planning Commission that on November 29, 2011 there would be a special Planning Commission Public Hearing to hear an extension of time request for the newly annexed property owned by Wayne Weigandt. He still needs to submit the final plat for recording.

Deborah also advised the Planning Commission that sometime in the next year she would be moving out of the City because they bought property in St. Helens and will be building a house.

REPORTS AND COMMUNICATIONS:

None.

ADJOURNMENT:

Meeting adjourned at approximately 8:35 p.m.

Deborah Jacob
Planning Commission Chair

Attest by:

Helen K Johnson
Planning, Building Administrative Assistant