

**COLUMBIA CITY PLANNING COMMISSION
REGULAR SESSION & PUBLIC HEARING
CITY HALL – 1840 SECOND STREET
JULY 14, 2015 - 7:00 P.M.**

PLANNING COMMISSIONERS: Kelly Niles, Chair *Denotes Commissioner absent
Barbara Gordon, Vice-Chair
Dennis Capik
Laurie Oliver*
Shelly Sandford
Mark Worrat*
Coralee Aho

STAFF: Lisa Smith, Planner
Helen Johnson, Planning Administrative Assistant

OTHERS: Russ & Joan Thackery, Richard & Eileen Bourassa, Mark Bourassa, Beverlee Darling, Gerald Fantz, Nell Harrison, Rich & Ellen Bailey, Gary & Beverly McBride, Bob & Shelly Sandford, Robert Schmor, Joe Turner, Mary Anne Anderson, Katie Garman, Jon & Benita Saatvedt, David & Sheila Rule, Janet Sorensen, Wil & Terry Knoop, William Warren, Iona Dworschak, Lynn Vellenga, Jennifer Davis, Michael Floeter, Tami Schlumpberger, Debbie Virts, Durell & Gail Kearsly, Gene Strehlou, John & Thalene Hebeisen, Mike & Maria Tagliavento, Bruce Crawford, Larry Kanzler, Jim & Laura Ives, Agnes Marie Petersen

The minutes from this meeting incorporate an 86 page transcript prepared by Karen M. Smith, a Certified Shorthand Reporter of the State of Oregon.

MEETING TO ORDER:

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

PLEDGE OF ALLEGIANCE:

Kelly led the pledge of allegiance.

APPROVAL OF MINUTES:

No meeting minutes were presented for approval.

CITIZEN INPUT AND REQUESTS:

None.

PUBLIC HEARINGS:

An application for a Comprehensive Plan/Zone Map amendment rezoning 1.3 acres from R-2, moderate density residential, to R-3, high density residential, and a related amendment to the Comprehensive

Plan, submitted by the owner, Columbia Harbour, LLC for vacant property on the west side of Second Street and adjacent to River Club Estates.

Refer to attached transcript with noted corrections, changes and speakers identified.

The public hearing was continued to Thursday, July 23, 2015 at 7:00 p.m. in the Community Hall.

UNFINISHED BUSINESS:

None discussed.

ADJOURNMENT:

Meeting adjourned at 9:05 p.m.

Kelly Niles
Planning Commission Chair

Attest by:

Helen K Johnson
Planning, Building Administrative Assistant

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COLUMBIA CITY PLANNING COMMISSION MEETING

July 14, 2015

9/3/2015

audio recording

~~set~~ reviewed and

compared to this transcript
by Helen K Johnson, Columbia
City Planning Admin. Asst.

Notation of speakers and
changes/correction noted
in blue ink.



1 Kelly Niles
 SPEAKER: Okay. We'll call the meeting to
 2 order. I'd like everybody to join me in the Pledge of
 3 Allegiance.
 4 (Pledge of Allegiance recited.)
 Kelly Niles
 5 SPEAKER: Oh, boy. If I'm not speaking loud
 6 enough for the people in the back, yell or throw
 7 something at me and I'll make sure that you can hear
 8 me.
 9 We don't have the minutes from previously?
 Helen Johnson
 10 SPEAKER: No.
 Kelly Niles
 11 SPEAKER: Okay.
 Helen Johnson
 12 SPEAKER: Nope.
 Unidentified Audience Member - Female
 13 SPEAKER: There are a number of people
 14 outside who can't hear.
 Lisa Smith
 15 SPEAKER: Oh, my goodness.
 Kelly Niles
 16 SPEAKER: Well, unfortunately this is the
 17 only venue we have for the seating. I apologize for
 18 that. I can try and speak up as loud as possible and
 19 I'm sure the rest of us will give that effort. I know
 20 we don't have any more seats. I do apologize for
 21 that.
 Helen Johnson
 22 SPEAKER: Did the signup sheet get passed
 23 outside?
 Kelly Niles
 24 SPEAKER: I'll wait a minute or so if people
 25 want to still file in.

Unidentified Male Audience Member

1 SPEAKER: We're good.

Kelly Niles

2 SPEAKER: You're good? Okay. Thank you.

3 So do I have any other citizen input or
4 request besides what's already on the agenda?

5 That's kind of what I thought.

6 Okay. At this time we're going to open the
7 public hearing. This is an Application for a
8 Comprehensive Plan Zone/Map Amendment rezoning 1.3
9 acres from R-2, moderate density residential, to R-3,
10 high density residential, and a related amendment to
11 the Comprehensive Plan, submitted by the owner,
12 Columbia Harbour, LLC, for vacant property on the west
13 side of 2nd Street and adjacent to River Club Estates.

14 Hang on a minute here.

15 This is a quasi judicial hearing on the
16 Application, like I just said, for a Comprehensive
17 Plan Map Amendment and Zone Change. The applicable
18 criteria include Columbia City Development Code
19 Chapter 7.15, Amendments to the Title, Comprehensive
20 Plan and Maps; Columbia City Development Code 7.5,
21 Residential High Density Zone; and Columbia City
22 Development Code 7.162. Columbia City Development
23 Code 7.162 requires compliance with all applicable
24 Comprehensive Plan policies.

25 All testimony and evidence must be directed

1 toward these criteria or to any other criteria in the
2 Comprehensive Plan or the code which apply to the
3 decision.

4 Oregon law requires that any issues you are
5 concerned with must be raised at this hearing or they
6 are waived. The failure to raise an issue accompanied
7 by statements or evidence to afford the hearings body
8 and the parties to respond to the issues precludes
9 appeal of the Land Use Board of Appeals on that issue.

10 Oregon law also provides that continuances to
11 the hearing or additional opportunities for testimony
12 or written submittals may be granted in certain
13 circumstances.

14 Prior to the conclusion of the initial
15 evidentiary hearing, any participant may request an
16 opportunity to present additional evidence or
17 testimony regarding the Application. The Planning
18 Commission shall grant such request by continuing the
19 public hearing or by leaving the record open for
20 additional written evidence or testimony.

21 Unless waived by the applicant, local
22 government is required to allow the applicant at least
23 seven days after the record is closed to all other
24 parties to submit final written arguments in support
25 of the Application. The applicant's final submittal

1 shall be considered part of the record but should not
2 include any new evidence.

3 The hearing will start out with the staff
4 report, then the applicant and those in favor of the
5 Application will have an opportunity to testify and
6 present evidence in favor of the Application.

7 Next, those who oppose the Application will
8 testify and present evidence. The testimony by the
9 opponents will be followed by testimony from persons
10 who are neither in favor of nor in opposition of the
11 Application.

12 Written testimony received prior to the
13 hearing will be read into the record.

14 The applicant will be provided an opportunity
15 to rebut any points.

16 Finally, staff may comment on testimony or
17 evidence presented.

18 Failure to raise constitutional issues with
19 sufficient specificity to allow the local government
20 or its designees to respond to the issues precludes an
21 action for damages in Circuit Court, and that's ORS
22 197.763 subset (5) and 197.763 subset (3).

23 When the presentation of evidence is
24 complete, the Planning Commission may close the
25 hearing and deliberate towards a recommendation of the

1 City Council or recommendation to the City Council, or
2 the Planning Commission may continue the hearing to a
3 certain date.

4 For this Application, the Planning Commission
5 decision will be in the form of a recommendation to
6 the City Council. The City Council will then conduct
7 its own quasi judicial hearing and will make the final
8 local decision. The 120-day rule does not apply to
9 Comprehensive Plan amendments.

10 So before we start, do any commissioners have
11 ex parte contacts, bias or conflicts of interest to
12 declare?

13 MS. SHELLY SANDFORD: It's me, Shelly
14 Sandford, and I'm River Club Estates resident and HOA
15 president.

16 *Kelly Niles*
SPEAKER: Thank you.

17 *Lisa Smith*
SPEAKER: Will you be abstaining from the
18 hearing?

19 MS. SHELLY SANDFORD: Oh, yes. Thank you. I
20 will be abstaining from any hearing. I will be making
21 comments as a public member.

22 *Kelly Niles*
SPEAKER: Okay.

23 MS. SHELLY SANDFORD: Adios.

24 *Helen Johnson*
SPEAKER: Get out of here.

25 *Kelly Niles*
SPEAKER: Can I give you like a Donald Trump?

1 MS. SHELLY SANDFORD: If you want my chair I
2 can (inaudible).

3 *Kelly Niles*
SPEAKER: Yeah. Anybody else?

4 And then last, does anyone object to any
5 planning commissioner hearing this issue?

6 Hearing none, I will turn it over to Lisa,
7 our city planner, for your staff report.

8 MS. LISA SMITH: I'll admit, I've been sick
9 and I've still got remnants of it in my throat so I'm
10 going to go as far with going through this staff
11 report as my voice will allow, and if I can't make it
12 through, then someone else will have to read it to
13 you. I appreciate Kelly reading the Planning
14 Director's statement.

15 I am Lisa Smith. I am the Planning Director
16 for Columbia City and as you've previously heard,
17 there is a zone change before you, and a zone change
18 in Columbia City is also a Comprehensive Plan map
19 change, and this particular Comprehensive Plan
20 Map/Zone change also requires an amendment --

21 *Unidentified Female Audience Member*
SPEAKER: Can you stand up so we can hear you
22 better back here?

23 MS. LISA SMITH: Sure.

24 *Unidentified Female Audience Member*
SPEAKER: Thank you.

25 MS. LISA SMITH: -- also requires an

1 amendment to a section of the Comprehensive Plan
2 related to housing. This is governed under the
3 section of the code related to amendments to title,
4 Comprehensive Plan and maps which is Columbia City
5 Development Code 7.15. 7.15 defines legislative and
6 quasi judicial amendments. The legislative amendment
7 is an amendment that applies to a whole lot of
8 properties, like everybody in town. This one does
9 not.

10 It's quasi judicial because it applies to
11 three particular parcels located right together, and
12 only to those three. So quasi judicial applications
13 are processed under 7.162, which is a very lengthy
14 process defined largely by the State of Oregon in
15 state statute, and there's a large section in Columbia
16 City's code about how you have to do everything in a
17 quasi judicial process.

18 So you'll see the Planning Commission
19 receiving a very -- somewhat rigid process and that is
20 because it is quasi judicial. The purpose of that is
21 to ensure that everyone has a fair hearing for their
22 concerns and that the Planning Commission has the
23 opportunity to gather that information for their
24 deliberations.

25 This body will not be making the final

1 decision on this application. It will be made by the
2 City Council. They will, however, make a
3 recommendation to the City Council.

4 So basically what we have is about a little
5 over an acre that's zoned currently R-2, which is
6 Columbia City's moderate density residential. It
7 allows single families and duplexes and then a variety
8 of residential type uses. And applicant has requested
9 that it be rezoned to R-3, which is defined as a
10 multifamily zone which allows triplexes, townhouses,
11 multifamily, and other multifamily type residential
12 uses.

13 One of the things that I want to make sure
14 everybody is clear on, River Club Estates, which is
15 this large block of purple property up here on this
16 map, is actually zoned R-3. However, River Club
17 Estates in its current formation was built largely in
18 Columbia County under Columbia County standards and
19 then became part of the city, and so it does not
20 function in the same way zoning-wise as a from the
21 ground up R-3 development would.

22 There are single family residences in River
23 Club Estates. Those are not permitted in the R-3
24 zone. There are single -- there are duplexes in River
25 Club Estates. Those are not permitted in the R-3

1 zone.

2 So let me go through 7.162, the portion that
3 requires this Application to comply with the entire
4 Comprehensive Plan basically before explaining why
5 that's not applicable. It starts out with the number
6 one goal, which we are successfully and for many years
7 (inaudible) have citizen participation. That is
8 actually the number one goal in land use planning in
9 the State of Oregon. So the city has obviously
10 provided this opportunity for citizen involvement.

11 The Planning Commission is a group of
12 citizens who has been appointed to conduct this
13 hearing. There will be a second public hearing that
14 is currently tentatively scheduled before the City
15 Council on August the 7th. You certainly -- obviously
16 if you're interested in this Application, would
17 probably like to attend both public hearings. We did
18 send --

19 *Helen Johnson*
SPEAKER: Lisa, I need to interrupt. That's
20 a typo. It should be the 6th. That's a Friday.
21 August 7th is a Friday. It will be on Thursday.

22 MS. LISA SMITH: Sorry. There is a typo in
23 the staff report. August 6th is the public hearing
24 before the council.

25 Thank you.

Helen Johnson

1 SPEAKER: Yep.

Kelly Niles

2 SPEAKER: Good catch.

3 MS. LISA SMITH: So notice was published in
4 the newspaper, notice was mailed to people, notice was
5 posted on the web page. The city has satisfied -- we
6 believe that the city has satisfied its requirement
7 for citizen participation with regards to this
8 Application.

9 The second goal is land use planning. This
10 is this long process embodied in this book that
11 includes the public hearing process and all the
12 requirements for it that we have to go through to get
13 to a decision from the city.

14 The city also coordinates its land use
15 planning process with a variety of affected agencies,
16 and land use referral forms were sent to those
17 agencies and we received feedback from them.

18 We also were required by law to send notice
19 to the Department of Land Conservation and
20 Development, which was done more than 35 days prior to
21 the first evidentiary hearing as required by state
22 statute.

23 We did send the land use referrals to the
24 Columbia City Administrator, the Columbia City Public
25 Works Superintendent, the Columbia City Engineer,

1 Columbia River Fire & Rescue, Columbia River PUD, and
2 Northwest Natural Gas. There were no objections from
3 -- we received statements that there was no objection
4 from the city administrator, public works
5 superintendent, PUD, Columbia River Fire & Rescue. We
6 did not receive a response from Northwest Natural Gas.

7 From the city engineer we received a
8 memorandum that was incorporated entirely into the
9 staff report under the section related to public
10 facilities, which we will get to shortly.

11 So the next goal in the process -- there's a
12 couple of state goals that don't have anything to do
13 with Columbia City: State goal 3, state planning goal
14 4. Three is related to agricultural lands, 4 is
15 related to forestlands and not applicable within the
16 city.

17 Goal 5 is also -- state goal 5 is also
18 Columbia City's goal 3 for open spaces, scenic and
19 historical areas, and natural resources. The
20 Application states that there's no change to
21 designated open spaces, scenic or historic areas
22 proposed in the zone change Application. Staff did
23 not identify any changes.

24 The city has a policy that it protects the
25 use through enforcement of the Columbia City

1 Development Code which limits the height of structures
2 to 24 feet, both the R-2 zone and R-3 zone, so no
3 change. So with council approval, those criteria are
4 satisfied.

5 The next goal, state goal 6, our goal D, air,
6 water and land resources. The policies that are
7 listed in the Comprehensive Plan related to these
8 resources require developers to use land -- to use
9 erosion control measures, landscape properties,
10 provide adequate onsite drainage and offsite storm
11 water drainage, and all of those policies are
12 implemented through the building permit process and
13 the site development process prior to any actual
14 construction, not through the zone change process.

15 The proposed -- the current zoning is a
16 maximum of eight dwelling units per acre. The
17 proposed rezoning would permit ten dwelling units per
18 acre. The (inaudible) consideration of additional
19 impacts on air, water and land resources would be
20 limited to two additional dwelling units per acre.

21 Two additional dwelling units can be expected
22 also to generate an estimated 20 vehicle trips per
23 day. There is a discussion further on of
24 transportation and public facilities. With council
25 approval, however, those criteria are satisfied as

1 well.

2 Goal 7, areas subject to natural disasters
3 and hazards, Columbia City goal E. There's a minor
4 sloping on the southwest portion of the subject
5 property that gently flattens towards the east.
6 Columbia City's Comprehensive Plan, Appendix D, soil
7 conservation service map, indicates the property is
8 located in an area that's designated as four to eight
9 percent slope. That property is located outside the
10 Columbia River flood plain and no known wetlands have
11 been identified on the site. So with council
12 approval, these criteria are satisfied.

13 Goal 8, state goal 8, Columbia City goal F,
14 both the R-2 and the R-3 zone are residential zones.
15 The proposed zone change does not result in a change
16 in the policy of assessing systems development charges
17 for parks at the time of issuance of a residential
18 building permit. So with council approval, these
19 criteria are satisfied.

20 State planning goal 9, economic development,
21 Columbia City goal G. The Application states that the
22 proposal does not affect Columbia City's stated goals
23 and policies for economic development. However, staff
24 finds that the city has a policy to preserve Columbia
25 City's quality of life, including village atmosphere,

1 open space and recreational opportunities, urban bike
2 and walking system and beautiful natural setting, and
3 promote these attributes as an incentive for business
4 development, and that is a direct quote from the
5 Comprehensive Plan. Unfortunately, we do not define
6 village atmosphere.

7 The R-2 zone, which is limited to single
8 family residences and duplexes, currently permits up
9 to eight dwelling units per acre but has historically
10 been developed at a rate of five dwelling units per
11 acre. The proposed R-3 zoning, which does not permit
12 single family residences and duplexes, permits
13 multifamily dwellings, up to ten dwelling units per
14 acre.

15 The structures are generally larger in scale,
16 containing four residences per building. The Planning
17 Commission will need to make a recommendation to the
18 city and the City Council will need to determine if
19 the rezoning satisfies the policy of preserving the
20 village atmosphere, and the applicant may be able to
21 provide additional information on the scale that would
22 address this particular criteria.

23 The council findings that the proposed
24 Application preserves Columbia City's quality of life,
25 including village atmosphere, the Application

1 satisfies these criteria.

2 The next goal is state planning goal 10 which
3 is housing. The general housing policy of the city is
4 to maintain adequate zoning to help achieve the city
5 housing goals. The city is severely constrained by
6 topography and existing development and has not been
7 able to provide additional acreage designated
8 specifically for multifamily housing within the
9 existing urban growth boundary.

10 To be quite frank, the City Council ^{Can't provide}
11 (inaudible) additional acreage for anything within the
12 existing urban growth boundary, nor does it have the
13 luxury of extending the urban growth boundary because
14 of the river, the mountains, the industrial
15 development and the City of St. Helens. None of those
16 are going away so we are working within this footprint
17 for provision of services and housing.

18 The Comprehensive Plan does call for 68 units
19 of multifamily housing, which would be 17 percent of
20 all residential units. That is based on the 1999-2000
21 Buildable Lands Inventory that was adopted in 2001.
22 The proposed rezoning would provide land for an
23 additional 13 units of multifamily housing. However,
24 the city has not identified additional lands specific
25 for multifamily housing.

1 The city has adopted an accessory dwelling
2 unit statute to provide a mix of housing to respond to
3 changing family needs and smaller households and
4 provide a broader range of accessible and affordable
5 housing.

6 The accessory dwelling unit permits an
7 attached accessory dwelling unit to be added to any
8 single family detached dwelling unit or manufactured
9 home on any lot with a minimum of 5,000 square feet
10 and ^{add a site built detached} (inaudible) ~~attached~~ accessory dwelling unit on
11 the same lot as a single family dwelling on lots with
12 a minimum of 10,000 square feet, and you have that
13 ability today within your code.

14 So while partially providing for multifamily
15 housing, there is a problem created within the
16 Comprehensive Plan that has to be addressed by the
17 City Council and the Planning Commission related to
18 rezoning from R-2 to R-3 because it affects the city's
19 ability to provide for single family and duplexes.

20 The Comprehensive Plan projection for
21 additional dwelling units needed is based on a five
22 dwelling unit per acre projection for combined
23 category of single family/duplexes. When you remove
24 1.3 acres from the R-2 inventory, it creates a need
25 for land for six additional dwelling units. Currently

1 100 percent of projected need for single family/duplex
2 housing is satisfied at 306 units, and that's a
3 20-year projection.

4 If the proposed rezoning is approved, the
5 projected need for single family duplex housing would
6 no longer be satisfied by six units. So the City
7 Council and the Planning Commission have to make a --
8 give some direction there.

9 The Columbia City Comprehensive Plan states
10 the R-3 designation will be used for a wider range of
11 housing types at the maximum density of ten dwelling
12 units per acre. The goal of the city is to create
13 conditions suitable for higher concentration of people
14 in close proximity to public services, transportation
15 and other conveniences.

16 The Application states this parcel within
17 east Columbia City is in very close proximity to
18 almost all Columbia City public services and
19 conveniences. It is one block from a Columbia City
20 Rider or Columbia County Rider bus route, and three
21 blocks from the post office, city hall, Columbia City,
22 the Columbia City Library, Columbia City Public Works
23 Department and Pixie Park.

24 On the Comprehensive Plan map it appears the
25 site is located three blocks from the Columbia City

1 Public Works Department, four blocks from city hall,
2 the post office and the community center, and six
3 blocks from Columbia City School, the Columbia City
4 Library and Pixie Park, so the council may find the
5 location is in close proximity to public services,
6 transportation and other conveniences. And I wasn't
7 able to affirm the location of the Columbia County
8 Rider bus route.

9 Do we have, like, a map of that?
10 *Helen Johnson*
SPEAKER: I don't.

11 MS. LISA SMITH: Regarding adequate zoning,
12 the council may find that the historic multifamily
13 housing goal of 68 units may be out of date to the
14 extent that it does not support additional acreage for
15 multifamily housing.

16 The option for accessory dwelling units have
17 *needs* (inaudible) the need for multifamily housing and
18 reducing R-2 zoning by 1.3 acres does not maintain
19 adequate average to achieve the single family/duplex
20 housing goal.

21 In the alternative, the council may find that
22 additional land is needed for multifamily dwellings
23 and can adequately balanceS (inaudible) the reduction
24 of acreage in the R-2 zone.

25 Next goal, public lands. This is a goal

1 related to lands owned by public and semi public
2 entities and they are not applicable to this
3 particular Application.

4 Goal J, which is public facilities, state
5 planning goal 11.

6 Anybody else want to read?

7 *Helen Johnson*
SPEAKER: Sure. Do we need to take a break?

8 MS. LISA SMITH: Sorry.

9 *Kelly Niles*
SPEAKER: No, I was going to ask you, if you
10 don't want to stand, why don't you go to that chair
11 where it's closer to the people in the back of the
12 room so hopefully they can hear better.

13 *Helen Johnson*
SPEAKER: So we're at state goal 11. The
14 public facilities, policies state that the city will
15 approve new developments only if provisions can be
16 made from acceptable level of public services.

17 *Rob Peacock*
(Inaudible) Kennedy/Jenks Consultants serves as the
18 city engineer and provided the following comments.

19 Kennedy/Jenks Consultants reviewed the land
20 use action referral for the referenced action. The
21 proposed land use action requests rezoning of three
22 tax lots, currently R-2, to R-3 zoning. The total
23 area affected is 1.3 acres and no use has been
24 proposed. Zoning code 7.50.043 -- I'm sorry, 040, for
25 R-3 limits development to no more than ten units per

1 acre. Therefore, the maximum number of residents on
2 these lots would be 13 units.

3 The highest density of residents on the
4 proposed R-3 zoning would be for a residential care
5 facility housing up to five persons each, totaling 65
6 persons. Based on the possible maximum development
7 scenario, we reviewed the development code and have
8 the following comments to the proposed land use
9 action.

10 One, an existing six inch water main runs
11 through the east side of 2nd Street. Capacity is
12 available to serve residential uses based on typical
13 per capita residential water use. When the property
14 is developed, the developer will be required to
15 construct the water connection to the water main in
16 the city right-of-way. Consult Columbia City Land Use
17 and Development Code and development standards when
18 preparing development plans.

19 Two, an existing eight inch gravity sewer
20 runs in the middle of 2nd Street. Following the
21 upgrade of Columbia or River Club Estates waste water
22 pump station, capacity will be available to serve
23 residential uses based on typical per capita
24 residential waste water generation rates.

25 When the property is developed, the developer

1 would be required to construct the sewer connection to
2 the main -- the city right-of-way -- connect to the
3 main, the city right-of-way. Consult Columbia City
4 Land Use and Development Code and the development
5 standards when preparing development plans.

6 An existing 12 inch storm sewer runs on the
7 west side of 2nd Street. The storm sewer has not been
8 evaluated for capacity but will be evaluated at the
9 time of development application. At this time the
10 developer will be required to construct the storm
11 sewer connection in the city right-of-way and any
12 additional capacity requirement needs. A storm water
13 engineering report will be required as part of the
14 development Application. Consult Columbia City Land
15 Use and Development Code and the development standards
16 when preparing development plans.

17 2nd Street runs adjacent to the property and
18 has adequate capacity to serve the property based on
19 the anticipated use. Consult Columbia City Land Use
20 and Development Code and development standards when
21 preparing development plans. Conclusion: With
22 council approval, these criteria are satisfied.

23 Columbia City goal K, transportation, state
24 planning goal 12, findings. The subject property has
25 approximately 240 linear feet of street frontage along

1 2nd Street. The Columbia City Transportation System
2 Plan adopted in -- on November 5th, 1998, identifies
3 this section of 2nd Street as a collector street
4 extending north from the subject property to I Street
5 where traffic can connect with Highway 30. The
6 existing street section is paved without curbs,
7 gutters or sidewalks, to a width of approximately 24
8 feet.

9 The TSP forecast growth for the area on the
10 east side of Highway 30 in the area bordered by the
11 urban growth boundary, the river -- the Columbia River
12 and I Street at a density of 500 to 2,000 units per
13 square mile. A square mile contains 460 acres. At
14 500 units per square mile, the density is less than
15 one dwelling unit per acre. At 2,000 units per mile
16 -- per square mile, the density is approximately 3.125
17 dwelling units per acre.

18 The majority of the property located in this
19 area is zoned R-2 which is permitted to develop at a
20 maximum of eight dwelling units per acre and has
21 historically developed at least -- at less than five
22 dwelling units per acre. River Club Estates, the only
23 property in this area currently zoned R-3, is
24 developed at approximately five dwelling units per
25 acre.

1 The Application states that the TSP
2 anticipates additional dwelling units in the area
3 where the subject property is located. The TSP does
4 anticipate additional dwelling units but the project
5 -- the projections are based on 3.125 dwelling units
6 per acre rather than ten dwelling units per acre that
7 the R-3 zone permits.

8 At 3.125 dwelling units per acre, the
9 intersection of 2nd Street and I Street continues at
10 an A level of services, the intersection of 2nd Street
11 and L Street continues at an A level of services, and
12 the intersection of L Street and Highway 30 provides a
13 B level of services.

14 The council and Planning Commission may find
15 that the current STP does not support an argument for
16 increased density and development as the projections
17 in the TSP are limited to the impacts of development
18 at a rate of 3.125 dwelling units per acre.

19 In the alternative, the council and Planning
20 Commission may find that 1.3 acres developed at eight
21 dwelling units per acre is anticipated to generate
22 approximately 104 vehicle trips per day, 1 .3 acres
23 developed at ten dwelling units per acre is
24 anticipated to generate approximately 130 vehicle
25 trips per day, and it is reasonable to determine that

1 the 26 vehicle trip per day difference is not
2 anticipated to significantly impact levels of service.

3 The Application states the property is the
4 beneficiary of an easement to the south. The easement
5 is a 50-foot wide easement for road and utility
6 purposes along the southerly property line, the
7 northerly property line of the River Club Estates
8 subdivision. The presence of the easement may be
9 applicable in some future development plan as the
10 width of the easement is 50 feet, which is the minimum
11 right-of-way for a local street.

12 The applicant is advised that city does --
13 advised the city does not permit private streets.

14 Conclusion: With a council finding that increased
15 density will not negatively impact the projected
16 levels of service, these criteria are satisfied.

17 Columbia City goal L, energy conservation,
18 state planning goal 13. Findings. The city's
19 policies for energy conservation require compliance
20 with the Oregon State building codes. No construction
21 is included in this Application. Conclusion: This
22 criterion is not applicable.

23 City goal -- Columbia City goal M,
24 urbanization, state goal 14. Findings. The goal is
25 related -- this goal is related to expansion of the

1 urban growth boundary. There are no changes to the
2 urban growth boundary in this Application.

3 Conclusion: This criterion is not applicable.

4 CCDC 7.162.120 requires compliance with the
5 relevant approval standards found in the applicable
6 chapters of this ordinance, the Columbia City Public
7 Works Design Standards and other applicable
8 implementing ordinances. Findings. Development code
9 provisions are applied through the site development
10 review process, the subdivision and the partitioning
11 process and the building permit process. The zoning
12 of the property determine which standards apply. The
13 Application has not submitted a development plan for
14 the property.

15 As stated in the Application, when the
16 applicant submits a tentative plat or site development
17 plan, the applicant will be required to show
18 compliance with the applicable codes. Conclusion:
19 The City Council -- with City Council approval, these
20 criteria are satisfied.

21 Three. CCDC 1. -- excuse me, 7.162, 1. --
22 .1203 requires, in the case of a quasi judicial
23 Comprehensive Plan Map Amendment or Zone Change, the
24 change will not adversely affect the health, safety
25 and welfare of the community. Findings. The subject

1 property is currently designated and zoned for
2 residential uses. The applicant states there is no
3 reason to indicate that the health, safety and welfare
4 of the community will be in jeopardy with the zone
5 change from one residential use to another residential
6 use. Generally staff would concur.

7 While the presence of an easement across the
8 yards of the adjacent property owners increases the
9 potential for adverse impacts on these -- those
10 residences, the easement exists regardless of the
11 zoning of the adjacent property. These impacts do
12 not, however, adversely affect the health, safety and
13 welfare of the community. Conclusion: With council
14 approval, these criterion are satisfied.

15 Action. Staff recommends the Planning
16 Commission conduct a public hearing, adopt findings
17 and make a recommendation to the City Council. If the
18 Planning Commission finds that the Application does
19 not preserve village character, maintaining the
20 current inventory of R-2 zoned property is necessary
21 and accessory dwelling units are anticipated to
22 satisfy multifamily housing, the Planning Commission
23 would adopt a motion recommending the council deny the
24 Application.

25 In the alternative, if the Planning

1 Commission finds that the Application preserves
 2 village character and increasing the availability of
 3 multifamily property is necessary, the Planning
 4 Commission would adopt a motion recommending the
 5 council approve the Application.

6 Staff recommends that the City Council
 7 conduct --

8 *Lisa Smith*
 SPEAKER: You probably don't have to read the
 9 part about what we're recommending --

10 *Helen Johnson*
 SPEAKER: Oh, okay.

11 *Lisa Smith* *at City Council level I think*
 SPEAKER: -- (inaudible) of what is occurring *most of*
 12 here. *them*
get the
gist

13 And that concludes the staff presentation,
 14 and thank you, Helen, for reading that.

15 *Helen Johnson*
 SPEAKER: Sure. Yee-ha.

16 *Lisa Smith*
 SPEAKER: Yee-ha.

17 *Kelly Niles*
 SPEAKER: And then let's see. The only other
 18 things in there is the map and then also a -- I
 19 believe that's an excerpt from our Comprehensive Plan.

20 *Lisa Smith*
 SPEAKER: No, that is not an answer from our
 21 Comprehensive Plan.

22 *Kelly Niles*
 SPEAKER: No, no, an excerpt.

23 *Lisa Smith*
 SPEAKER: That is changed -- language that
 24 would change the Comprehensive Plan.

25 *Kelly Niles*
 SPEAKER: Okay. Got you.

Lisa Smith

1 SPEAKER: If the -- if the council eventually
2 says we would approve, then they would also, because
3 of the changes in the density, need to amend the
4 Comprehensive Plan. So attached to the staff report
5 is a draft ordinance that would change the
6 Comprehensive Plan to reflect the changes, and it
7 would reflect the change in the single family duplex
8 and multifamily housing categories.

Kelly Niles
9 SPEAKER: Okay.

Lisa Smith
10 SPEAKER: That's all.

Kelly Niles
11 SPEAKER: All right. At this time is the
12 applicant here?

13 Yes, sir. Your turn.

14 MR. AL PETERSEN: Okay. I'm going to sit up
15 here, if you don't mind.

Kelly Niles
16 SPEAKER: That's fine. And then if you would
17 -- your name and also who you represent.

18 MR. AL PETERSEN: My name is Al Petersen. I
19 live at 155 Clark Street in St. Helens. I am one of
20 the property owners.

Kelly Niles
21 SPEAKER: Actually, Mr. Petersen, I want to
22 stop you for a second. Would you move that chair.
23 That way your voice is kind of coming up this way so
24 both the audience and us can hear you.

25 MR. AL PETERSEN: Sure.

Kelly Niles

1 SPEAKER: That would be awesome. Thank you.

2 MR. AL PETERSEN: Okay. I live at 155 Clark
3 Street in St. Helens. I am one of the property
4 owners, along with my brothers and sisters. Before I
5 begin on my presentation, I would like to confirm that
6 the Planning Commission received my narrative and have
7 had a chance to read it.

Kelly Niles

8 SPEAKER: Yes.

unclear Female

9 SPEAKER: Yes.

10 MR. AL PETERSEN: Good. My narrative pretty
11 much does the same thing that we just went through
12 with the staff report. However, you have my point of
13 view on that.

14 I think the summary at the beginning of my --
15 the first two pages of -- pretty much describes our
16 point of view on the zone change. If you look at the
17 history of the Columbia City Comprehensive Plan for
18 the last almost 20 years now, there has been a need
19 for multifamily dwelling units stated since 1999 when
20 your Buildable Lands Inventory was done, and since
21 that time, Columbia City has not added any R-3 zones
22 and has not added any multifamily dwellings.

23 And so we are requesting a change from R-2 to
24 R-3 to help the city meet those needs. You have
25 copies of all of the answers to all of the criteria

1 that I discussed. I don't think I'm going to discuss
2 those again. You can read those just as easily and if
3 you have any specific questions, I'd be more than
4 happy to answer them.

5 However, I would like to -- and did you
6 receive my transportation response as well, which was
7 this one-page response to a question about
8 transportation?

9 *Helen Johnson*
SPEAKER: You should have.

10 *Lisa Smith*
SPEAKER: Yes, yes.

11 MR. AL PETERSEN: Okay. Good.

12 *Kelly Niles*
SPEAKER: Yes.

13 MR. AL PETERSEN: And that was a question
14 about transportation and the property and I'm going to
15 address some more of that tonight. I have additional
16 information after I read the staff report. I have for
17 you all copies -- here, take one and pass it down.

18 I found a few additional errors in the staff
19 report. The reference to the dates actually in the
20 staff report says this hearing happened last week and
21 that probably should be corrected, and the staff
22 report does mention the City Council hearing being on
23 Friday rather than on Thursday.

24 The staff report also mentions that the
25 property is vacant farmland and that there's a farm

1 building on the site, and I have here a history of the
2 property and a photograph, a historic photograph of
3 the property from the Oregon Historical Society.
4 Briefly the history of the property is in reality it's
5 an old industrial site.

6 This property used to be a shipyard. It was
7 part of the shipyards down on that end of town. The
8 property -- that my father acquired the property --
9 the owner that my father acquired the property from
10 was Harvard Anderson. Harvard and Loren Anderson had
11 a ship maintenance facility on the property and if
12 anyone wants to see an early 20th century machine
13 shop, I invite you at some point to go inside because
14 it is plumb full of ship repair equipment, lathes,
15 milling machines. Actually their milling machine was
16 before the invention of the current milling machines
17 and it was what they called -- my dad would know this
18 better than me -- but it was more of a scraper rather
19 than a rotary tool that cut steel.

20 So anyway, it is a former industrial site.
21 It is not farmland.

22 The next comment that I wanted to make
23 related to the staff report which is in here is
24 state-wide planning goal 9 referring to economic
25 development, and staff pointed out in the

1 Comprehensive Plan that there's this statement called
2 village atmosphere, which only -- in the entire
3 Comprehensive Plan is only mentioned once and it's
4 only in this section. And staff also noted that that
5 phrase is undefined.

6 Now, common practice of the word "village" is
7 a small municipality with limited governmental powers,
8 but the staff report doesn't define what "village
9 atmosphere" is and it's hard to speculate what that
10 term means and I think it's hard for me to respond to
11 what that term means when it's not defined, and I find
12 it difficult that a city can enforce a zoning
13 ordinance or a zoning rule based on a word that is
14 undefined. I don't think any city can do that legally
15 and I don't think I as an applicant can legally
16 respond to it because I don't know what it means.

17 So the rules and procedures of the
18 Comprehensive Plan are codified in the compre-- in the
19 zoning ordinance. So in theory, this village
20 atmosphere is codified in the zoning ordinance and the
21 rules that require developers to follow the zoning
22 ordinance when they do development. So which -- it
23 doesn't matter who comes to the city, even though they
24 may be from somewhere, they may have grown up here,
25 they may have whatever, but they have to follow the

1 rules that are -- of the Comprehensive Plan that are
2 codified in the zoning ordinance.

3 So I think that the idea that, you know,
4 trying to define what village atmosphere is is a
5 stretch, to say the least.

6 I would make a comment that I'm an architect
7 and I'm what's called a LEED certified architect,
8 which I believe in sustainable practices whenever I do
9 development and whenever I have control over the
10 design of a house or a building or whatever, and under
11 sustainable practices there's something new that some
12 people use. It's called the green development code.
13 Although you don't use it, it's something that we like
14 to follow.

15 It talks about walkable streets, it talks
16 about landscaping, it talks about providing light,
17 shade, ventilation and other things for people that
18 makes their quality of life better. So I think that
19 when we eventually develop this property we probably
20 will be following those standards anyway.

21 I will -- I have in here another interesting
22 point about the history of Columbia City and which is
23 sort of related maybe to this idea of village
24 atmosphere, maybe not. But I was talking to a
25 long-time resident of the area and expressing my

1 dismay at how practically the entire city this side of
2 the highway is zoned R-2 when the city was originally
3 platted at 5,500 foot lots, and I was curious.

4 I could not figure out well, how was that
5 possible? How in the world did the city somehow
6 change its mind about where it wanted to go? And this
7 person is a history buff and he also has lived in the
8 St. Helens area his entire life and he basically said
9 to me well, I know the answer to that. It has nothing
10 to do with that. It has to do with the fact that when
11 the Comprehensive Plan and the ordinance was made in
12 the 1970s, the City of Columbia City had no sewer
13 system, so in order to have septic tank and a drain
14 field, you had to have large lots so most of the
15 properties were developed with large lots because they
16 needed their septic system to work.

17 That particular reason for developing large
18 lots or maintaining large lots no longer exists. So
19 now you have practically the entire side of the
20 highway which has 50-by-100 lots, a lot of them that
21 still remain, all of which are nonconforming to an
22 ordinance that was overlaid for a reason that no
23 longer exists. Just an interesting piece of history.

24 And in order to meet your housing needs,
25 which are specifically outlined in your Comprehensive

1 Plan, you probably should consider or reconsider the
2 way in which you define density and maybe consider
3 different size lot size, different size lots.

4 So in any case, I have some more information
5 in here, which I'm not going to get into, about how we
6 address economic development but I think that pinning
7 the economic development goals on an undefined term is
8 a -- not a defensible position.

9 So I'll move on to the next one. Housing,
10 goal 10. Staff has pointed out that -- and I've
11 pointed out that Columbia City hasn't added any
12 additional multifamily dwellings since at least 2001.
13 However, I disagree with the way in which the staff
14 report argues that the city is going to be meeting its
15 multifamily dwelling units by this idea that accessory
16 dwellings qualify as multifamily dwellings.

17 If you actually look at your own definitions,
18 your own definitions -- and I have them copied in here
19 -- you have accessory dwelling unit, you have single
20 family detached, you have two-family duplex, and you
21 have multifamily. You specifically have different
22 definitions for two-family, single family, and
23 multifamily.

24 Well, a -- an accessory dwelling unit, at its
25 maximum, can only be a two-family. So I think that

1 the notion that you're somehow going to meet your
2 housing needs by simply allowing two-family units is
3 not meeting your multifamily goals. So you can read
4 that as well.

5 Now, accessory dwelling units, if you look in
6 the zoning ordinance, section 7.1212 I believe it is,
7 talks about accessory dwelling units and the reasons
8 that are expressed in the zoning ordinance for
9 dwelling -- accessory dwelling units are changing
10 family needs, smaller households and to provide a
11 means for residents, particularly seniors, single
12 parents and families with grown children to remain in
13 their homes and neighborhoods.

14 That's essentially describing a single family
15 household living in one house. It's essentially
16 describing an extended family living in a house or
17 living in a house and another attached unit, so that's
18 not meeting the definition of multifamily.

19 Now, on the other hand, the staff points out
20 that there are some dwellings in the city that have
21 long been functioning as two-family or duplex.
22 However, they don't -- are not reflected in your
23 housing counts, and argues that these will be
24 reclassified. Well, if they're reclassified,
25 according to your own definitions, they can only be

1 classified as single or two-family household units so
2 in reality they're not going to qualify for
3 multifamily, they're actually going to qualify for
4 single family duplex.

5 So this six -- the six dwelling units need
6 that is going to supposedly occur after this zone
7 change happens is not going to happen because in
8 reality you've just added basically more than half of
9 the city can have accessory dwelling units, which will
10 meet your two-family -- single family and two-family
11 goals.

12 Let's see. Lastly as far as housing I want
13 to point out that -- let's pretend -- let's suppose
14 that I agree with the notion that you're going to lose
15 six single family dwellings. Six -- excuse me, six
16 single family dwellings out of a total of
17 approximately 300 is two percent which you're losing.
18 The addition of 13 units, when you have a stated need
19 of 58, reduces the total need to 45, which is a 22
20 percent increase.

21 So the increase you're getting out of
22 multifamily dwelling units is 22 percent and you're
23 losing, in theory, two percent of single family
24 dwelling units. The increase is ten times the
25 decrease.

1 So transportation. Related to
2 transportation, 2nd Street is defined as a collector
3 street. The staff report points out that the closest
4 intersections are 2nd Street and I Street which is
5 currently functioning at an A level of service, 2nd
6 Street and L Street is currently functioning at an A
7 level of service, and L Street and Highway 30 are
8 currently functioning at a B level of service.

9 Well, contained in here I let you know how
10 ODOT defines these levels of service. A is the
11 absolute best. B is down from that a little bit.
12 However, D is approaching unstable and below D or E
13 and F are considered unacceptable. So all of the
14 intersections that are in theory affected by these
15 additional trips per day are functioning today at the
16 highest levels as defined by national standards, and I
17 have a copy which I will -- I only have one copy of
18 that but I will pass that around, which is right here.

19 This is from the Federal Highway
20 Administration website. It's called Flexibility
21 Publications and it talks about peak hour level of
22 service, and you can have that for the record.

23 *Lisa Smith*
SPEAKER: Thank you.

24 MR. AL PETERSEN: Also the staff report
25 mentions that either you could argue that the -- the

1 extra 26 trips per day is detrimental to the total
2 daily trips of a collector street, or you could argue
3 that it's not detrimental, it's insignificant. Well,
4 I have another table here, which I got off of another
5 -- off of the U.S. Department of Transportation which
6 defines -- which is the standard that ODOT uses to
7 define collector streets, local streets, arterial
8 streets and all that.

9 Collector streets are rated at a total --
10 where are my glasses -- a total trips per day of
11 approximately between 3,000 and 15,000 trips per day.
12 I doubt -- I didn't look into the transportation
13 system plan into the appendices to see how many trips
14 per day there were, but I seriously doubt there's
15 15,000 trips per day going through this city because I
16 know for a fact that Highway 30 along Columbia City is
17 around 19,000 trips per day.

18 So the standards for collector streets are
19 extremely high and 26 trips per day, which averages
20 out about to two trips per hour, is insignificant. So
21 you can have that for the record and pass that around.
22 That's all I have additional about transportation.

23 And the last thing I want to say is about the
24 comments that were under health, safety and welfare.
25 The easement that benefits the property crosses

1 parcels on River Club Estates. The staff makes
2 comment in the staff report that the easement
3 potentially adversely impacts those residents, and
4 that is on page 12 and 13 of the staff report.

5 I have to strongly disagree with that
6 statement, and the reason I strongly disagree with
7 that statement is because that statement goes directly
8 contrary to legal precedent when it comes to easements
9 and right of ways. The easement was established
10 before River Club Estates was platted. The easement,
11 if you look at my beginning history, was granted by
12 Albert Bernard to Harvard Anderson prior to River Club
13 Estates being owned by the Howard family.

14 So River Club Estates actually has their
15 yards on top of our easement, not the other way
16 around, and that is solid legal precedent. So I
17 strongly disagree with that and that actually is the
18 other way around and potentially affects our
19 development rights.

20 So that's -- those are all my comments
21 related to the staff report. I think that we have
22 complied with all of the requirements under ORS
23 related to zone changes and I think that we've
24 complied with all of the requirements that are in your
25 Comprehensive Plan and your zoning ordinance.

1 Columbia City has had a documented need for
2 multifamily dwelling units for almost 20 years and in
3 that time, almost 20 years, has added no multifamily
4 dwelling units to its city, and I don't see how one
5 could argue that one can deny this Application.

6 If you have any questions, I'd be happy to
7 answer them.

8 *Kelly Niles*
SPEAKER: I have none right now.

9 Anybody else on the commission?

10 *Barbara Gordon*
SPEAKER: I did. You said that currently

11 homes of the River Club Estates are sitting -- some of
12 the -- are sitting on that easement?

13 MR. AL PETERSEN: Backyards. Potentially one
14 house.

15 *Barbara Gordon*
SPEAKER: Oh, in a house itself.

16 MR. AL PETERSEN: Potentially the corner of
17 one house.

18 *Barbara Gordon*
SPEAKER: Okay. All right. So effectively
19 reduce that from 50 feet to 30 something?

20 MR. AL PETERSEN: No, it's not that much.

21 *Barbara Gordon*
SPEAKER: Okay.

22 *Kelly Niles*
SPEAKER: Any other questions from the
23 Planning Commission?

24 And you can just hang out right there if you
25 like, sir.

1 All right. At this time we will take input
2 in favor.

3 MS. MARY ANNE ANDERSON: I'll trade you
4 chairs.

5 Hi, there. My name is Mary Anne Anderson and
6 I am one of the additional co-owners of Columbia
7 Harbour, LLC, and I would like to make comments that
8 are in two categories in favor of this Application.
9 And I'm really glad to see this many people here,
10 frankly, and you'll understand why in a moment and I
11 hope that I can sway some of you to be coming up in
12 favor of the Application when I'm done.

13 My comments are in the constitutional and
14 contextual categories, and the only reason I cited the
15 constitutional issue is because in this thing, which I
16 thank you for reading about the prehearing statement,
17 it talks about the failure to raise constitutional
18 issues with sufficient specificity to allow the
19 government or its designees to respond to the issues
20 precludes an action for damages in Circuit Court, and
21 as I read this staff report, basically you go through
22 and the staff report is very thorough and on almost
23 every issue it ends with the word satisfied.
24 Conditions are satisfied.

25 And the only two areas in where it does not

1 say the word "conditions are satisfied" is in the
2 economic development section and in the housing
3 section, and as my brother mentioned, both of those
4 areas present a legal conundrum for the Planning
5 Commission. And the reason I say that is because, as
6 he mentioned, under economic development the only area
7 that it discusses as a potential pitfall is this
8 notion of village atmosphere, and in the staff report
9 it specifically says that is undefined.

10 And you have a due process problem if what
11 you are attempting to do is to deny an Application on
12 the term that is undefined. So I specifically raise
13 that as a potential constitutional problem if you are
14 attempting to rule on something that is undefined.
15 It's not permissible to do that. You have criteria
16 and those criteria are satisfied and you cannot simply
17 throw this out and say well, we have this term, it's
18 undefined, but we feel it provides a basis for denying
19 the Application and we'll define it in some amorphous
20 way. That's not permissible.

21 And secondarily, the other section that talks
22 about, you know, this area for decision, is the other
23 area regarding housing, and he talked somewhat about
24 the need for multifamily housing versus the loss of
25 single family housing, and in this section again it

1 talks about accessory dwelling units as being
2 multifamily. And he pointed out that in your own
3 definitions, accessory dwelling units are not
4 multifamily housing and it's a faulty premise to say
5 that they are or that somehow they meet that need.

6 Again, I believe it's a constitutional issue
7 about how you're applying the code and whether you're
8 providing due process to the applicants in being able
9 to meet the standards. If it's standardless, that's a
10 problem. Or if you are using it in a way that
11 completely goes against what the definition in your
12 own code does, that's also a problem.

13 But I don't want to dwell on the problems.
14 What I want to talk about is the second category of
15 why I'm up here and that is context. Now, I suppose
16 many people that are in this room got the notice about
17 this Application and they said hmm, Columbia Harbour,
18 LLC. What the heck is that? Some big developer from
19 out of town maybe?

20 Okay. The context of this Application is
21 that my brothers and I -- I have three brothers, one
22 of them sitting here with his wife Vinka (phonetic),
23 and we've lived in the county all our lives, and my
24 parents love to buy real estate or deal in real
25 estate. They don't often develop it but they love to

1 acquire it. And my father had this friend, Harvard
2 Anderson, with this lovely piece of property, and
3 Harvard got a little older and needed a change of
4 scenery so they did a land deal and my father ended up
5 with this property, I think mostly because he liked
6 all of the stuff that's in that big shed down there.

7 So the years went by and the family had to
8 come to some decisions about what we were going to do
9 with the land that my parents had so lovingly
10 acquired, and that is where the notion of Columbia
11 Harbour had its genesis. Columbia Harbour is owned by
12 myself, my brother and my other two brothers, the four
13 of us, and we asked ourselves what should we do with
14 that property that's down in Columbia City?

15 And one answer is well, we could just sell it
16 to whoever the highest bidder is, and partly I think
17 because of the sentimental attachment to it, my
18 brothers have spent a lot of time down there with my
19 dad combing through the junk that's in the building.
20 I call it junk, they call it something else. And we
21 said no, that's really not the future that we want for
22 that property, and so we formed this family
23 partnership or family corporation, and in my view one
24 of the biggest reasons for doing that is because of
25 the treasure that is sitting in this front row.

1 My brother and his wife are both architects.
2 They both graduated at the university ^{of Houston} (inaudible) with
3 masters degrees in architecture. They're both
4 certified in environmental and energy design, LEED,
5 which is for sustainable practices.

6 My brother, who is not good at tooting his
7 own horn, is also certified in historic preservation,
8 and they do beautiful work. They are thoughtful, they
9 are thorough, they are detail oriented. And I feel
10 like we meet every single criteria for this and all of
11 the concerns that have been raised, whether it be
12 under the mantra of village atmosphere or some other
13 thing, are things which are to ^{be addressed at} (inaudible) the site
14 design review process, and I assure you that if this
15 is developed in my dream world with my architect
16 brother and sister-in-law at the helm, not only will
17 it not devalue properties, it will substantially
18 increase the value of the properties.

19 And the reason I'm bringing that up is not
20 because that's part of the basis for a decision, but
21 because that is what is addressed in the two written
22 submissions -- excuse me -- that have been submitted
23 prior to this hearing.

24 So I think constitutionally there's a problem
25 with the two areas identified as basis for a possible

1 denial, and contextually I think that the highest and
2 best use of this property is to do an R-3 designation
3 and let ^{our} (inaudible) ^{proceed} forward and let all of these
4 concerns be addressed at site design review. Thank
5 you very much.

6 ^{Kelly Niles}
SPEAKER: Thank you. Do we have any other
7 input in favor?

8 Okay. Hearing none, at this time we will
9 listen to input in opposition. So before you start,
10 I'm guessing a majority of you --

11 What's that? You have a sign-up sheet?

12 Well, I'm just thinking for all of us, in the
13 interests of time, is there one person you have as a
14 spokesperson that's going to sum it all up or no?

15 ^{Audience}
SPEAKER: No.

16 ^{Kelly Niles}
SPEAKER: Okay, okay. No, I'm just -- okay.
17 I'm trying to do this in one meeting. All right.
18 Then we'll go down the list here of people as they
19 signed in.

20 Can you read those?

21 ^{Helen Johnson}
SPEAKER: So Joan Thackery.

22 ^{Helen}
MS. JOAN THACKERY: As (inaudible) stated, my
23 name is Joan Thackery. I live at 125 M Street.

24 First off I want to thank you, Lisa, for the
25 staff report. I've read many of yours in the past.

1 You always are complete, concise, and they answer my
2 questions, so once again, thank you.

3 When I first read this, and I'll be as brief
4 as I can, the first thing that got me was the
5 statement that they -- it was in the application --
6 wanted to do something much like the River Club
7 Estates. I think that is purposely misleading the
8 citizens because River Club Estates would not fit into
9 this. There would be no single family, even though it
10 is zoned that. It was through the county. It would
11 be nothing like that. I can only wonder if they're
12 trying to hide their real intentions because if they
13 wanted to do something much like the River Club
14 Estates, leave it as it is. Or two, you can do
15 exactly that.

16 My second point is 2nd Street is basically a
17 dead end street. Maybe from that point on it could
18 handle the traffic but I think that we need to
19 consider that, that it is not a through street, it is
20 a dead end street.

21 Also I was on the Planning Commission for
22 what, eight or ten years when we did the Comprehensive
23 Plan, and a lot of these things that I don't
24 appreciate, taking things out of context and
25 manipulating them to suit your own needs, and I think

1 that's what happened in the confusing statements that
2 were made.

3 One thing is you don't create another problem
4 to solve the first problem, and that's what you're
5 saying. If you need to correct a problem, don't
6 create a problem by needing more residential units,
7 which is what he's asking us to do. There's another
8 solution. Don't fix a problem by creating one more
9 problem. Once it is rezoned -- they haven't stated
10 what they want to do, but once it's rezoned here, it
11 can fit any of those criteria.

12 Obviously it's not going to be something like
13 River Club Estates. I do remember the lots. We dealt
14 with 5,000 square foot lots. And yes, in the past it
15 was 5,000 square foot for the house, 5,000 square foot
16 for the sewer and the drain field. You can -- and
17 then when we got the sewer, we all know there was a
18 lot of in-fill. Those 5,000 square foot drain field
19 lots suddenly became buildable and that's what -- we
20 had a lot of that.

21 And anyway, those are the five points that I
22 -- I also had a question. Thirteen units, I read in
23 the staff report, could be built, and is that like --
24 it's not 13 fourplexes, is it? It's like a fourplex,
25 a fourplex and --

Lisa Smith

1 SPEAKER: No. Whatever the math is. I think
2 it's three fourplexes.

3 MS. JOAN THACKERY: Anyway, those are my
4 concerns and I don't think that they've been met, no
5 matter how eloquently.

6 *Kelly Niles*
SPEAKER: Thank you.

7 Who's next?

8 *Helen Johnson*
SPEAKER: Is it Eileen Bourassa?

9 MS. EILEEN BOURASSA: I'll pass.

10 *Helen Johnson*
SPEAKER: No? Okay.

11 And then Mark.

12 MR. MARK BOURASSA: Mark Bourassa. I live at
13 1430 2nd Street here in Columbia City. I had the
14 *benefit of*
(inaudible) moving into that property, purchasing that
15 property with my wife and my two small children.
16 We're about kitty-corner from -- on the -- excuse me,
17 on the north side of where this would go in.

18 With respect to -- to our position, I
19 certainly appreciate the history that you've brought
20 here, that you do have some long family interests in
21 the community, but quite frankly, I just don't see
22 that a few extra units is going to make a difference.
23 What really concerns me is that there isn't a plan,
24 there isn't a disclosure of what is going to go on
25 with respect to the development of this property, and

1 when I read in this fabulously put together report
2 that there could be a 65 unit long-term care facility
3 across the street from my house, I have to say I think
4 there will probably be more than just 26 more car
5 trips going through, and the result of that, I'm sure,
6 is that myself and all of my neighbors are going to be
7 fencing our yards, fencing our front yards, closing
8 ourselves off from the traffic, keeping my kids from
9 playing in the front yard, all of those issues.

10 I'm concerned that the sewer pump-out down at
11 the -- I believe the report said once it's replaced
12 will be sufficient, but it didn't say it's sufficient
13 now. I'm concerned that we just don't know what's
14 going to happen, what the plan is, and why would you
15 come into a hearing like this without friendly,
16 neighborly full disclosure of what you intend to do
17 and march in here, and while it was very nicely put,
18 basically say there's a constitutional issue, if you
19 don't do what we want, you can plan on getting sued.
20 That's what I heard.

21 And the fact of the matter is, this board,
22 this entity, I'm sure you have your own legal counsel,
23 you can deny any application for change on any
24 rational basis. It doesn't have to be the village
25 community atmosphere. It could certainly be the sewer

1 pump-out. It could be the traffic, even if it's 26
 2 car trips a day. And so I would say please do not
 3 permit this change. Please leave the zoning where it
 4 is. Thank you.

5 *Kelly Niles*
 SPEAKER: I want to just let you know
 6 (inaudible), just hold applause. We don't need to do
 7 that. We just want to move through the people
 8 talking.

9 Thank you for your comments, sir.

10 Who's next up?

11 *Helen Johnson*
 SPEAKER: Beverlee Darling.

12 MS. BEVERLEE DARLING: No. I deny.

13 *Helen Johnson*
 SPEAKER: Okay. Gerald Fantz.

14 MR. GERALD FANTZ: Pass.

15 *Helen Johnson*
 SPEAKER: Nell Harrison.

16 MS. NELL HARRISON: Nope.

17 *Helen Johnson*
 SPEAKER: Richard Bourassa.

18 MR. RICHARD BOURASSA: No.

19 *Helen Johnson*
 SPEAKER: Bailey, Rich. Rich Bailey. Are
 20 they still here?

21 MR. RICH BAILEY: You want me to comment?

22 *Helen Johnson*
 SPEAKER: If you like. We're just working
 23 our way down this list.

24 MR. RICH BAILEY: I understand.

25 *Helen Johnson*
 SPEAKER: Okay. Same with your wife?

1 MS. EILEEN BAILEY: Yes.

2 *Helen Johnson*
SPEAKER: Okay. Got it.

3 Beverly and Gary McBride.

4 MS. BEVERLY McBRIDE: Yes. I'm Beverly
5 McBride, yes. I own the property on 2nd Street -- I'm
6 sorry, 4th Street, 1400 4th Street. My permanent
7 residence is in Toledo, Ohio. My husband grew up
8 here. His parents moved here. Talk about
9 longstanding connections. His parents moved here
10 during the dust bowl in Nebraska in the twenties and
11 he -- my husband picked strawberries all his life
12 until he was able to go to law school and moved and
13 met me in Ohio and we married.

14 As soon as we could afford it, we purchased a
15 home here in Columbia City because we love it. We
16 love the village atmosphere and are proud to be here.
17 We spend as much time as we can. I'm an attorney
18 also. I'm licensed to practice in Ohio but not in
19 Oregon. So what I will be saying -- and I have many,
20 many objections to this. What I will be saying is as
21 a landowner and not as an attorney.

22 The first question I have of the applicant is
23 who owns one of the three parcels? And that parcel is
24 the one that ends in DA05100. The record that I
25 received yesterday from the city hall indicates that

1 in June of 2014, last summer, the one parcel that's up
2 for change of zoning was owned by Agnes and John
3 Petersen. That was as of a memo from Helen Johnson
4 dated June the 9th, 2014.

5 *Al Petersen*
SPEAKER: My parents.

6 MS. BEVERLY McBRIDE: Yes, your parents. Do
7 they own that parcel still?

8 *Al Petersen*
SPEAKER: No. It's all in the family
9 corporation.

10 MS. BEVERLY McBRIDE: Okay. I don't see
11 anything in the record that shows any deed conveying
12 it to the family corporation. So I would say that the
13 record is flawed at this time. I see no signature by
14 your parents, and if that's true, if they have not
15 signed the application and still own it and have not
16 conveyed it, then I would submit that the application
17 should be denied just because it's wrong and that the
18 notices of intent in accordance with the application
19 are erroneous, and I'd like for the record to preserve
20 my concern about who in fact owns that one parcel.

21 MS. MARY ANNE ANDERSON: Can you give me that
22 parcel number again?

23 MS. BEVERLY McBRIDE: Yes, it's the parcel
24 that ends in 05100.

25 Okay. All right. I think this whole

1 presentation about R3 zoning being requested and not
2 being the same R3 zoning that exists in River Club
3 Estates is critical, critical, to this application.
4 Let me read from you the staff report that's been
5 somewhat put down, but page 4 of the staff report, for
6 instance. "Uses that are permitted in the existing
7 R-2 zone but are not permitted in the proposed R-3
8 zone include manufactured homes on individual lots,
9 single family detached residential dwellings,
10 duplexes, etc."

11 This means that single family residential
12 homes could not be built where they want to change the
13 zoning, and they have represented to you and to this
14 board that they want to do it like country club
15 estates. Country club estates is single family homes
16 and duplexes, which would not be permitted under a
17 change in zoning.

18 The staff report goes on to say, "The
19 application does not address specific development,
20 simply stating the owners plan to develop the subject
21 properties in a pattern similar to and complementing
22 River Club Estates."

23 River Club Estates, while zoned R-3, was
24 developed as a subdivision, as Lisa said, under county
25 jurisdiction, and the county permitted both single

1 family and duplexes under its R-3. The current R-3
2 zoning in the city would not permit single family.

3 Okay. Uses in the R-3 that would be
4 permitted include triplexes, town homes, multifamily
5 dwellings and residential care facilities. That would
6 be plopping all of that down in the middle of a
7 beautiful single family area, and that's the very
8 thing that zoning is -- is designed to protect
9 against. You don't have spot zoning with multifamily
10 in the middle of single family residential. We all
11 know that. It's -- it's a -- it's an abomination of
12 the zoning process.

13 All right. All of this about multifamily
14 rezoning. I had the same question one of the ladies
15 did. Does 13 units mean 13 units with four residences
16 per building --

17 *Lisa Smith*
SPEAKER: No, ma'am.

18 MS. BEVERLY McBRIDE: -- or does 13 units
19 mean 13 apartments for dwellings?

20 *Lisa Smith*
SPEAKER: A total of 13 dwelling units.

21 MS. BEVERLY McBRIDE: A total of 13 dwelling
22 units. Okay. Thirteen units with four people living
23 in them would -- average of four would add up to 52
24 additional people in that area. If each of the 13
25 units has two cars, that would be 26 additional cars

1 on that little over one acre. Twenty-six additional
2 cars. Where are they going to park? Fifty-two --
3 okay.

4 Going on from that, the economic development
5 that has been brought up several times. Page 7 of the
6 staff report talks about the village atmosphere. "The
7 staff finds that the city has a policy to preserve
8 Columbia City's quality of life, including village
9 atmosphere, open space and recreational opportunities,
10 urban bike and walking system and beautiful natural
11 setting, and promote these attributes as an incentive
12 for business development."

13 I submit to the Planning Commission that
14 that's another way of saying that the village has a
15 policy of preserving appropriate zoning. It's simply
16 saying we are going to abide by the zoning laws.
17 We're not going to put a commercial complex in a
18 residential area. We're not going to put a
19 multifamily complex in the middle of a single family
20 residential area. It's another way of saying we're
21 going to abide by zoning laws, and there's more than
22 one way to say that.

23 And I think it's very significant in this
24 part that the R-3 zoning would allow ten dwelling
25 residences per building, and historically -- ten

1 dwelling residences per building is what it says.

2 MS. MARY ANNE ANDERSON: It's per eight.

3 MS. BEVERLY McBRIDE: Okay. Should be per
4 eight. All right. But historically River Club
5 Estates have been developed at a rate of five dwelling
6 units per acre, twice as many allowed as in -- as in
7 river -- River Club Estates. Okay.

8 The city's Comprehensive Plan calling for 68
9 units of multifamily housing has been brought up also,
10 and I would point out, that plan is based on the
11 1999-2000 inventory for the city. That inventory is
12 15 years old. It's a very, very old inventory. May
13 no longer be relevant.

14 Also since 2000 we've had the worst economic
15 collapse this country has ever, ever experienced since
16 the 1920s and thirties, since the great depression,
17 and in the fall of 2008 many of us realized we lost
18 half or more of our net worth because of that economic
19 collapse. Many cities, many people, have not
20 recovered from that. Is it appropriate to talk about
21 the need for 68 units of multifamily housing when
22 that's true? We don't know. We just don't have the
23 updated things.

24 The statement was also made by the applicant
25 that -- get it here -- that the accessory dwelling

1 units are actually an extension of a single family
2 unit. It's the senior -- senior family members, it
3 serves the children that have come home to live with
4 the family even though the family didn't want the --
5 the children didn't want it. You know, it happened.

6 Well, that's the exact kind of thing that's
7 happening today and I would compliment Columbia City
8 on their accessory building units. It sounds like a
9 win-win situation and it may very well add to your
10 multiple family desires. I think you've done a real
11 win-win program for everyone because that's the kind
12 of housing people are looking for today in large
13 numbers. So don't feel that you're not meeting your
14 desire for more multifamily.

15 *Kelly Niles*
SPEAKER: I have to ask you -- I'll give you
16 one more point because we have other people --

17 MS. BEVERLY MCBRIDE: Sure.

18 *Kelly Niles*
SPEAKER: -- that want to speak and I have to
19 put some time limits on here so here's your chance.

20 MS. BEVERLY McBRIDE: Sure. All right.

21 *Kelly Niles*
SPEAKER: Thank you.

22 MS. BEVERLY McBRIDE: Okay. Let me jump to
23 -- I have several more points but it really upsets me
24 that an application itself -- and let me read from
25 that on page 1 and 2. In their summary to change it

1 from R-3 to R-2, the owners of the three tax lots,
2 quote, "Are applying for a minor zone change to
3 enlarge an existing R-3 zone."

4 Well, we've already talked about the fact
5 that is not true, and I don't know who wrote this, I
6 don't know if that's a mistake or if it's a
7 misrepresentation, as the one lady suggested, but I
8 know that our neighbors thought that it was going to
9 be okay because it was going to be R-3 zoning just
10 like country club or -- yeah, country river estates.

11 *Multiple Audience Members*
SPEAKER: River Club Estates.

12 MS. BEVERLY McBRIDE: Thank you.

13 Like the estates. This alone is enough to
14 deny this application. If -- if it is a
15 misrepresentation, and I'm not saying it is, it is
16 very serious to make that kind of a representation to
17 a public body. Extremely serious.

18 And it goes on to say, "This change will make
19 the property subject to the same standards as the
20 adjoining River Club Estates." It's not true. It's
21 absolutely not true. It's not subject to the same
22 standards. When you can't put single family homes on
23 the R-3 they're requesting, it's not the truth.

24 It even goes on on page 2, carry that thought
25 forward. "This zone change simply," simply, "moves

1 the northerly R-3 boundary of River Club Estates
2 further north to incorporate the subject properties."

3 I submit to you that this application must be
4 recommended for denial. Must be. And I thank you,
5 and frankly, I think that what a person is and how a
6 person acts toward their family, their friends and
7 their neighbors says more about what a person is than
8 anything else. I would love to see this applicant
9 voluntarily withdraw this application, go under the
10 R-2 and tear down those buildings that they admit are
11 a blight on the neighborhood.

12 Come in with a good plan and I think you
13 would get a lot of support from this neighborhood if
14 you come in with a plan like River Club Estates.

15 Thank you.

16 *Kelly Niles*
SPEAKER: Thank you.

17 *Lisa Smith*
SPEAKER: Do you want to enter your written
18 notes in the record?

19 MS. BEVERLY McBRIDE: No. Are you recording
20 this?

21 *Kelly Niles*
SPEAKER: Yes, we are.

22 MS. BEVERLY McBRIDE: That's fine. The
23 recording is fine.

24 *Lisa Smith*
SPEAKER: Thank you.

25 *Helen Johnson*
SPEAKER: So Bob and Shelly Sandford.

1 MS. SHELLY SANDFORD: So Shelly Sandford,
2 1330 2nd Street, and I'm a lot owner at River Club
3 Estates. For me it's not -- there's -- undoubtedly
4 there's a need for multi-housing units in our city.
5 For me it's more of a question of whether this is an
6 appropriate place for them, and I would argue that the
7 idea of putting multifamily units in the heart, in the
8 center of a single family neighborhood, single family
9 dwelling neighborhood, is not appropriate.

10 It is not the best place for an R-3 zoning
11 for multifamily housing. It changes the flavor of it,
12 it changes the spirit of it, it changes the attitude
13 of it. Somebody mentioned that they are going to
14 isolate their house. It is not an appropriate
15 location and place. Also the fact that the -- that
16 our inventory states that we need a multifamily
17 housing increase does not mandate that it be built
18 here. It does not mandate that this zone is approved
19 to satisfy the planning -- the comprehensive planning
20 goals. We have -- it's not like this is the last
21 place to build in Columbia City.

22 Also the transportation is a concern to me
23 because I feel that it is a quiet, it is a dead end,
24 it is the last end of the neighborhood. It's not
25 appropriate to have the kind of traffic that

1 multi-housing would inject into that neighborhood.
2 It's where school bus zones are, it's where children
3 walk on the streets. It's just not an appropriate
4 location.

5 Finally as to the -- the section E, the
6 environmental -- well, I had it section D, air, water
7 and quality. I know that during the development
8 process you guys will address the storm sewer drain
9 but the storm sewer comes directly out onto our beach
10 there at River Club Estates, which concerns me
11 tremendously about the pollution. Being a previous
12 industrial site, I am worried greatly about any
13 potential toxins or any potential hazards that could
14 flow into -- and I know this is probably going to be
15 addressed at the point of development and planning,
16 but it's something that is really greatly concerning
17 as to the quality of the direct impact on the beach
18 and the river there.

19 So I don't know if you've had the soil tested
20 for chemical composition. Maybe it's -- you know,
21 maybe it's a legitimate concern. And then how to
22 treat that. So I would urge that in the conclusion of
23 it I think R-2 zoning actually fits the better goals
24 of the planning -- Comprehensive Plan than R-3 does.
25 I think that accessory dwelling units does address

1 some needs for diverse family. It may not address the
 2 needs for multifamily but I don't think this is the
 3 appropriate location for that. Thank you for your
 4 time.

5 Lovely job, Lisa.

6 *Kelly Niles*
 SPEAKER: Thank you.

7 *Helen Johnson Schmor*
 SPEAKER: Robert Schmor.

8 *Schmor*
 MR. ROBERT SCHMOR: No.

9 *Helen Johnson*
 SPEAKER: Joe Turner.

10 MR. JOE TURNER: I'm Joe Turner.

11 *Helen Johnson*
 SPEAKER: Yes.

12 MR. JOE TURNER: I have -- I'm category three
 13 at the end. I don't have -- I don't have a for or
 14 against. My concern --

15 *Kelly Niles*
 SPEAKER: Okay. Then we'll come back to you,

16 then. Thank you.

17 *Helen Johnson*
 SPEAKER: Okay. Mary Anne Anderson. You

18 have done your presentation.

19 Okay. Katie Garman.

20 MS. KATIE GARMAN: I'll just be brief. I

21 need to kind of echo what's been said already. It is

22 River Club Estates. I mean, to call this just an

23 extension of R-3 I think is comparing apples and

24 oranges. It is a very quiet neighborhood. I am

25 concerned about what change that would be to again the

1 spirit, what's going on, and so I'll echo what Shelly
2 said, I'll echo what the others said.

3 And personally I felt kind of insulted that
4 it's sort of like accept this application or there was
5 this veiled threat. And I want the process to go
6 forward. I want it to be neighborly. I look to have
7 that. You know, we know that that property will be
8 developed but it needs to reflect the big picture, not
9 just (inaudible).

10 *Kelly Niles*
SPEAKER: Thank you.

11 *Helen Johnson*
SPEAKER: John and Benita Saatvedt.

12 MR. JON SAATVEDT: I'm going to say two
13 things. I have concerns about health and safety, and
14 I want to start with safety. I've walked up the hill
15 for the last 20 years with my kids when they were
16 little, and now with my grand kids, to come up to the
17 playground and play, go to Pixie Park. Oh, I'm the
18 property owner at 1435 2nd Street.

19 *Kelly Niles*
SPEAKER: Thank you.

20 MR. JON SAATVEDT: Neglected to mention that.
21 Additional traffic on 2nd Street is
22 difficult. It's a busy street already. There's a lot
23 of traffic that goes up there. When we're dealing
24 with small kids, and there are a number of small kids
25 in the neighborhood, I'm afraid for -- you know, even

1 if it's -- even if it's deemed that may fit it, the
 2 safety of people walking, biking, ^{roller blading} (inaudible) up and
 3 down the hill and other streets. It's a beautiful
 4 walkway, it's a beautiful pathway. On weekends it's
 5 crowded with people walking because there are gorgeous
 6 views on 2nd Street.

7 The second piece of it is around ^{health} (inaudible)
 8 and it echoes really what Shelly said and the point
 9 you brought up. This is an old industrial facility.
 10 It was a shipyard during the twenties and the
 11 thirties. We don't know about the amount of lead and
 12 the amount of other contaminants that are in the soil.
 13 I have grand kids living at the house down there now
 14 and I would hate to think that -- you know, in the
 15 development process the -- these things need to be
 16 evaluated.

17 If -- I don't know the condition of the land
 18 or the soil over there but that's something that needs
 19 to be explored very carefully.

20 ^{Ms. Bonita Saalvedt}
~~MS. MARGARET ANDERSON:~~ Can I have a show of
 21 hands of all of those who are against?

22 Thank you.

23 I also echo what the others have said. My
 24 ^{I knew Harvard} ~~name is~~ Margaret Anderson. ^{I knew him well.} My ~~neighbor~~ (inaudible),
 25 we talk^{ed} often. He wanted to turn that shop into a

1 museum. He was very key on that.

2 What I wanted to bring up was one of the
3 points here about the sewer, the drainage. What I
4 see -- I live in that house and now my children live
5 in that house, and grandchildren, is that the drainage
6 during a storm, a normal storm, a river runs down 2nd
7 Street and it runs right down into that property, and
8 if it wasn't for that beautiful big tree there you
9 would have a wetlands. And so most of that water
10 dissipates through the ground or through the drainage
11 there, but that tree there is also providing a service
12 and nobody talks about that tree. That tree is a
13 100-year-old flood marker.

14 And (inaudible) ^{Harvard} Anderson^s ^{shop} is actually a
15 historical marker. I mean it's been there. We all
16 know that there's a ship's skeleton down on the beach
17 that we all love from what -- when they had the ship
18 building there. So I don't think at this time we need
19 to change to an R-3, like people said before.

20 I was on the Planning Commission when we did
21 the 20 year. We talked about the village. We called
22 it a village because this town was too small to be
23 called town. We couldn't call it a city. We used to
24 joke about the fact that it wasn't a city even though
25 we called it Columbia City. But we were back there,

1 we said we wanted 10,000 square foot lots because of
2 the fact that there was going to be a lot of
3 in-filling, and we put the 10,000 square foot lots on
4 the other side of the highway because we wanted an
5 atmosphere that people could bring their families to,
6 people could come here and this would be their home.

7 This is a place where they could live for 30
8 years, raise their kids like I did and raise -- and
9 bring their grand kids to play. And now, you know,
10 the fact that they think that right now at this time,
11 at this moment, they need to change it to R-3 at this
12 time when I see houses for sale, when I see, you know,
13 the problems in Portland, when we see -- you don't
14 know what kind of people will be moving into the
15 apartments, what kind of people move into apartments,
16 ^{cause} what kind of jobs ^{are here in} (inaudible). ^{your county.}

17 And there's a lot of, you know, implications
18 here that we're not even thinking about. He was very
19 eloquent about -- and gave assurances, you know, it
20 would be a LEED-type green housing project. I've been
21 on this commission, I've been on the county Planning
22 Commission, I've been on the school board. I know one
23 thing. People don't tell you everything, and that is
24 what you really have to remember. It's what they're
25 not saying is what we're concerned about. Thank you.

Kelly Nicks

1 SPEAKER: Thank you.

Helen Johnson

2 SPEAKER: David and Shari -- Sheila, excuse

3 me, Rule.

4 MR. DAVID RULE: 210 Spinnaker Way. I'm not
5 going to get up here and agree to everything. Very
6 important, I just want to emphasize, I live -- I have
7 the easement and I have a large ^{portion} (inaudible) on that
8 easement, and he brought up something about ownership.
9 Well, we purchased that land. That's a -- I'm a
10 little confused what he was indicating.

11 There's a lot of confusion here. So those
12 two things I want to bring up is we own that land. We
13 can't do anything with it but maintain it. We have to
14 allow access for anybody along there, but as far as I
15 know, I pay taxes on that land. It's mine. I own a
16 deed. So there's a huge question right there. I
17 mean, it's just -- I think this isn't thought out very
18 well by them.

19 Okay. The other thing is -- I want to
20 reiterate is the parking. It was brought up very
21 shortly. You got to really look at this. That's a
22 huge factor here.

Kelly Nicks

23 SPEAKER: Thank you.

Helen Johnson

24 SPEAKER: Janet Sorensen.

25 MS. JANET SORENSEN: No.

Helen Johnson

1 SPEAKER: Wil and Terry Knoop.

2 MR. WIL KNOOP: Yeah, we're here. I haven't
3 really had a chance to look at this other than
4 tonight. *Some of the things I have heard* (Inaudible). I think I agree, if the
5 Petersens would be open and tell us what they're going
6 to do with the plan, we'd probably work with them, but
7 if they're afraid to do that, it causes suspicion.
8 That's the message I have to -- the further review I
9 guess we can address *other issues of the development* (inaudible). That's all.

10 *Kelly Niles*
SPEAKER: Thank you.

11 *Helen Johnson*
SPEAKER: William Warren.

12 MR. WILLIAM WARREN: Yep. I have two
13 concerns about the outcome. One, is *they came in here and put* (inaudible) on *you*
14 notice, and secondly -- *guys*
15 *unidentify female from audience*
SPEAKER: We can't hear you.

16 MR. WILLIAM WARREN: Secondly is, you know,
17 *the enduring hearts towards* (inaudible) owned the properties. Why didn't he clean
18 up that shipwreck when he owned it? He owned that
19 property a long time *and left it be* (inaudible).

20 *Kelly Niles*
SPEAKER: Thank you.

21 *Helen Johnson*
SPEAKER: Iona Dworschak.

22 MS. IONA DWORSCHAK: No.

23 *Helen Johnson*
SPEAKER: No.

24 *Vallenga*
Lynn Vallenga.

25 *Vallenga*
MS. LYNN VALLENGA: Yes, 1245 2nd Street, and

1 I certainly mirror absolutely everything that was said
2 here tonight on the opposing side. I just think it's
3 totally, totally inappropriate to plop what could
4 possibly be a huge apartment building in the middle of
5 a single family dwelling area. Not ^{Just} (inaudible) River
6 Club Estates (inaudible) but the whole area. It's
7 just -- you know, find a place in St. Helens maybe
8 that needs some additional apartments.

9 And transportation, about four months ago I
10 needed to have a ride. My car wasn't functioning and
11 I had it towed and I called the bus people and they
12 said oh, yes, your nearest spot to pick up is at the
13 Minute Mart. I'm not going to walk two miles, ^{to go eleven} to catch a bus
14 (inaudible) miles, no. So there's no transportation
15 issue that's positive.

16 ^{Kelly Miles}
SPEAKER: Okay. Thank you.

17 ^{Helen Johnson}
SPEAKER: Jennifer Davis.

18 MS. JENNIFER DAVIS: Hi. 1255 2nd Street. I
19 mirror everything that everybody said so (inaudible).
20 What I do want to say is it really concerns me as a
21 mother of a four-year-old, a nine-year-old and a
22 13-year-old that rides their bikes and walk in that
23 area every single day that they have the gall to say
24 that this won't impact with a minimum of 26 extra
25 vehicles every day.

1 Tell that to my four-year-old. That's going
 2 to have an impact. There's no way it won't have an
 3 impact. We won't let her ride her bike out there
 4 anymore. There's no way. You put an apartment
 5 complex in there or a senior care facility, it's not
 6 going to happen. We'll lose. I mean it's just really
 7 *the reason we moved to this area was*
 8 *(inaudible)* because it's very quiet. Our neighbors
 9 can leave their doors unlocked and know that nobody's
 10 going to do anything to their homes. There's no
 11 crime. It's a perfect place to raise a family, and if
 12 there had been an apartment complex, we wouldn't have
 13 moved here.

13 *Kelly Niles*
 14 SPEAKER: Okay. Thank you.

15 *Helen Johnson*
 16 SPEAKER: Michael Floeter.

17 Tami Schlumpberger.

18 *Kelly Niles*
 19 SPEAKER: Are they outside?

20 *Unidentified Female from Audience*
 21 SPEAKER: I think they're outside.

22 *Helen Johnson*
 23 SPEAKER: She left. Okay.

24 And Ron, you haven't signed the sheet,
 25 correct, because you came a little bit later.

26 *Ron Schlumpberger*
 27 SPEAKER: Yeah, I had car *(inaudible)*. Can I

28 say anything in her place?

29 *Helen Johnson*
 30 SPEAKER: Would that be appropriate or at the

31 end?

32 *Kelly Niles*
 33 SPEAKER: Yes, go ahead.

1 MR. RON SCHLUMPBERGER: We live at 1400 2nd
2 Street, directly across from this proposed property.
3 I don't have any problem with doing single family or
4 town homes but at this multifamily unit or apartment
5 complex, I have a -- you know, echoing everything
6 else, the same concerns.

7 Shelly brought up a really good point. I
8 kite board down there, use that water and ^{when you have kin} (inaudible)
9 industrial site. I'm not sure I know what type of
10 contaminations are in that area. I mean all the
11 welding and all that. If it's going to go into that
12 culvert and down into that sand -- we swim down there
13 and kite board down there, all the kids play down
14 there -- that's really a concern of mine.

15 And, you know, the types of homes we have
16 down there are some of the most expensive homes we
17 have on the books for taxes. You put an apartment
18 complex across the street, it's going to devalue my
19 home along with everybody else in the River Club
20 Estates that are on the water. I mean that are in
21 that area.

22 So when you think of multifamily or apartment
23 complex, you know, if it's -- if it's really zoned
24 R-3, you can't have single family or town homes, and
25 why would you want to then -- it tells you what's

1 going to go in there. It's apartments or multifamily.
2 That's not the area for it. We have custom homes, we
3 have large lots and we've got town homes. That's what
4 should stay in that area. I didn't build the type of
5 home I did to have an apartment across the street.

6 *Kelly Niles*
SPEAKER: Okay. Thank you.

7 *Helen Johnson*
SPEAKER: Debbie Virts.

8 MS. DEBBIE VIRTIS: Pass.

9 *Helen Johnson*
SPEAKER: Durell Kearsly.

10 MR. DURELL KEARSLY: No additional comment.

11 *Helen Johnson*
SPEAKER: Gail Kearsly.

12 MS. GAIL KEARSLY: No additional comment.

13 *Helen Johnson*
SPEAKER: Okay. Thank you.

14 Gene Strehlou.

15 MR. GENE STREHLOU: No comments.

16 *Helen Johnson*
SPEAKER: Russ Thackery.

17 *Joan Thackery*
SPEAKER: He left.

18 *Helen Johnson*
SPEAKER: Okay. John and --

19 *Joan Thackery*
SPEAKER: He agreed with all of them.

20 *Helen Johnson*
SPEAKER: John, and I can't read this, but

21 Hebeisen; is that correct?

22 MR. JOHN HEBEISEN: Just one real quick

23 comment. 1240 2nd street. We live down by the pump

24 station. We were probably the first house to build in

25 River Club Estates. I have seen sewer on the street

1 three times, so my concern is, when they engineered
2 the new pump station, did they allow for all the new
3 housing? Sewer in front of your house is not a
4 pleasant thing, and that would be my main concern.
5 Other than that, I agree with what everybody else has
6 said. If they would do housing that was convincible
7 with the rest of it, great, go for it.

8 MS. THALENE HEBEISEN: I'm his wife. I have
9 my two cents worth.

10 MR. JOHN HEBEISEN: Her name is on there.

11 *Helen Johnson*
12 SPEAKER: Yes, it's on there.

13 MS. THALENE HEBEISEN: But everybody knows
14 the Hellers. They've had sewer back up into their
15 bathtub, they have had sewer in their bathroom. Now,
16 this was years ago. But if we keep adding multiple
17 apartments -- and in their papers they did not say
18 they were going to enlarge the -- they were just going
19 to connect to the existing line.

20 The Hellers, just a couple years ago, as you
21 know, had to have their house lifted because there was
22 sewer underneath it. The River Club Estates sewer
23 system was designed for 52 houses 20-some odd years
24 ago. You have updated it and it's better now. But,
25 you know, I don't care about multifamily living. It's
just going to decrease everything and it's sad. If

1 they love their community and their land so much, then
 2 why are you going to ^{do this} (inaudible) on it? Thank you.

3 ^{Kelly Nicks}
 SPEAKER: Thank you.

4 ^{Helen Johnson}
 SPEAKER: Maria Tagliavento.

5 MR. MIKE TAGLIAVENTO: I'll speak on her
 6 behalf.

7 ^{Helen Johnson} ^{thanks}
 SPEAKER: Okay. Mike ^{then}.

8 MR. MIKE TAGLIAVENTO: (Inaudible).

9 Everybody's been very eloquent. (Inaudible) reiterate
 10 what everybody else has said. Maria and I are opposed
 11 to this as we now understand it. In fact, we don't
 12 understand any of it. We received nothing that has
 13 been presented to us that ^{we may be able to} (inaudible) comprehend with
 14 the discussion ^{is about} (inaudible) ^{to R-3} to R-2 which we're opposed
 15 to, and we have no idea what the development -- scope
 16 of the development is even going to look like. Not
 17 ^{unless someone can} (inaudible) clarify that point for us. ^{So again,} At this point
 18 we're opposed to any changes or to the application as
 19 it stands.

20 ^{Kelly Nicks}
 SPEAKER: Thank you.

21 ^{Helen Johnson}
 SPEAKER: John Hebeisen.

22 MR. JOHN HEBEISEN: Nope.

23 ^{Helen Johnson} ^{have you}
 SPEAKER: I already -- she signed you. Okay.

24 Got it.

25 Okay. Bruce Crawford.

1 MR. BRUCE CRAWFORD: (Inaudible) pretty much
2 everything I was going to say (inaudible) but I'd like
3 to pass my time to this lady here. She had a couple
4 more things that she wants to talk about.

5 MS. BEVERLY McBRIDE: Thank you. Thank you
6 very much. I appreciate it.

7 I do have two more quick questions or
8 statements that I was cut off from making.

9 *Kelly Nicks*
SPEAKER: Go right ahead.

10 MS. BEVERLY McBRIDE: I agree that the
11 property is currently a safety and health hazard.
12 Even though the staff report didn't find it that way,
13 the applicant says it's not. There are old, dry,
14 flammable wood buildings there. Not just weeds.
15 Rusted metal. And last summer I -- and I adjoin the
16 property -- saw a wolverine in my backyard for 20
17 minutes. The wolverine sat on the extension of their
18 south property line on my property for at least 15
19 minutes, and then it ambled slowly across my yard to
20 what would be the eastern -- no, the northern part of
21 the extension of their property westward. Ambled
22 across there.

23 When the wolverine was sitting on the
24 property for 15 minutes he was looking up at the
25 dilapidated buildings, making me wonder if he was

1 living in the dilapidated buildings. And I kid you
 2 not. I called the police, I reported it, and they
 3 told me to call animal control and I called animal
 4 control. I don't think anything was ever done but I
 5 know it was a wolverine, and I can go into that in
 6 detail.

7 And then also the applicant may stand up and
 8 say that the EPA questions are not relevant because
 9 they'll have to meet any EPA or environmental
 10 conditions. Well, it was puzzling to me why the staff
 11 believed, in an excellent staff report, the lead that
 12 it was farmland zoning when in fact it was, as the
 13 applicant rightly said, an industrial property. If
 14 the state believes it's farmland zoning, their EPA --
 15 their EPA search or query would be much different
 16 under farmland than it would be under former
 17 industrial property. So I think that's another
 18 confusing issue that says deny this application.

19 Thank you.

20 *Kelly Niles*
 SPEAKER: Thank you.

21 *Helen Johnson*
 SPEAKER: Larry Kanzler.

22 *Unidentified Male Audience member*
 SPEAKER: Larry wasn't able to stay because

23 he's badly injured and couldn't sit by the time we got
 24 through.

25 *Helen Johnson*
 SPEAKER: Oh, okay.

1 Laura and Jim Ives.

2 MS. LAURA IVES: We just agree with all the
3 opposing so...

4 *Helen Johnson*
SPEAKER: Okay.

5 MR. JIM IVES: I've got something.

6 *Helen Johnson*
SPEAKER: He's got some more. Okay.

7 MR. JIM IVES: (Inaudible). I think there's
8 a huge safety issue. There are a lot of little kids
9 and there will be more kids out there if you put an
10 apartment complex in there. And there are no
11 sidewalks on 2nd Street. Pedestrians are forced into
12 the street. So you don't think that adding traffic is
13 going to be a big issue, but if you're walking up that
14 street, it's an issue. Thank you.

15 *Kelly Niles*
SPEAKER: Thank you.

16 *Helen Johnson*
SPEAKER: Agnes Petersen. Is Agi here?

17 *Unidentified female from audience*
SPEAKER: Back here.

18 *unidentified male from audience*
SPEAKER: Here she comes.

19 MRS. AGNES PETERSEN: I'm not in opposition
20 but I would like to reserve my comments for
21 rebuttal --

22 *Helen Johnson*
SPEAKER: Okay.

23 MRS. AGNES PETERSEN: -- of some of the
24 opposition.

25 *Kelly Niles*
SPEAKER: You certainly may. We do have a

1 slot for that coming up.

2 MRS. PETERSEN: I saw it. Thank you.

3 *Kelly Niles*
SPEAKER: Is that it?

4 *Helen Johnson*
SPEAKER: Anybody else that might not have
5 signed on the sign-in sheet?

6 *Kelly Niles*
SPEAKER: Apparently not.

7 *Lisa Smith*
SPEAKER: There's information that's going to
8 have to be obtained from outside this hearing.

9 *Kelly Niles*
SPEAKER: Yep.

10 *Lisa Smith*
SPEAKER: So I'm going to recommend to you
11 that you continue this hearing.

12 *Barbara Gordon -?*
SPEAKER: Could we read these two statements
13 into the record prior to that?

14 *Lisa Smith*
SPEAKER: Yeah, we can do that.

15 *Kelly Niles*
SPEAKER: So hang on a second, folks. So I'm
16 just going to read two things here that were in
17 opposition. One I'll actually pass on because Ron
18 Schlumpberger actually spoke on one of those.

19 The other one I have here is, "We strongly
20 recommend a no vote by the Planning Commission. We
21 moved here in 2014 and find it disturbing to read of
22 the proposed amendment. Lower Columbia city is
23 primarily single family residences. High density
24 properties would change the ambiance and nature of the
25 neighborhood and lower property values.

1 "We live right above the location and are
2 very concerned about both light and noise pollution to
3 our property and the general area around the property.

4 "Thank you for consideration. Our
5 recommendation for no," and that's from Dana and Sue
6 Marble at 1420 4th Street.

7 So at this time, by the clock -- so there's
8 been a couple things that have been brought up to
9 light. I don't know if we can answer those tonight.
10 I know Lisa has indicated that she needs to do a
11 little research, that we can't possibly make a good
12 decision tonight without having all the facts.

13 So my recommendation and -- to the rest of
14 the Planning Commission is that we go to a
15 continuance, and I'm looking at July -- Tuesday, July
16 28th at seven p.m., this same location.

17 *Lisa Smith*
SPEAKER: Do you want to have Miss Petersen
18 make her comments now or do you want to come back July
19 28th?

20 MRS. PETERSEN: That's fine.

21 *Kelly Niles*
SPEAKER: Does that work for you folks as
22 well? Because there is going to be a part in here
23 that there will be some rebuttal from -- on your
24 behalf from you folks, can rebut to any questions and
25 comments, and also from staff to grab some more stuff.

Barbara Gordon

1 SPEAKER: Thursday's fine with me. Any day
2 of that week is fine.

Dennis Capik

3 SPEAKER: Thursday will work.

Lisa Smith

4 SPEAKER: Thursday. Kelly, does next

5 Thursday or the following Thursday work for you?

Kelly Niles

6 SPEAKER: Yes. Yeah, yeah.

Lisa Smith

7 SPEAKER: The 23rd?

8 SPEAKER: The 23rd.

Kelly Niles

9 SPEAKER: We're not -- the reason we're not

10 looking at the 21st, folks, is because there's already

11 two of us that are not going to be here for sure. We

12 already knew that, so that's why we're not looking at

13 that date, because we need a quorum to make a

14 recommendation so we need to make sure we have enough

15 people here.

Lisa Smith

16 SPEAKER: So July 23rd, and we will try to

17 have more space --

Helen Johnson

18 SPEAKER: The community hall.

Lisa Smith

19 SPEAKER: -- and people can be --

Kelly Niles

20 SPEAKER: So on Thursday nights the community

21 hall next door is vacant so we will have the meeting

22 there so everybody can have a chair.

Unidentified male audience member

23 SPEAKER: What date is that?

Kelly Niles

24 SPEAKER: That will be Thursday, July 23rd,

25 seven p.m., right next door.

Unidentified male audience member

1 SPEAKER: Okay.

Lisa Smith

2 SPEAKER: The hearing has been continued to a

3 date certain.

Kelly Niles
4 SPEAKER: Correct. Okay.

5

6 -- o0o --

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8 Audio recording continued
JD

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1 STATE OF OREGON)
2 County of Columbia) ss:
3

4 I, Karen M. Smith, a Certified Shorthand
5 Reporter of the State of Oregon, do hereby certify
6 that I transcribed from digital recording the
7 proceedings had upon the hearing of this cause,
8 previously captioned herein, before the Planning
9 Commission of the City of Columbia City, State of
10 Oregon; that I thereafter had reduced my stenotype
11 notes by computer-aided transcription; and that the
12 foregoing transcript, consisting of Pages 1 to 85,
13 both inclusive, constitutes a full, true and accurate
14 record of the proceedings had upon the hearing of said
15 cause, and of the whole thereof.

16 WITNESS my hand as Certified Shorthand Reporter
17 this 4th day of August 2015.
18

19 *Karen M. Smith*
20

21 KAREN M. SMITH
22 Certified Shorthand Reporter
23 Certificate No. 00-0369
24 My Certificate Expires: 6/30/17
25