

**COLUMBIA CITY PLANNING COMMISSION  
PUBLIC HEARING CONTINUATION  
COMMUNITY HALL – 1850 SECOND STREET  
JULY 23, 2015 - 7:00 P.M.**

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

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

**OTHERS:** Russ & Joan Thackery, Eileen Bourassa, Beverlee Darling, Gerald & Cheryl Fantz, Nell Harrison, Beverly McBride, Bob & Shelly Sandford, Joe Turner, Mary Anne Anderson, David & Sheila Rule, Janet Sorensen, Wil & Terry Knoop, William & LaVerna Warren, Iona Dworschak, Lynn Vellenga, Terry Strehlou, Frank & Kathie Hupp, Syd & Joan Smith, Jim & Laura Ives, Agnes Marie Petersen, LeeAnne Landenberger, Chuck & Leslie Ramsdell, Marty & Sharon Borrevik, Shelly Sandford (River Club Estates HOA), Dana & Sue Marble, Al Petersen.

The minutes from this meeting incorporate a 71 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 7:08 p.m.

**PLEDGE OF ALLEGIANCE:**

Kelly led the pledge of allegiance.

**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 closed at 8:52 p.m. The record will remain open for only written testimony until 5:00 p.m. Tuesday, July 28, 2015. The applicant will then have until 5:00 p.m. on Thursday, August 6, 2015 to respond to written comments received.

The transcription of this meeting ended just after the public hearing closed, the additional notes are from the rest of the recording.

The Planning Commissioners and staff discussed the process for the deliberations meeting, which will be scheduled for Thursday, August 6, 2015 at 7:00 p.m. in the Community Hall again to be sure we have adequate space. This meeting would not be open for public input, but it is a public meeting.

The Commissioners and staff also discussed the need to have a quorum at the next meeting. Lisa stated that notice would be ran in the newspaper again and notices will need to be mailed to all involved property owners and parties that participated in the hearings. It was also mentioned not to discuss this application outside of this body or staff.

Kelly express concern about possibly not being able to be at the meeting because of the high fire threat right now and he may be called out of town. In the discussions of who would be able to attend the deliberations meeting it was determined that Commissioner Mark Worrall had signed the petition submitted by Beverly McBride. It was determined he will not be able to attend the deliberations hearing.

**ADJOURNMENT:**

Meeting adjourned at 9:05 p.m.

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Kelly Niles  
Planning Commission Chair

Attest by:

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Helen K Johnson  
Planning, Building Administrative Assistant

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COLUMBIA CITY PLANNING COMMISSION  
JULY 23, 2015

8/3/15 + 9/4/15

audio recording reviewed  
and compared to this  
transcript by *Alex K*  
Johnson, Columbia City  
Planning Admin Asst.

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

*Alex K Johnson*

*Kelly Niles*

1 SPEAKER: Hello again, folks. So we're here  
2 for a continuation of our previous session but we're  
3 going to kick it off again with the Pledge of  
4 Allegiance.

5 (Pledge of Allegiance recited.)

*Kelly Niles*

6 SPEAKER: So before we hopefully -- can  
7 everybody hear me? I'm kind of a loud mouth. I can  
8 be loud if you want. But if you can't, say so and  
9 *one of us... speaking*  
(inaudible) up here.

10 So before we get back into where we left off  
11 at our last meeting, there were some questions and  
12 concerns brought up that Lisa -- I would like her to  
13 provide in her addendum to our initial staff report.

14 MS. LISA SMITH: And let me know if you can't  
15 hear me because I'm not known for speaking loudly.

*Unidentified Female Audience Member*

16 SPEAKER: Could you stand up.

17 MS. LISA SMITH: Stand up. Okay.

18 This is an addendum to the previously  
19 presented staff report and it only addresses some  
20 questions that were raised that were either  
21 inaccuracies in the staff report or kind of  
22 (inaudible) issues related to the staff report.

23 A question was raised regarding ownership of  
24 one of the tax lots. Per Columbia County Assessor's  
25 name ledger, January 29th, 2014 -- that should say

1 2015, I apologize -- John A. Petersen and Agnes Marie  
2 Petersen recorded documents changing the name on the  
3 property to William Allen Petersen, Mary Anne  
4 Petersen, James Edward Petersen and John Henry  
5 Petersen. The property name change was recorded on  
6 February 4th, again 2015, I believe.

7 MR. AL PETERSEN: No, it was '14.

8 MS. LISA SMITH: Was it '14? Okay. Good.  
9 I'm looking at that thinking I have that wrong.

10 Changing the names from William Allen  
11 Petersen, Mary Anne Petersen, James Edward Petersen  
12 and John Henry Petersen to Columbia Harbour, LLC.

13 The application contained copies of recorded  
14 deeds from Harvard Anderson to John A. Petersen and  
15 Agnes Marie Petersen and from William Allen Petersen,  
16 Mary Anne Petersen, James Edward Petersen and John  
17 Henry Petersen to Columbia Harbour, and staff has  
18 requested a copy of the deed transferring the property  
19 from John Petersen, Agnes Marie Petersen to William  
20 Allen Petersen, Mary Anne Petersen, James Edward  
21 Petersen and John Henry Petersen, and I have been  
22 informed that that will be entered into the record  
23 this evening by Al Petersen.

24 The applicant is requesting municipal  
25 approval of a Comprehensive Plan Zone/Map Amendment

1 and Rezoning. The staff report -- the original staff  
2 report stated that the affected tax lots are generally  
3 located as a farm building and surrounding 1.33 acres  
4 of vacant land west of 2nd Street and north of River  
5 Club Estates.

6 Additional information from the Columbia  
7 County Assessor's Office now identifies the structure  
8 as a machine shed, so the statement in the staff  
9 report is amended to read, "Effective tax lots are  
10 generally located as a machine shed and surrounding  
11 1.33 acres of vacant land west of 2nd Street and north  
12 of River Club Estates." So we have the ownership, we  
13 have the location.

14 We did conduct a public hearing held before  
15 the -- originally scheduled for, date correction, July  
16 14th, 2015, at seven p.m. in the council chambers at  
17 City Hall, 1840 2nd Street. This public hearing was  
18 conducted as scheduled. The hearing was attended by  
19 more persons than the council chambers could seat.  
20 The hearing was continued to Thursday, July 23rd,  
21 2015, at seven p.m. in the Community Center adjacent  
22 to City Hall to allow for additional seating.

23 With regards to the findings of fact, again  
24 under the location statement, we have referenced the  
25 farm building/machine shed conundrum which has been

1 resolved.

2 Under the quasi judicial decision making  
3 section, under Columbia City goal (inaudible), state  
4 planning goal, the dates of the public hearing were  
5 incorrect in that section and thus have been  
6 corrected, and the beginning paragraph I just read to  
7 you with regards to conducting that initial meeting is  
8 again included.

9 Under housing, I'm not going to read the  
10 whole goal again which -- the portions which haven't  
11 changed. I am making an addition. Per Michael Ray,  
12 Columbia County Rider, the Columbia County Rider bus  
13 stop in Columbia City is currently at the mini mart on  
14 A Street west of Highway 30. This location <sup>would require</sup> ~~was~~  
15 <sup>pedestrians wanting to</sup> (inaudible) to ride the bus traveling ~~in~~  
16 <sup>approximately</sup> Street across (inaudible) 3,150 feet west on E Street  
17 crossing Highway 30 at the signalized intersection  
18 approximately 600 feet and 1,500 feet north to A  
19 Street.

20 Columbia City is very limited on other  
21 conveniences. The mini mart is also the only grocery  
22 and gas station in Columbia City. The conclusion has  
23 been modified to state the council may find the  
24 location is in close proximity to public services.  
25 The location may not be in close proximity to

1 transportation and other conveniences. The way that  
2 criteria reads is (inaudible).

3 Staff requested clarification and additional  
4 discussion from the city engineer regarding waste  
5 water and water capacity. There was an e-mail  
6 submitted to the city engineer. The city engineer  
7 responded to the e-mail. I have incorporated the  
8 entire e-mail into this addendum.

9 My question to him, "Rob, at the public  
10 hearing on July 14th, 2015 for the Columbia Harbour,  
11 LLC zone change from R-2 to R-3, several persons  
12 discussed sewer system failures. It is my  
13 understanding from," <sup>Leahnette</sup> (inaudible), "that the upgrade of  
14 the RCE pump station, which is in process now, will  
15 resolve these issues and provide adequate capacity for  
16 future development. For the record, a confirmation of  
17 the upgraded size to provide adequate capacity for  
18 increased density from eight dwelling units per acre  
19 to ten dwelling units per acre would be appreciated."

20 His response was, "Yes. For the subject  
21 property to increase density from eight dwelling units  
22 per acre to ten dwelling units per acre, the sewer  
23 system will be adequate to service the development  
24 when the pump station upgrade is complete. We  
25 anticipate the pump station upgrade will be complete

1 in early 2016."

2 Second question. "Because of the questions,  
3 I took another look at both the waste water and Water  
4 Master Plan. In reviewing the Water Master Plan I  
5 noticed that at 2053 population, table EF-3 shows that  
6 the city has a maximum daily demand of 291 gallons per  
7 minute and a peak hourly demand of 437 gallons per  
8 minute. Table EF-7 indicates there is a deficit for  
9 maximum daily demand of 76 gallons per minute from  
10 existing wells. Has the city added wells since the  
11 plan was adopted?"

12 "No, the city has not added any wells to  
13 accommodate this deficit." *If demand exceeds supply* (Inaudible), "the city  
14 purchases water from St. Helens. The peak day demand  
15 is 291 gallons per minute provided by the city from  
16 the well and purchased water. The peak hour demand up  
17 to 737 gallons per minute *is* *using* ~~was~~ met," (inaudible),  
18 "stored water in the reservoirs."

19 Question. "Does the city require water from  
20 St. Helens to satisfy its current usage?"

21 "Yes. The city buys water from St. Helens  
22 during peak demand."

23 Question. "E-6.41 goes on to state that the  
24 L Street/St. Helens Water District Station does not  
25 have enough capacity to serve current and future

1 maximum daily demand and should be upgraded. The plan  
2 indicates that no upgrade is scheduled until 2024."

3 Response. "The statement above is based on  
4 the L Street St. Helens Water District Station  
5 providing 100 percent of the peak day demand.  
6 However, the booster station does have adequate  
7 capacity to make up to 76 gallons a minute, which is  
8 26 percent of the peak day needed to meet current peak  
9 day demand where it complements the city's well  
10 capacity."

11 And then I requested, "Some additional  
12 discussion on water capacity and additional users that  
13 were not included in the Water Master Plan would be  
14 appreciated."

15 His response was, "Projected demands are  
16 summarized in Table 3-3 of the Water Master Plan  
17 showing growth projections to year 2032 showing the  
18 projected population increase of approximately 580  
19 residents from 2012 to 2032. The conservative  
20 estimate is 65 persons in the proposed property at  
21 maximum density would be included within the 580 new  
22 residents. Using demand estimates from the Master  
23 Plan, the average daily demand from 65 residents is  
24 5,265 gallons per day, 2.6 gallons per minute, and the  
25 peak day demand is 13,163 gallons per day, 9.1 gallons

1 per minute. Based on," <sup>this</sup> (inaudible), "it is reasonable  
 2 to expect that 65 new residents could be accomodated  
 3 with the city's current water supply, including  
 4 purchasing water from St. Helens."

5 Thank you.  
 6 *Kelly Niles*  
 6 SPEAKER: Thank you. Okay. So like I said  
 7 when we started, this is a continuation so what I'm  
 8 going to do is jump down here in the agenda and I  
 9 believe where we left off was input in opposition, is  
 10 where we left off at. So at this time, anybody that  
 11 did not get a chance to speak at last meeting, or if  
 12 somebody that did speak at last meeting has further  
 13 relevant information, I would ask you to come up to  
 14 the front.

15 We're going to ask you to come up to the  
 16 front tonight so that you can face and everybody can  
 17 hear, plus also so we can get it on our recorder.  
 18 Helen's grabbing the sign-in sheet so say --

19 You're just going to go through the sheet  
 20 again, Helen? I think that would be easiest.

21 *Helen Johnson*  
 21 SPEAKER: Okay. So Frank Hupp.

22 MR. FRANK HUPP: I'm not opposed. I'm  
 23 abstention. I want to (inaudible).

24 *Helen Johnson*  
 24 SPEAKER: Okay. Joan Thackery.

25 *Kelly Niles*  
 25 SPEAKER: So --

1 Frank Happ Ask  
SPEAKER: (Inaudible) questions?  
2 Helen Johnson  
SPEAKER: Sorry.  
3 Lisa Smith  
SPEAKER: Why don't you have them go ahead  
4 and enter their questions rather than having to go  
5 back and forth.  
6 Kelly Niles  
SPEAKER: Well, I was going to bring him down  
7 to the other one which is input neither in favor nor  
8 in opposition since he just has questions and that.  
9 So we've got a spot for you, Frank.  
10 Helen Johnson  
SPEAKER: We'll come back to you.  
11 Kelly Niles  
SPEAKER: Yep.  
12 Helen Johnson  
SPEAKER: Joan Thackery.  
13 MS. JOAN THACKERY: I have just a little bit  
14 more to say. One thing I know we talked a lot about  
15 last time was that we weren't hearing what they were  
16 going to put in but I think we need to keep in mind  
17 that it doesn't matter. This is just a zone change  
18 and it allows for anything that's in R-3. So to tell  
19 us tonight it could be beautiful but they're not  
20 obliged to do that. This is a zone change. I want  
21 you all to keep that in mind.  
22 Also I don't know if anybody mentioned that  
23 when we talked about the zoning and the comprehensive  
24 plan that we have, it's there for a purpose. The  
25 homes in this area are some of the properties that pay

1 the highest taxes in the city, and that wasn't  
2 mentioned.

3 And also nobody mentioned the <sup>attractive nuisance</sup> (inaudible)  
4 which is, I'm sure you know, the legal term where it  
5 means that we're liable. Those of us that are on the  
6 river are liable if like children can't make that  
7 decision, they see the river, it looks like fun to  
8 play in, but they can't come out <sup>up with all the risks</sup> (inaudible) that are  
9 there in -- in that.

10 If it were to be apartments, that's going to  
11 really increase the amount of people that are going  
12 through our property to the river. So we need to  
13 think about the liability of <sup>an attractive nuisance.</sup> (inaudible) uses.

14 And lastly I want to mention the <sup>is</sup> ~~the~~ Harvard.  
15 A lot of people talked about how the land came to be,  
16 and I want to say that we knew Harvard, we knew Lois.  
17 We lived right next to her and him, and I'm glad that  
18 no one said that Harvard would like this, because  
19 knowing him, I think this would have been the last  
20 thing he would have wanted.

21 <sup>Kelly Niles</sup>  
SPEAKER: Thank you.

22 <sup>Helen Johnson</sup>  
SPEAKER: Jerry and Cheryl Fantz.

23 MR. JERRY FANTZ: No (inaudible). We're  
24 opposed.

25 <sup>Helen Johnson</sup>  
SPEAKER: Mary Anne, you can move on from

1 that.

2 MS. MARY ANNE ANDERSON: I'm in favor.  
Helen Johnson

3 SPEAKER: What's that?

4 MS. MARY ANNE ANDERSON: I'm in favor.  
Helen Johnson

5 SPEAKER: Okay. Yes.

6 Syd and is it Jean or Joan Smith?

7 MR. SYD SMITH: No comment but we're opposed.  
Helen Johnson

8 SPEAKER: Bob and Shelly Sandford.

9 MS. SHELLY SANDFORD: I think I'll just state  
10 my <sup>case for</sup> (inaudible) River Club.  
Helen Johnson

11 SPEAKER: For the what?

12 MS. SHELLY SANDFORD: I'm signed in later for  
13 River Club.  
Helen Johnson

14 SPEAKER: Oh, I got it. Thank you.  
Kelly Niles

15 SPEAKER: Shelly, if it's in opposition, this  
16 is the time to do it.  
Helen Johnson

17 SPEAKER: Well, she signed in as the  
18 president of the HOA.  
Kelly Niles

19 SPEAKER: Okay.  
Lisa Smith

20 SPEAKER: It's a different entity.  
Helen Johnson

21 SPEAKER: Nell Harrison.

22 MS. NELL HARRISON: No.  
Helen Johnson

23 SPEAKER: Okay. Kathy Hupp.

24 MS. KATHY HUPP: No.  
Helen Johnson

25 SPEAKER: Russ Thackery.

1 MR. RUSS THACKERY: Pass. Pass.  
 Helen Johnson  
 2 SPEAKER: Beverlee Darling.

3 MS. BEVERLEE DARLING: Pass.  
 Helen Johnson  
 4 SPEAKER: Okay. LeAnne Landenberger.  
 at this time.

5 MS. LEANNE LANDENBERG: Um, pass (inaudible).  
 Helen Johnson  
 6 SPEAKER: Iona.

7 MS. IONA DWORSCHAK: Pass.  
 Helen Johnson  
 8 SPEAKER: Oh, Agi. Okay.

9 Leslie and Chuck Ramsdell.

10 Agi Petersen.

11 MS. LESLIE RAMSDELL: We pass.  
 Helen Johnson  
 12 SPEAKER: Okay. Terry Strehlou.

13 MS. TERRY STREHLOU: Pass.  
 Helen Johnson  
 14 SPEAKER: Lynn Vellenga.

15 MS. LYNN VELLENGA: No other comments in  
 16 opposition. Thanks.  
 Helen Johnson  
 17 SPEAKER: Sheila Rule. There's a name in  
 18 front of there and I didn't --

19 MS. SHEILA RULE: Yeah, no further comments  
 20 (inaudible).  
 Helen Johnson  
 21 SPEAKER: Okay. And is it David?

22 MR. DAVID RULE: Yes.  
 Helen Johnson  
 23 SPEAKER: Okay. Thank you.

24 Joe Turner.

25 MR. JOE TURNER: I'm on the category -- next

1 category.

2 *Helen Johnson*  
SPEAKER: Okay. So we'll star you and we'll  
3 come back.

4 Will and Terry Knoop.

5 MR. WILL KNOOP: Yes, *I'd like* (inaudible) to *give* the  
6 commission *a couple of pictures* (inaudible). This is (inaudible) but it  
7 shows the children playing sign and the no outlet sign  
8 and -- at the end of that road. That's a street  
9 that's a dead end street. That's been mentioned. And  
10 we had to have that children playing sign because of  
11 traffic concerns and we don't any more traffic  
12 concerns in there..

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

14 *Helen Johnson*  
SPEAKER: Beverly McBride.

15 MS. BEVERLY McBRIDE: Yes, I have a petition  
16 to present in opposition. Would you like that now or  
17 under written *documents* (inaudible)? Now?

18 *Kelly Niles*  
SPEAKER: Now is fine.

19 MS. BEVERLY McBRIDE: Okay. Ninety-two  
20 neighbors have signed this in opposition to the  
21 application just since Sunday afternoon, and I'll just  
22 briefly summarize what the petition says, but most of  
23 that was talked about at our last meeting so I won't  
24 go into detail.

25 *Kelly Niles*  
SPEAKER: Okay.

1 MS. BEVERLY McBRIDE: But the petition  
2 obviously and of course says that the zoning change  
3 should be denied. And we have the question of the  
4 ownership of one of the parcels in there, and if you  
5 do present proof of ownership by <sup>the missing deed</sup> (inaudible), then  
6 we'll withdraw that issue, but otherwise we want the  
7 record to show that that still is an issue.

8 And the R-3 is not consistent with single  
9 family. We all know that single family could not be  
10 built on this property if it's rezoned. In fact, it  
11 would be spot zoning. And for the benefit of the  
12 commission, I have an excellent definition of spot  
13 zoning. The classic definition is, quote, "The  
14 process of singling out a small parcel of land for a  
15 use classification totally different from that of the  
16 surrounding area for the benefit of the owner of such  
17 property and to the detriment of other owners."

18 And that comes from Anderson's Zoning and  
19 Property --

20 MR. AL PETERSEN: 1995.

21 MS. BEVERLY McBRIDE: 1995. Thank you. I  
22 think that's version four. Version four, and that's,  
23 I believe, the current version.

24 And spot zoning, as I'm sure the commission  
25 knows, is exactly what zoning is designed to prevent.

1 It's illegal, I believe, all across the United States.

2 The petition also points out the traffic  
3 congestion questions for 2nd Street and also for L  
4 Street. It points out that the question of enough  
5 parking on that 1.3 acres for 26 cars, and it says  
6 that the easement, 50-foot easement that's across the  
7 northerly line of River Club Estates, cannot be used  
8 for parking. That's why it's in the -- that's right  
9 in the easement itself.

10 As we discussed at the last meeting and  
11 summarizing, the city's Comprehensive Plan, though  
12 it's important, it's 15 years old, and even if it  
13 weren't 15 years old, we've had a major economic  
14 crisis since then and many things have changed for  
15 many cities across the country outdating that plan.

16 We talked about the fact that accessory  
17 dwelling units will add additional housing for the  
18 city, and that's in the petition, and if the zoning  
19 would be changed, then the city would not have enough  
20 R-2 zone under that Comprehensive Plan.

21 The waste water pump has been mentioned.  
22 It's my understanding that the okay to that was given  
23 a long time ago and it still hasn't happened. So I  
24 don't know. That's what I've been told. That has  
25 been a very long time in coming.

1 I appreciate that the assessor's office now  
2 has it as a mechanical site or, yeah, industrial site.  
3 I don't know yet if the environmental agencies have  
4 it.

5 And Lisa, we thank you for the updating of  
6 the addendum. When did that addendum become  
7 available? Was that just today that --

8 MS. LISA SMITH: Just now.

9 MS. BEVERLY McBRIDE: Okay. Could the record  
10 show that none of us have had the opportunity to study  
11 that addendum and so we'd like everything there to  
12 remain an issue and we'll study it.

13 Finally, or not finally, but at the last  
14 meeting a real impatient cry that due process would be  
15 denied if you turned down this zoning, and for the  
16 commission's benefit, a case out of Ohio, the City of  
17 Euclid many years ago went to the United States  
18 Supreme Court, which was the key case in upholding  
19 zoning laws in the United States.

20 The Supreme Court left the definition of a  
21 neighborhood up to the local authorities. The U.S.  
22 Supreme Court realized that no court, no zoning  
23 commission, no planning commission, could identify  
24 what a neighborhood is going to be like in advance.  
25 The commissioners would have to look at what's in that

1 neighborhood and what's consistent with it, what  
2 upholds the integrity of the neighborhood, and that's  
3 what you're doing in your Comprehensive Plan. Doing  
4 that is not a denial of due process.

5 Another way that due process could be denied  
6 would be if a person's property were taken for a  
7 roadway or something without compensation, or if it  
8 were just economically not feasible to develop this  
9 land as it is presently zoned. Well, that, too, is  
10 not our case. Homes are selling in that area. It's a  
11 gorgeous, beautiful neighborhood. So it's not  
12 economically not feasible to develop it with single  
13 family or duplex. And I would repeat, there should be  
14 no taking whatsoever without due process in this  
15 sphere.

16 Safety, health and welfare hazard. We  
17 mentioned at the last meeting, the petition points  
18 out, that this is now a hazard and a danger and really  
19 a nuisance, the old wooden buildings, the rusty  
20 buildings, the fact that animals can live there and a  
21 fire could occur. Adding higher density housing to  
22 that property simply increases the danger of all of  
23 that.

24 And something that we did not mention at the  
25 last hearing is that there is nothing that I see that

1 prevents these applicants from building a few  
2 multifamily residences on that property if they get  
3 the rezoning and not tearing down any of those  
4 buildings. They could simply put up multifamily,  
5 leave the existing buildings, and we have the nuisance  
6 and safety hazard even greater than we have now.

7 *Kelly Niles*  
SPEAKER: Okay. You've got about 30 seconds.

8 MS. BEVERLY McBRIDE: Okay. Thirty seconds.  
9 The application, if you read it, cites that they want  
10 the same standards as is in River Club Estates. It  
11 cites it all through the application. We know that's  
12 false, they know it's false, and yet they've not  
13 changed the application. Thank you and we submit our  
14 petition.

15 *Kelly Niles*  
SPEAKER: Thank you very much.

16 Next.  
17 *Helen Johnson*  
SPEAKER: LaVerna Warren.

18 MS. LAVERNA WARREN: Opposed.

19 *Helen Johnson*  
SPEAKER: William Warren.

20 MR. WILLIAM WARREN: Opposed.

21 *Helen Johnson*  
SPEAKER: Sharon Borrevik.

22 MS. SHARON BORREVIK: Opposed.

23 *Helen Johnson*  
SPEAKER: Marty Borrevik.

24 MR. MARTY BORREVIK: Opposed.

25 *Helen Johnson*  
SPEAKER: Laura Ives.

1 MS. LAURA IVES: I'm passing my time to them  
2 *Beverly if she had*  
(inaudible) more to say.

3 MS. BEVERLY McBRIDE: I don't. Thank you for  
4 your turn.

5 *Helen Johnson*  
SPEAKER: Jim Ives.

6 MR. JIM IVES: Adamantly opposed.

7 *Helen Johnson*  
SPEAKER: Shelly Sandford as River Club

8 Estates HOA.

9 MS. SHELLY SANDFORD: *Following up* (Inaudible) Bev too  
10 much because she has reiterated a lot of the points  
11 that I also want to make for River Club.

12 MR. AL PETERSEN: Excuse me.

13 MS. SHELLY SANDFORD: Yes.

14 MR. AL PETERSEN: Are you president of River  
15 Club?

16 MS. SHELLY SANDFORD: Oh, yes, I am president  
17 of River Club.

18 MR. AL PETERSEN: And you are also a planning  
19 commissioner?

20 MS. SHELLY SANDFORD: I have recused myself  
21 from this proceedings.

22 MR. AL PETERSEN: I want it noted on the  
23 record that a planning commissioner is taking part in  
24 the hearing.

25 *Lisa Smith*  
SPEAKER: Yes, the planning commissioner in

1 question recused herself at the last meeting.

2 MR. AL PETERSEN: I want it noted in the  
3 record.

4 *Lisa Smith*  
SPEAKER: She's still recused. It is very  
5 much noted in the record.

6 *I want*  
MR. AL PETERSEN: (Inaudible) ~~note~~ it in the  
7 record.

8 *Lisa Smith*  
SPEAKER: It is noted in the record already  
9 and she also spoke at the last session on her personal  
10 behalf, so got it.

11 MS. SHELLY SANDFORD: So as the HOA, one of  
12 the functions of the HOA is to try to preserve the  
13 value of our community, of our neighborhood, of our  
14 homeowners association. As part of that I would say  
15 the zoning impacts greatly, as a mixed zoning <sup>will</sup> really  
16 drives down the value of --

17 *Unknown?*  
SPEAKER: (Inaudible) clarify so we can hear  
18 you.

19 MS. SHELLY SANDFORD: I'm sorry. The mixed  
20 zoning will drive down the neighborhood's value, their  
21 pricing. I think this is one of the reasons why we  
22 try to avoid spot zoning, is that when you have zoning  
23 in the middle of an area where it's all the same, it  
24 tends to impact the houses -- the value of the houses  
25 around it.

1           So I -- in the comprehensive -- or excuse me,  
2           in their application here they say that the proposal  
3           does not create islands or spot zoning, which I  
4           believe you're familiar with that definition, but  
5           rather follows recognized land development practices.  
6           This application enlarges an already designated R-3  
7           land.

8           I believe that even though the River Club  
9           Estates is zoned R-3 -- you're familiar with the  
10          history of River Club Estates. It was developed  
11          outside as single family duplexes. The smaller lots  
12          help create that high density that don't meet the R-2  
13          zoning, so when it was brought into zoning it was  
14          assigned the R-3 zoning. It really wasn't developed  
15          as R-3, and to say that it is just an extension of the  
16          already developed R-3 zoning I argue is inaccurate and  
17          that it would indeed create an island, a spot zone.

18          Then there's the issue in the Comprehensive  
19          Plan that is the inventory of our housing that is  
20          required or that we will need in order to meet  
21          projected housing expectations. I would say that is  
22          not only out of date but it is not really even  
23          relevant. Well, it is relevant indeed but that  
24          information there is not -- I don't know how -- how --  
25          how much you can weight the data.

1           Clearly there will be some need for  
2 multi-housing in any city. But I'm going to supply  
3 you a map. This is the map from the Comprehensive  
4 Plan. And so this green area is the applicant's area.  
5 The areas in the yellow are also zoned R-2 that are  
6 not developed. These are also areas that could be  
7 considered for R-3 if the developer chooses to have  
8 that choice.

9           It's -- this area in particular is Chimes  
10 Crest, which is south of -- is on the southwest side  
11 of Columbia City, and I'm just seeing where that is an  
12 isolated area. It has some access <sup>it's own</sup> (inaudible) street  
13 directly through from the highway. It would seem to  
14 me that there's no neighborhood impact or  
15 transportation issues. It seems to me that that is  
16 potentially a grand place for R-3 zoning.

17           It also is significantly larger than this  
18 little 1.3 acres that you're considering tonight. The  
19 idea that the zone change for this particular property  
20 is necessary, I would argue differently than that.  
21 The potential for future R-3 zoning is a lot larger  
22 than 1.3 acres that we're going to be (inaudible).  
23 I'll give you (inaudible).

24           KELLY NILES  
SPEAKER: You've got about a minute left.

25           MS. SHELLY SANDFORD: What was that?

Kelly Niles

1 SPEAKER: About a minute left.

2 MS. SHELLY SANDFORD: Oh, thank you.

3 And then transportation issues that were  
4 brought up by staff, I think as the input -- 2nd  
5 Street being a collector street and it went down to  
6 the end of their property, at the end of <sup>their property</sup> (inaudible).  
7 (Inaudible) qualification or definition of it. I  
8 believe that River Club Estates, a single isolated and  
9 dead end <sup>collects</sup> (inaudible) into -- connects into that 2nd  
10 Street spot.

11 You didn't also account for the fact that  
12 it's a dead end street. There will be double -- you  
13 know, there will be misses. People will think that  
14 will be a through street and want to go that way and  
15 they'll end up transferring back.

16 And parking. River Club Estates does not  
17 allow for parking on our streets in our CCRs so I am  
18 concerned about the parking. I think that is all I  
19 have for you.

20 <sup>Kelly Niles</sup>  
SPEAKER: Thank you.

21 <sup>Helen Johnson</sup>  
SPEAKER: Janet Sorensen.

22 MS. JANET SORENSEN: Opposed.

23 <sup>Helen Johnson</sup>  
SPEAKER: Eileen Bourasa.

24 MS. EILEEN BOURASA: I'm opposed. Please  
25 excuse my voice. What <sup>were probably</sup> (inaudible) ~~one~~ the most recent

1 buyers  
 1 ~~fixes~~ in Columbia City, the (inaudible). We cannot  
 2 intend <sup>we signed the papers in May, we decided to move in July</sup> ~~move to a place~~ did in July  
 2 continue to (inaudible) where just one lot separates  
 3 us from <sup>a</sup> multifamily dwellings. <sup>This does not appeal to me and I don't think...</sup> (Inaudible) looking at  
 4 your house to move in that cramped situation.  
 5 I also have an extremely important, to me  
 6 anyway, concern and that is the fact that this is an  
 7 industrial area. It was a ship building, ship repair.  
 8 Those folks used large amounts of lead and they also  
 9 used large amounts of mercury <sup>to</sup> (inaudible). And I  
 10 think that's a dangerous thing to all of us and I'd  
 11 like to know if EPA has evaluated that and if they have  
 12 <sup>I think they should</sup> not, then should (inaudible). Thank you very much.  
 13 <sup>Kelly Niles</sup> SPEAKER: Thank you.  
 14 <sup>Helen Johnson</sup> SPEAKER: Dana and Sue Marble.  
 15 MS. SUE MARBLE: We are both opposed. We  
 16 (inaudible) an island.  
 17 <sup>Helen Johnson</sup> SPEAKER: That is previous written  
 18 correspondence.  
 19 <sup>Kelly Niles</sup> SPEAKER: Okay.  
 20 <sup>Helen Johnson</sup> SPEAKER: And then I have you, Al, as the  
 21 last sign-in. So that concludes the sign-in sheet --  
 22 <sup>Kelly Niles</sup> SPEAKER: Okay.  
 23 <sup>Helen Johnson</sup> SPEAKER: -- for opposition.  
 24 <sup>Kelly Niles</sup> SPEAKER: So we'll move then onto input  
 25 neither in favor nor in opposition.

1 Yes, sir.

2 MR. JOE TURNER: I'm Joe Turner. I'm  
3 *from 2920* (inaudible) 6th Street which is across the *highway* (inaudible)  
4 and I -- before I *bought* owned my house I lived in houses  
5 (inaudible) so I know the situation. My concern is  
6 there's three issues here. There's feasibility and  
7 there's quality of life and utilities and emergency  
8 services.

9 My concern is utilities and emergency  
10 services, and one is the sewage problem which  
11 supposedly the city has planned to increase the size  
12 of the pump down there. With it or not, it works. It  
13 has to be *built* (inaudible) so we don't really know.  
14 *It's in* (Inaudible) the water pressure *Lisa has mentioned the* (inaudible), at least  
15 *time* it's mentioned *110* that's 102 gallons per minute. On my  
16 side of the road I don't have enough water pressure to  
17 operate a Rain Bird sprinkler or a fire nozzle to put  
18 out a grass fire.

19 It's -- you know, my whole house runs on low  
20 pressure faucets and toilets because that's the only  
21 way they get pressure. So I am concerned that putting  
22 more housing down there, how's that going to affect  
23 the pressure? And that's a city issue, it's not a  
24 residential issue.

25 And then also is the access. Once they put

1 an access road in there, they put a multi -- like they  
2 put either townhouses or two fourplexes in there,  
3 there will be emergency access from both 1st Street  
4 and 2nd Street to fight a fire just for (inaudible) <sup>emergency</sup>  
5 purposes, so that's another issue I have today. I  
6 thank you very much.

7 <sup>Kelly Niles</sup>  
8 SPEAKER: Okay. Thank you.

9 Any other input neither in favor nor in  
10 opposition?

11 And Frank, you had some -- this would be a  
12 good time, sir.

13 If you guys want to take these, these are  
14 what he's going to (inaudible).

15 MR. FRANK HUPP: Thank you. My name is Frank  
16 Hupp. I live at 285 Spinnaker Way, Columbia City, and  
17 I am taking the position currently as neither for or  
18 against, and the reason being because I don't have  
19 enough information, and part of what I could not find  
20 out is what is the end use of the property going to  
21 be?

22 How will -- number two, how will the proposed  
23 change to the zone affect the livability of my  
24 neighborhood?

25 Number three, the bottom line is what the  
applicants' intended use of the property is. It is

1 impossible to ascertain the impacts of our water,  
2 sewer, public works, school district, traffic, egress  
3 and ingress from River Club Estates, sidewalks, off  
4 street parking, street lights, pedestrians, children,  
5 and the list goes on.

6 Number four, if there is an impact to the  
7 above listed items or any future items, who is going  
8 to pay for the improvement?

9 Number five, is there an architect's concept  
10 drawing or a plat map available -- for the proposed  
11 use available?

12 Number six, has there been an assessment of  
13 the current building located on the property of the  
14 proposed change in regards to the State of Oregon's  
15 historical preservation policy as addressed in the  
16 National Historic preservation Act of 1966 as admitted  
17 in 2002? This is the state and federal requirement  
18 for the building site of 75 years or older.

19 Seven, has there been any environmental  
20 impact assessment?

21 Eight, has there been any traffic impact flow  
22 study prepared based upon the proposed use?

23 Nine, in 7.50.025, permitted uses, there are  
24 11 uses that would be permitted outright and two  
25 conditional uses. What are the intended uses going to

1 be if the application is approved?

2 Number ten, one of the permitted uses you  
3 find is multifamily dwellings, is multifamily housing.  
4 Is one of the uses going to be multifamily houses if  
5 the application is approved?

6 Number 11, if application is approved, will  
7 the proposals be -- that are built be multilevel  
8 apartment buildings?

9 Number 12, if so, what will the change in  
10 concerns for the water, sewer, ingress, egress, etc.,  
11 that are listed in number three be?

12 And I agree to the proposal. On page four it  
13 states, "The owner plans to develop the subject  
14 properties in a pattern similar to and complementing  
15 River Club Estates."

16 You drop down two lines and it states,  
17 "Single family residences and duplexes are not  
18 permitted in an R-3 zone."

19 Go to the next page and it says, "R3 zones  
20 include triplexes, townhouses, multifamily dwellings,  
21 and residential care facilities."

22 I for one would like to know what the plan is  
23 so that I can either formulate a yes or a no answer as  
24 to the proposal.

25 *Kelly Nicks*  
SPEAKER: Thank you.

1 Do we have any other input neither in favor  
2 nor in opposition?

3 Okay. Hearing none, moving on to -- so --

4 *Helen Johnson*  
SPEAKER: Written.

5 *Kelly Niles*  
SPEAKER: Written materials submitted. Are  
6 these the ones you gave me, the newest ones?

7 *Helen Johnson* SPEAKER: *Lisa Smith*  
SPEAKER: There should be two. Reading

8 everything into the record because nothing has been  
9 entered.

10 *Kelly Niles*  
SPEAKER: Okay. Are you reading?

11 *Lisa Smith*  
SPEAKER: The written testimony that's been

12 submitted. Beverly Darling, 375 Spinnaker Way,

13 Columbia City, Oregon. <sup>I care</sup> A prayer for my little town.

14 I feel like Columbia City is being asked to change our

15 <sup>zoning</sup> (inaudible) by people who have never lived here and  
16 have not <sup>shown</sup> ~~shared~~ <sup>any</sup> in the specific plans for the area

17 they have formed into a corporation. It seems like an

18 open-ended building permit and if they don't get it,

19 there will be trouble, trouble for a long time. This

20 makes me uneasy with this open-ended request.

21 Did you -- were copies of these given to you?

22 *Al Petersen*  
SPEAKER: Yes.

23 *Lisa Smith*  
SPEAKER: Okay. We will be giving you copies

24 of all of the information that was submitted this

25 evening also.



1 choose to live here.

2 If we allow this property to change its  
 3 zoning, it (inaudible) <sup>goes against all the decisions that have been</sup> impact for years. It would <sup>made in</sup>  
 4 devalue some of the highest property values in the <sup>the past</sup>  
 5 city, increase the problem of beach front activities <sup>30</sup>  
 6 and access, along with traffic coming down 2nd Street.  
 7 And this also references Tammy Schlumpberger.

8 This is an e-mail that we received  
 9 immediately following (inaudible) -- <sup>it's actually a series of</sup> e-mails that we  
 10 received immediately following the July 14th Planning  
 11 Commission meeting from <sup>Wendi Hawley</sup> Mandy Holly.

12 Tonight's Planning Commission meeting was  
 13 full. <sup>Hello we are writing</sup> However, (inaudible) to report that there were  
 14 several people who could not attend the meeting  
 15 tonight because the room wasn't big enough to  
 16 accommodate the neighborhood. We strongly object to  
 17 the Planning Commission not providing the space for  
 18 the citizens of this community. <sup>to have their say</sup> This is not  
 19 acceptable to us or to the other neighbors who were  
 20 turned away (inaudible). <sup>8 that we counted we were</sup> When (inaudible) was asked  
 21 to sign the attendance sheet but declined because she  
 22 was not close enough to the building to hear what was  
 23 going on <sup>inside</sup> outside.

24 We are sorry to say <sup>it appears that the</sup> that (inaudible) Planning  
 25 Commission (inaudible) the people they serve. With <sup>is out of touch with</sup> <sup>OK</sup>

1 the amount of/<sup>pre-</sup>testimony received, it doesn't take a  
 2 rocket scientist to surmise that the small room  
 3 couldn't accommodate all those who wanted to attend.  
 4 We must <sup>confess that we find it inconceivable that the</sup> (inaudible) Columbia City Planning Commission  
 5 would have approved an <sup>increased density</sup> (inaudible) zone change to  
 6 accommodate an apartment housing project. There is no  
 7 precedent <sup>no community</sup> (inaudible) motivation <sup>and certainly no benefit</sup> (inaudible) to the  
 8 community as a whole, <sup>who have</sup>  
 9 ~~Through the support~~<sup>ed</sup> of single family  
 10 dwellings as a <sup>norm over its entire history.</sup> rule and (inaudible) issues <sup>As you may have</sup>  
 11 <sup>heard</sup> (inaudible) there is plenty to justify denial. Roads  
 12 are not sufficient for increased traffic. The  
 13 community doesn't want <sup>the increased density</sup> (inaudible) and personal  
 14 property values would decrease, especially those with  
 15 <sup>contiguous boundaries or visual</sup> (inaudible) access to allow multi-story buildings.  
 16 <sup>While the</sup> <sup>would have increased revenue this alone</sup> Columbia City ~~does not~~ (inaudible), does not justify  
 17 the approval for the zone change.

18 If you would, please make the meeting record  
 19 available to us at your earliest convenience. Since  
 20 we were <sup>essentially</sup> (inaudible) denied access due to poor planning  
 21 on the part of the city, we would <sup>rather</sup> like to hear it  
 22 directly <sup>than from gossip</sup> (inaudible) neighbors at this point.  
 23 <sup>Thank you</sup> (Inaudible) Clark and James Clark.

24 Staff responded to Miss Clark immediately.

25 This is from Helen Johnson. "Dear Mr. and

1 Mrs. Clark: The public hearing has been continued for  
 2 further testimony and research," <sup>to additional</sup> (inaudible)  
 3 "information brought up at the meeting. The next  
 4 meeting has been scheduled for next Thursday, July  
 5 23rd, 2015 at seven p.m. in the Columbia <sup>City</sup> Community  
 6 Hall located at 1850 2nd Street, which is a larger  
 7 venue. Thank you for your feedback. Please let me  
 8 know if you have any questions."

9 We received a response from <sup>MS. Hawley</sup> (inaudible)  
 10 <sup>MS.</sup> Clark. <sup>Both names are</sup> (Inaudible) on here so I apologize. Thank you  
 11 for responding <sup>so quickly and for assuring me that</sup> (inaudible). ~~Fortunately~~ the venue~~x~~  
 12 will be bigger. Unfortunately we will be out of the  
 13 country on the continuation meeting date. After I  
 14 have <sup>info</sup> (inaudible) from the first meeting, I <sup>may chose</sup> ~~am anxious~~  
 15 to respond in writing to the Planning Commission.  
 16 <sup>How do I access</sup> (Inaudible) the meeting record?  
 17 <sup>Lisa Smith</sup>

18 SPEAKER: I don't have her response to that  
 19 particular e-mail. <sup>what I have repeats.</sup>

20 <sup>Lisa Smith</sup>  
 21 SPEAKER: (Inaudible) so let me get that  
 22 response for you.

23 <sup>communication</sup>  
 24 Okay. The last (inaudible) that we have was  
 25 from Helen Johnson. <sup>Wendi</sup> I tried to send an attachment <sup>of the</sup>  
 26 (inaudible) <sup>meeting</sup> recorded but the file was too large. It  
 27 (inaudible) <sup>might be a few</sup> two days before I get the minutes  
 28 transcribed. If you have (inaudible) <sup>a thumb drive I would transfer it</sup> onto it.

*Helen Johnson*

1 SPEAKER: There's nothing further after that.

*Lisa Smith*

2 SPEAKER: These folks aren't here this

3 evening?

*Helen Johnson*

4 SPEAKER: No, they're not.

*Lisa Smith*

5 SPEAKER: That is all of the written

6 testimony that has been received from outside of the

7 hearing.

*Kelly Nikes*

8 SPEAKER: Okay.

9 MS. LISA SMITH: And then I have two -- oh,  
10 you already have those. I have two memorandums just  
11 related to the addendum. They're both copies of an  
12 e-mail. I have an actual city engineer e-mail which  
13 was also incorporated entirely into the addendum that  
14 I read into that record, and I have the e-mail from  
15 Michael Roy with Columbia River Rider telling me that  
16 the transit stop is at A Street, for the record.

*Kelly Nikes*

17 SPEAKER: Thank you, Lisa.

18 At this time we're going to turn it over for  
19 a chance for the -- sorry.

*Lisa Smith*

20 SPEAKER: Yeah, I have a question here on the  
21 applicant's rebuttal. If you're going to be  
22 delivering the applicant's rebuttal, I need him to  
23 sign ~~the~~ *this little thing* (inaudible) that says he authorizes you to do  
24 that because --

25 MRS. AGNES PETERSEN: I'm not (inaudible). I

1 was told last time that I can appear and talk in  
2 opposition or --

3 *Lisa Smith*  
SPEAKER: In support?

4 MRS. PETERSEN: -- in support --

5 *Lisa Smith*  
SPEAKER: Okay.

6 MRS. PETERSEN: -- and correct some of the  
7 misstatements that were made during the testimony last  
8 week and again tonight.

9 *Kelly Niles*  
SPEAKER: Okay. And that would be -- so if

10 he wants to sign this as part of what --

11 *Lisa Smith*  
SPEAKER: No, he doesn't need to. She wants  
12 to speak in support of the application. Now, if you  
13 will recall, in our meeting the last time, it was  
14 hugely crowded and not everyone could access the  
15 actual meeting room to present testimony, so we  
16 probably should confirm that she is on the sign-in  
17 sheet and she has another opportunity to speak to --  
18 in favor of the application.

19 *Kelly Niles*  
SPEAKER: Okay.

20 *Lisa Smith*  
SPEAKER: So this would be regarded as input  
21 in favor.

22 *Kelly Niles*  
SPEAKER: Correct.

23 *Lisa Smith*  
SPEAKER: And I already have a copy for the  
24 record.

25 MRS. AGNES PETERSEN: This does not include

1 the appendix exhibits but it is in writing as to what  
2 I have to say in particular about one witness who  
3 testified last --

4 *Kelly Niles*  
SPEAKER: Before we get too far, your name  
5 and address for the record.

6 MRS. AGNES PETERSEN: I'm so sorry.

7 *Kelly Niles*  
SPEAKER: That's okay.

8 MRS. AGNES PETERSEN: Agnes Marie Petersen,  
9 33625 -- can everyone hear me?

10 *Audience*  
SPEAKER: Yes.

11 MRS. PETERSEN: -- Tide Creek Road, Deer  
12 Island, Oregon. I've lived there for about 55 years.  
13 I've lived in Columbia County all my life and I'm not  
14 telling you how long that is. I was born and raised  
15 in Columbia County. I lived in St. Helens, Oregon,  
16 married more than 50 years, and my husband and I moved  
17 to Deer Island.

18 We have four children, all of whom attended  
19 schools right here in Columbia County. Two of them  
20 are here tonight. I don't want to say what I thought  
21 of some of the comments that were made about people,  
22 about my children, suggesting that they were  
23 dishonest, but that really was hard. So I'm not going  
24 to say anything about that but I want to talk a little  
25 bit about one of the witnesses who testified.

1           She said she's a lawyer but she's not  
2 appearing as a lawyer. I'm a lawyer and I'm not  
3 appearing as a lawyer. But the lawyers should abide  
4 by certain rules. You people are a tribunal. A  
5 lawyer has a duty to be accurate to a tribunal. So on  
6 mine, the previous inaccurate witness is listed as a  
7 lawyer who handles, among other things, real estate  
8 transactions.

9           From her testimony there has been a dearth of  
10 accuracy as far as this hearing and the ownership on  
11 the subject property. With no more than having  
12 reviewed an e-mail, she suggested to you that the  
13 application was inadequate and should be denied based  
14 upon the inadequacy because my husband and I have not  
15 signed the application.

16           To set the record straight, in this county at  
17 least, and probably in Ohio or Iowa or wherever, you  
18 can follow three simple ways to find out who is on the  
19 deed record. The first one is go down and see your  
20 friend and mine, Betty Huser, and if you can't look it  
21 up yourself, she will help you look it up.

22           Second, you can go to your friendly title  
23 company. There's two of them in Columbia County, and  
24 they will give you what is called a trio, and if the  
25 trio doesn't have enough information, they'll help you

1 get more information.

2 Third, you can go to the Columbia County tax  
3 office website and look up the ownership of property.  
4 Note the reliance upon an e-mail of an inquiry to the  
5 applicant that is many months old was not included on  
6 my list.

7 The title to the Harvard Anderson property.  
8 And I knew Harvard well. My husband and he were best  
9 friends for many, many years. My husband and I both  
10 visited him and Lois when they were staying in their  
11 daughter's house in Milwaukie not long before he died.  
12 I wonder how many other people in this room did that.  
13 So when someone says Harvard Anderson would not be in  
14 favor of this, I think that that is an inaccurate  
15 statement, although it's irrelevant.

16 Now, the title to the Harvard Anderson  
17 property was as follows: In 1998 he deeded the  
18 property to me and my husband. Then we deeded it to  
19 William Allen Petersen, Mary Anne Petersen, James  
20 Edward Petersen and John Henry Petersen, and in the  
21 attachment in the appendix is the whole chain of  
22 title, and I have furnished the staff with that  
23 appendix, but if you want to see another copy or if  
24 you want me to furnish you all copies, I will do that.

25 Now, before I came here and testified

1        tonight, today I went down to the county to see if  
2        what I told you about how easy it is to look up  
3        records and not to make statements that are inaccurate  
4        about title really is true. So today I went to see  
5        Betty Huser. I didn't need to have her look it up for  
6        me because I can look it up and any of you could, too.  
7        You plug in the name, you can find it, because she's  
8        got a system that's on the computer. She brings --  
9        you can bring right up a deed and for 25 cents a copy  
10       you can get it.

11                Now, I checked number one, and I thought  
12       well, I better check number two because I like to give  
13       accurate testimony. So I went to the handy dandy  
14       title company next door to my office where I've been  
15       55 years and I said could I have a trio on the Beverly  
16       McBride property, and I got it. Within four minutes  
17       the woman had given me it, and the deed is included in  
18       your record.

19                She not only made statements about our  
20       property which was inaccurate, she made statements  
21       about her own property which was inaccurate. She has  
22       the property not as her own but as the trustee of the  
23       Beverly Jean McBride Trust. Now, maybe that's not  
24       important. It's sort of important to me because you  
25       want to say who you really are and who you really

1 represent and whether or not it's in a trust or  
2 whether it's in your own ownership.

3 From the record last week, I would be led to  
4 believe that she had it in her own name, along with  
5 Gary Brown. That's not so.

6 SPEAKER: (Inaudible).

7 MRS. AGNES PETERSEN: Now, lastly I want to  
8 say that most of the testimony I heard last week, what  
9 I could hear, and I think the Planning Commission did  
10 the best they could under the circumstances --

11 *Kelly Nikes*  
SPEAKER: Agi, can I get you to move to the  
12 side? They're having trouble hearing behind you.

13 MRS. AGNES PETERSEN: Sure.

14 *Kelly Nikes*  
SPEAKER: Sorry. Thank you.

15 MRS. ANGES PETERSEN: I think you did the  
16 best you could under the circumstances. I came to  
17 this hall first and the hall was rented and there was  
18 a basketball game going on here so there was no way  
19 the Planning Commission could have had a hearing here.  
20 And maybe they didn't know so many people would show  
21 up. Those are some of the things that can't be  
22 predicted.

23 But most of what was testified to was either  
24 inaccurate or irrelevant because the whole thing here  
25 is just whether to zone it from R-2 to R-3, and the

1 R-3 is right next to the R-2 which they want to  
2 change.

3 Now, what's my interest in this? Nothing  
4 except my husband and I bought the property from  
5 Harvard who wanted to sell it. Then old grandfather  
6 time catches up with us all and John and I really  
7 don't have the energy, ambition or whatever to do  
8 something nice with this property. We really don't.  
9 He -- I don't know -- I'm not saying how old I am but  
10 he's celebrated his 80th birthday and isn't inclined  
11 to make further development on the property.

12 And the last thing I want to say to the  
13 citizens of Columbia City is this: I have never, so  
14 far as I know in my life, done anything negative to  
15 the City of Columbia City. In fact, you can ask  
16 Beverly if you want but I have not and I have been  
17 here. And you have a water system. I was involved in  
18 the water system that the City of St. Helens added up  
19 here at Chimes Crest and before you had the wells. I  
20 was the lawyer on that case.

21 We're not trying to do anything negative to  
22 Columbia City but my children have been accused of  
23 practically (inaudible) <sup>Lyn</sup>misrepresenting or trying to  
24 do you in, and that's not really relevant, or at least  
25 not very relevant, I don't think.

1           Now, thank you for your attention, and I want  
2 to tell you it's very hard to be on a body like this  
3 because the standard is only when to change the zoning  
4 from R-3 -- to R-3 from R-2. It isn't about all this  
5 other stuff, because guess what. Every single  
6 neighbor gets another shot at it if they then file an  
7 application to do something with the property.

8           And tonight I got the impression somebody  
9 wanted to make an historic building out of Harvard's  
10 machine shop, whereas for years people have been  
11 wondering when we were going to do something else with  
12 it. So this is your chance for something else.

13           *Kelly Niles*  
14           SPEAKER: Thank you.

15           So we move back a bit. Is there anything  
16 else in favor besides what was said last week?

17           MS. MARY ANNE ANDERSON: Yes. I'm Mary Anne  
18 Anderson and I'm one of the four members of Columbia  
19 Harbour, and I guess I must be a bit naive because  
20 honestly when we thoughtfully put together this  
21 application, I thought this would really make people  
22 happy because we intend to improve the property. And  
23 so imagine my shock, my absolute shock, to come here  
24 last week and be accused of lying, misrepresenting,  
25 hiding the ball, and tonight accused of doing  
something *quote unquote* ~~so~~ (inaudible), illegal across all of the

1 United States.

2 Well, I take those kinds of accusations  
3 seriously and I would like to set the record straight.  
4 Because last week the two accusations that were made  
5 principally were that we were, quote-unquote,  
6 "misrepresenting" and that we were, quote-unquote,  
7 "hiding something". Nothing is further from the truth  
8 and I'm going to tell you why those accusations are  
9 absolutely baseless.

10 First of all, with regard to misrepresenting,  
11 what was the basis for the supposed misrepresentation?  
12 Well, what it was is this much talked about statement  
13 that we have said we intend to, quote, "Develop the  
14 subject property in a pattern similar to and  
15 complementary to River Club Estates."

16 I really like Horton the elephant. We mean  
17 what we said and we said what we meant and that is  
18 exactly what we mean to do. And this folderol about  
19 it can't possibly be similar to River Club Estates is  
20 absolutely not true.

21 What is true is what we're proposing is  
22 similar to River Club Estates. River Club Estates  
23 currently has town homes in it. That's what we sort  
24 of conceptualized in our minds to do. And if you look  
25 at your two -- R-2 versus R-3 zone and you go through

1       there, there's different allowed uses, and if you look  
2       at the allowed uses in R-2, what it's presently zoned,  
3       it is single family detached residential dwellings.  
4       Why does it say detached? Well, it says detached  
5       because it's not attached. Town homes are in fact  
6       single family attached dwellings.

7               So that statement that we're supposedly  
8       trying to do something completely different than River  
9       Club Estates is not true. We are going to develop the  
10      property in a pattern similar to and complementary to  
11      River Club Estates. And you might ask well, how do we  
12      know that was your thought process? Well, basically  
13      we went through and said, you know, this is sort of an  
14      odd shaped piece of property. It doesn't really lend  
15      itself to single family homes.

16             And right now the zoning allowed by your own  
17      calculations, a density of eight homes per acre, which  
18      calculates out to ten homes. And by your  
19      calculations, same for calculation under R-3, if  
20      you're going to put in attached family homes you  
21      calculate out ten per acre and now you have 13 homes.  
22      So what we're talking about is a difference between  
23      ten homes and 13 homes, attached homes in a smaller  
24      number of buildings. That's what we're talking about.

25             So I just want to set the record straight

1 that there is no misrepresentation. That's completely  
2 baseless.

3 And the other issue that came up last week  
4 was that we were supposedly hiding something. That  
5 came again tonight. The first speaker again accuses  
6 us of hiding something. And if you look back at the  
7 testimony from last week, what was the basis for that  
8 statement? The basis of that statement was that we  
9 had not submitted a site plan. Well, I was on the  
10 Columbia County Planning Commission for a long time  
11 and if I learned anything, I learned one thing and  
12 that is you don't get a hearing until your application  
13 is complete.

14 A zone change does not ask for a site plan,  
15 and if it did, we would have submitted one. A site  
16 design review is where you ask for a site plan and  
17 it's where you go through the lengthy and painful  
18 process of addressing all of these concerns. So  
19 again, no basis for this accusation that we have  
20 hidden something.

21 And the last thing that I want to say is  
22 there's all this speculation about residential care  
23 facility or a huge apartment building smashed down  
24 there in the middle, and that is not our intent.  
25 Again, we said what we meant and we meant what we

1 said. We intend to develop it into a beautiful  
2 neighborhood, and part of the thinking of that is  
3 right now the property is zoned for duplexes. Okay.  
4 What do you know about the difference between a duplex  
5 and a town home?

6 Well, a duplex is typically investor owned  
7 property. A town home, on the other hand, is  
8 typically owner occupied property because it is on a  
9 separate tax lot. It's sellable individually. It's  
10 owned individually. It's not like a duplex, it's not  
11 like a triplex, it's not like a quad, and it's not  
12 like a big apartment building.

13 And so we were envisioning what type of  
14 person, what type of neighborhood, what type of owner  
15 are you wanting? So really the issue in this  
16 application is not about a bare lot versus a  
17 residential care facility. It's not about a bare  
18 apartment building versus a bare lot. It's about five  
19 allowed duplexes, which we could build tomorrow and  
20 would have no site design review, or it's about a zone  
21 change, taking us at our word, which is to develop  
22 town homes and go through the site design review  
23 process. Thank you very much.

24 *Kelly Niles*  
SPEAKER: Thank you.

25 At this time this is the applicant's

1 rebuttal, has a chance to speak. So that's what's on  
2 here, so you have the floor.

3 MR. AL PETERSEN: Okay. I presented some  
4 written testimony last week. This is basically  
5 additional written testimony and I've called it  
6 additional findings of facts, although sometimes that  
7 term is somewhat up for debate.

8 <sup>Kelly Niles</sup>  
SPEAKER: Before you go too far, for the  
9 recorder, your name and all that stuff again, sir.

10 MR. AL PETERSEN: My name's Al Petersen. I  
11 live at 155 Clark Street, and I'm sorry, I guess I  
12 didn't quite make enough.

13 <sup>Helen Johnson</sup>  
SPEAKER: That's okay. It's submitted into  
14 the record.

15 MR. AL PETERSEN: I'll be speaking -- I'm  
16 getting this over with.

17 Some of these -- I'm going to explain why I  
18 want on the record that a planning commissioner took  
19 part in this record, in this hearing. I'm the  
20 chairman of the St. Helens Planning Commission. A  
21 month ago we had a hearing and we almost had to have  
22 everybody recuse themselves and we almost didn't get a  
23 quorum and we really didn't know what we were going to  
24 do because in our procedures it specifically says,  
25 one, someone has to declare a conflict of interest, or

1 two, someone has to declare ex parte contact.

2 In both cases that person must leave the room  
3 and not participate. Now, I don't know your  
4 procedures. I'm not going to get into that. I am not  
5 a lawyer. But for the record, I think that this  
6 procedure wasn't necessarily as it is required to be  
7 in Oregon law but that's all I'm going to say about  
8 that.

9 I'm going to go through these (inaudible),  
10 call<sup>ing</sup> ~~them~~ facts, briefly. Fact number one, and  
11 someone from River Club Estates would point out that  
12 in fact River Club Estates is zoned R-3. River Club  
13 Estates has been zoned R-3 since 1993. River Club  
14 Estates, everyone who has lived in that area has known  
15 it's been zoned R-3, everyone who has purchased  
16 property in that area has known it is zoned R-3, and  
17 across the way on City Hall wall there's a big map  
18 that shows it as zoned R-3. So no one can claim  
19 otherwise.

20 Fact number two. River Club Estates and the  
21 neighborhood adjoining and abutting our property is  
22 also shown in the Comprehensive Plan as R-3. So the  
23 same for my previous statement. No one can claim that  
24 River Club Estates is not R-3. It is R-3 and has been  
25 zoned R-3 for more than 20 years. Everyone who

1 purchased property in that area knew it was zoned R-3.  
2 It has always been zoned R-3 under Columbia City law.

3 Fact number three, and this relates to my  
4 first fact. Our person in opposition, I'm glad we're  
5 both quoting the same definition of spot zoning. The  
6 standard definition of spot zoning, the process of  
7 singling out a small parcel and for a use  
8 classification totally different, and I'm saying a use  
9 classification totally different.

10 This use classification is residential,  
11 period. It's not industrial, it's not commercial,  
12 it's not mixed use. It's residential. So this is a  
13 zone change from one residential use to a different  
14 residential use. So to claim that it's spot zoning is  
15 false. If I wanted it to be zoned industrial, then it  
16 would be spot zoning. This is not spot zoning. It's  
17 moving the zone change -- it's moving the parameters  
18 of the property to an adjacent property. That's  
19 standard zoning practice.

20 If someone has a commercial zone, some city  
21 has a commercial zone and they realize well, we don't  
22 have enough commercial properties, well, they expand  
23 the commercial zone. That's how zoning works. So the  
24 claim that it's spot zoning is false.

25 Number four. We already have the deeds which

1 Agnes Petersen presented. I'm going to explain a  
2 little bit about that e-mail for the public just so  
3 you know. That e-mail that Mrs. McBride cited was an  
4 old e-mail when we went through the preapplication  
5 process, which everyone has to go through, and at that  
6 time the county -- the county's GIS person who moves  
7 the property lines around on the big GIS map was  
8 behind.

9 So the deeds had been recorded for almost six  
10 months but the GIS people had not updated the GIS  
11 system, so when city staff contacted me they said hey,  
12 who's the real owners of this property? The county's  
13 GIS system, which we use, says it's not your property.  
14 So I walked down to the county courthouse. I talked  
15 to the county clerk. Sure enough, the deeds were  
16 recorded.

17 I walked down to the other end of the  
18 courthouse and I talked to the GIS person and the GIS  
19 person, oh, yeah, your stuff's in the pile with  
20 everybody else's. So two or three months later I  
21 checked again, and it's easy enough to check. All you  
22 got to do is get on the website, click on it, just  
23 like my mother said, and you can find out property  
24 information, and sure enough, it was up there.

25 So it is not our responsibility to provide

1 chain of title in the application. When we finally  
2 did submit the application, we presented the most  
3 recent recorded deed. End of story. So we're not  
4 trying to fool anybody through chain of title. That's  
5 just what happened.

6 All right. Accessory dwelling units. It's  
7 been stated that accessory dwelling units could  
8 potentially be counted as multifamily units. I have  
9 here the Planning Commission minutes from January of  
10 this year. I'm going to read paragraph two of page 2  
11 of the Planning Commission minutes.

12 "Lisa entered the staff report into the  
13 record but did not go over every detail. She stated  
14 staff recommends either option 'A' or option 'B' to  
15 the city council for approval. Lisa went on to  
16 discuss the changes being proposed and how the two  
17 ordinances being presented differed. One of the  
18 changes limits the number of people in the accessory  
19 dwelling units. When processing the first application  
20 for this ordinance it was determined by Columbia  
21 County they consider the structure a duplex. The  
22 structure is not a duplex. It is not the intention or  
23 the purpose of the code. An accessory dwelling unit  
24 is to be used as a single-family residence for  
25 occupancy by a single family. Lisa reviewed the

1 definition of single-family."

2           So no one can claim, according to the city's  
3 own minutes, that accessory dwelling units are  
4 multifamily. So therefore, the city has not, for the  
5 last 20 years, met its multifamily goals, and when  
6 <sup>it changed</sup> (inaudible) the zones for accessory dwelling units, it  
7 was not <sup>under the impression</sup> a (inaudible) ~~question~~ that it was meeting the  
8 multifamily dwelling because they clearly discussed it  
9 at the Planning Commission when they discussed the  
10 accessory dwelling units ordinance. Here is a copy  
11 for the record of the minutes of the Planning  
12 Commission.

13           Number six, population statistics.

14 Population statistics and housing estimates of  
15 Columbia City have been updated several times since  
16 the original needs analysis was adopted in 2001. If  
17 you look at the current Comprehensive Plan, the  
18 footnotes on page 16 and 17 specifically show that the  
19 Comprehensive Plan statistics have been updated in  
20 2008, 2009, 2010, and 2014. It's right in the city's  
21 own Comprehensive Plan.

22           So the claim that these statistics have not  
23 been updated is also an inaccurate statement because  
24 the Comprehensive Plan was just adopted in 2014.

25           All right. Village atmosphere. I find it

1 interesting that this term village has somehow popped  
2 into Columbia City's language. I did a search of city  
3 documents. The term is not mentioned anywhere else in  
4 any city documents except in the chapter of the  
5 Comprehensive Plan which was amended in 2014. It is  
6 nowhere in the Comprehensive Plan in the general  
7 introduction. It is nowhere in the history of the  
8 city or the general physical characteristics of the  
9 city. It is not in the city's *vision statement* (inaudible) which the  
10 city recently updated as well in 2014.

11 So there's two sections of the Comprehensive  
12 Plan that talks about state goal No. 9, economic  
13 development. Well, in the first section, in the first  
14 half of the comprehensive plan, guess what? It  
15 doesn't even mention it there. So in that section  
16 what is mentioned is about industrial properties,  
17 commercial development, various parcels that maybe  
18 they could convert to commercial development. In that  
19 entire section this notion of village is not  
20 mentioned.

21 I did find one previous mention in city  
22 documents of the term village, and that term is on the  
23 city's own website and that term is describing an  
24 Indian fishing village called Cumahi where it's  
25 discussing pre-European settlers. So somehow this

1 term village -- oh, and I have, for the record, which  
2 I have in your packet, a copy of the same exact page  
3 from the Comprehensive Plan from 2003 because I have a  
4 copy of the 2003 Comprehensive Plan, and in the 2003  
5 Comprehensive Plan, the term village also does not  
6 appear anywhere in the Comprehensive Plan.

7 So it appears to me that the term village was  
8 actually inserted when the Planning Commission and the  
9 -- I believe it was a commission called the  
10 Comprehensive Plan Update Committee was discussing  
11 updating the Comprehensive Plan in 2014, and the  
12 Comprehensive Plan Update Committee came up with this  
13 idea of something called a village center overlay. I  
14 will tell everyone that the village center overlay was  
15 rejected by the city council and eliminated from the  
16 Comprehensive Plan amendment.

17 So this term village atmosphere seems to be a  
18 remnant from this village center overlay which was  
19 rejected. So the notion of Columbia City being some  
20 kind of a village was thoroughly rejected by the city  
21 council in 2014.

22 So I have for you in the back of your packet  
23 some pictures of some villages. We have a picture of  
24 Adams Village, New York. I have a picture of  
25 Friendship Heights Village in Maryland. I have a

1 picture of Bridgeport Village in Tigard, Oregon. I  
2 have a picture of (inaudible) <sup>Xwamdasbe</sup> Village in British  
3 Columbia. I have a picture of Castle Combe in  
4 Wiltshire, England. I have a picture of (inaudible) <sup>Asint - Cirq-Lapopie</sup>  
5 ~~La Palme~~, France. I have a picture of (inaudible) <sup>Saifivillage</sup>  
6 Village, Lebanon. A picture of (inaudible) <sup>ShiraKawa</sup> Village,  
7 Japan, and a picture of an unnamed village in Gambia.  
8 I ask you, how do you define village? Because I'm not  
9 sure what the term means.

10 All right. My sister has clearly pointed  
11 out, and my mother mentioned it as well, this is a  
12 zone change. This is not a site design hearing. We  
13 were not requested and state law does not require that  
14 we provide site design information for a simple zone  
15 change.

16 Sidewalks. Sidewalks are required by the  
17 city code so no matter what, we're going to be  
18 required to put sidewalks in no matter how we develop  
19 the property.

20 The city engineer has already made comments  
21 on water and sewer and I'm not going to get into that.

22 However, transportation, which I went over in  
23 my last presentation and you have for the record,  
24 Columbia City has collector streets, has local  
25 streets. It has collector streets and then it has, of

1 course, the one arterial which is Highway 30. As a  
2 collector street, like I said at the last hearing, a  
3 collector street is rated between 3,000 and 15,000  
4 vehicle trips per day, and I presented to you  
5 documentation of where I get that information.

6 The staff report clearly says that the  
7 intersections closest to this property are functioning  
8 at an A level and a B level, and the one at the B  
9 level is where you go over the bridge to get onto the  
10 highway at L Street. A level and B level are the  
11 highest possible ratings of ODOT standards. There's  
12 also a C and a D, and once you get below D, then it's  
13 considered unacceptable. But above D, it's considered  
14 just the nature of intersections.

15 So you have the intersections which are also  
16 functioning at the highest possible levels. So to  
17 deny an application based on a finding that says  
18 there's something wrong with transportation, I think  
19 you're going to have to meet a very high standard to  
20 make that argument.

21 Now, as I stated at the beginning of this  
22 hearing, I happen to be on a Planning Commission, too.  
23 We have to make decisions based on the criteria.  
24 We've submitted an application, we've followed all of  
25 the rules for the application, we submitted a complete

1 application. The application was deemed complete and  
2 we got a hearing. So we have met, we feel, all the  
3 requirements.

4 We've stated and shown data, actual data, as  
5 to why we meet those requirements, and you have  
6 reports from the city engineer that all of the  
7 infrastructure that the city has will meet the  
8 supposed additional dwelling units no matter what you  
9 do.

10 So I think that you should approve this  
11 request and recommend to the city council that the  
12 zone change be approved, and I have to again strongly  
13 -- oh, I do have one more point.

14 As I said before, River Club Estates has been  
15 zoned and has been in the Comprehensive Plan as  
16 multifamily dwellings for more than 20 years. Okay.  
17 So let's think conceptually about this. What is a  
18 Comprehensive Plan? A Comprehensive Plan is a plan  
19 for the future. Okay. The neighborhood abutting our  
20 property in the Comprehensive Plan is planned for  
21 multifamily dwellings. Regardless of what it is now,  
22 that's what's in the plan.

23 So to argue that somehow making our property  
24 is inappropriate when right next door the city is  
25 already planning for multifamily dwellings is

1 contradictory.

2 So as I said, you have to make tough  
3 decisions and you have to make decisions based on the  
4 facts, and I think that we've presented the facts and  
5 more than ample evidence that supports our facts.

6 Thank you very much.

7 *Kelly Niles*  
SPEAKER: Thank you.

8 *Comments*  
Staff (inaudible)?

9 *Lisa Smith*  
SPEAKER: Yes. I have a big mountain of

10 paperwork here in front of me. Staff always has the  
11 privilege of the job of functioning -- as being a last  
12 responder before the record is closed, and the record  
13 is closed and the Planning Commission will begin its  
14 deliberation. It will go over all the testimony  
15 that's been presented.

16 I don't have very many comments. I have a  
17 tremendous amount of respect for the Planning  
18 Commission and their ability to weigh the conflicting  
19 information that has been entered into the record and  
20 to determine for themselves whether they believe that  
21 the criteria that's included in the city's development  
22 code related to zone changes and Comprehensive Plan  
23 amendments has been satisfied.

24 A lot of you were here for the initial  
25 reading of the staff report and you heard staff

1 express the same question with regard to village.  
2 Whether someone believes that the city council messed  
3 up and didn't completely correct themselves or not, is  
4 not relevant to this discussion. What is relevant is  
5 that the city has this language on its books today.  
6 It is an ordinance, it is in place, and the question  
7 was initially raised by staff, please tell us what  
8 this means.

9 Now, that is still hanging around out there  
10 needing to be addressed by the powers that have been  
11 authorized to address it. This body will only be  
12 making a recommendation to the council, and I will  
13 say, as a reminder, this is the body who recommended  
14 that the council adopt the village center overlay. So  
15 the two perspectives are not always identical.

16 I will remind everyone, regardless of what is  
17 discussed here as far as the proposed use of the  
18 property, a zone change doesn't commit anybody to  
19 anything. It's tied to the property. It doesn't  
20 commit the folks who own it today from -- it doesn't  
21 prohibit them from selling it tomorrow. It doesn't do  
22 anything except to say in the future this property  
23 will be used for these uses.

24 And I will say that in that preapplication  
25 process, staff did in fact, because I've been doing

1 this work for 20 years, I've heard this discussion  
2 before several times, did in fact request that the  
3 applicant consider, please consider, consolidating all  
4 of the applications that would be necessary to  
5 construct what their project might ultimately be into  
6 one application, as-is permitted by Columbia City's  
7 code, so that there was at least some tie because some  
8 people <sup>nature of the beast</sup> (inaudible) always ask about conceptual  
9 development.

10 There is no conceptual development plan  
11 requirement in the Comprehensive Plan or the zone map  
12 amendment process. Those have been kept separate as  
13 the applicant's choice, and so because of that staff  
14 is obligated, and not because we're attempting to be  
15 derogatory or to indicate nuisance other than what the  
16 applicant may in fact determine or desire to do. We  
17 have to make our assessment of the impacts based on  
18 the most extensive, the most demanding use of the  
19 property, with the exception that if you build  
20 something that has lesser impacts, we have you  
21 covered.

22 If we go the other way and we use the least  
23 impacting use as our comparison analysis and something  
24 of greater intensity is built, we've failed. We've  
25 failed the community. We failed to say yes, it will

1 handle this. So that is why you will see in the staff  
 2 report all comparisons and analysis are based on the  
 3 most dense use which would be the hypothetical  
 4 residential care facility with 65 persons. So that's  
 5 why it's in there.

6 I understand concerns have been expressed  
 7 about Shelly Sandford, who is one of our planning  
 8 commissioners. We know and we've spoken to legal  
 9 counsel and the State of Oregon, and small communities  
 10 people wear multiple hats. We do not deprive them of  
 11 the right to participate as a citizen or as a  
 12 representative of some other legal entity such as the  
 13 River Club Estates HOA simply because they happen to  
 14 be a planning commissioner. It would be hard for us  
 15 to get planning commissioners if we did that.

16 So Shelly has recused herself. She has a  
 17 potential or perceived conflict of interest as a  
 18 homeowner in River Club Estates. Nothing has been  
 19 entered in the record of a connection analysis that  
 20 would demonstrate that there is an actual conflict of  
 21 interest.

22 And bias, (inaudible) without bias or <sup>to</sup> *stated she would not be able to make a*  
 23 *that means you leave th bias* (inaudible). You leave the ~~bi~~ bias, you present your *decision on*  
 24 testimony as a citizen and as a representative of a *this*  
 25 legal entity and then the third part of that will kick

1 in. Shelly will not be able to remain in the room  
 2 during the Planning Commission's deliberations. The  
 3 reason being for that is that all people have  
 4 influence over their peers. We are <sup>don't want her</sup> (inaudible)  
 5 sitting in the back <sup>making faces or doing anything like that</sup> (inaudible) and  
 6 <sup>while we are trying to make an unbiased</sup> balanced decision based on the criteria.

7 So that's kind of the conversation related to  
 8 that. I'm not going to enter additional information  
 9 in the record but I do want to clarify. We had a lot  
 10 of conversations about the street. We've had a lot of  
 11 conversations about water and sewer. One of the  
 12 things that differentiates between sewer and street  
 13 and impact and <sup>potential</sup> (inaudible) impact on that, it has been  
 14 raised in the staff report and it does present a level  
 15 of concern is the city does in fact have a plan in  
 16 place and <sup>is either going out for RFP</sup> (inaudible) ~~for RSP.~~

17 They're actually actively in the process and  
 18 will be entering the documents in the record at the  
 19 council level hearings for the status of that  
 20 replacement for the RCE pump. That means it's  
 21 happening. It's in the (inaudible), there's a plan to  
 22 do it, and so the process is happening. Those <sup>make</sup>  
 23 <sup>that all</sup> (inaudible) qualify as the need has been met or will  
 24 be met in the planning <sup>concept.</sup> (inaudible).

25 Not so simple to address 2nd Street. Yes, it

1 is designated as a collector and if it were  
2 constructed to collector street standards, it would be  
3 capable of handling a certain level of traffic. It's  
4 not, and to the best of this staff member's knowledge,  
5 there is no plan to do that construction. That raises  
6 a different -- that's a different <sup>kind of thing</sup> (inaudible) that  
7 needs to be addressed.

8 In fact, somebody told me we have that on our  
9 radar <sup>it's listed right</sup> (inaudible) ~~are~~ here. Someone else may have  
10 told me that, or maybe documentation, but I have not  
11 read in some plan which the city has, which there's a  
12 bunch of them, so that is out there.

13 But be that as it may, whatever has occurred  
14 in putting together the record on this, I will remind  
15 and I will explain to everyone it's not the burden of  
16 staff to put the information in the record. It's not  
17 the burden of the commission to put the information in  
18 the record. It's not the burden of the community to  
19 put information in the record saying that this  
20 criteria has been satisfied.

21 The burden for putting all information into  
22 the record <sup>to support</sup> ~~through the~~ (inaudible), <sup>claiming that the</sup> (inaudible)  
23 criteria has been satisfied, belongs to the applicant,  
24 the burden of proof. So that's what the Planning  
25 Commission and ultimately the city council will have

1 to consider.

2 So I just want to thank everybody for  
3 participating in this process. I don't know what time  
4 it is but my suspicion is --

5 *Kelly Niles*  
SPEAKER: 8:48.

6 *Lisa Smith*  
SPEAKER: -- that it is highly unlikely that  
7 the Planning Commission will deliberate on this issue  
8 this evening. They will, however, decide the date for  
9 their deliberations before we leave here after the  
10 chair officially closes the public hearing, and if  
11 there is a request to keep the record open, we need to  
12 hear it now or close the record.

13 MS. BEVERLY MCBRIDE: I'd like to keep the  
14 record open for just one short issue. I believe that  
15 I have been personally attacked this evening by Mrs.  
16 Petersen, including but not limited to the issue of  
17 ownership of the property. I want to leave the record  
18 open to show that twice this past week I talked with  
19 one of the staff members, Mrs. Helen Johnson, and we  
20 searched online and as recently as 10:30 this morning,  
21 the morning of this meeting, I was told that staff  
22 still needed a deed from John and Agnes Petersen to  
23 their children and that that deed was not part of the  
24 record.

25 So I want the record to show that we did a

1 search as the record permitted and I was told there  
 2 was nothing there. Thank you. That's all I'll say  
 3 about that.

4 *Kelly Niles*  
 SPEAKER: Thank you.

5 Last one.

6 *Joan Thackery*  
 MS. MARY ANNE ANDERSON: I also feel like I  
 7 was attacked because I was the first one and I think  
 8 if you listen to the recording, I didn't say anything  
 9 that she ascribed me to say. I said there was talk  
 10 back to me of -- in the prior meeting about ~~the~~  
 11 *intended usages*  
 (inaudible) and that we didn't know what it was going  
 12 to be and I said it doesn't matter what we're  
 13 discussing, it's a zone change, and anything that's in  
 14 that zone change.

15 I did not say (inaudible) and I think it's --  
 16 I think it was played back. So I just take exception  
 17 to that. I said things were discussed last week and  
 18 that they don't matter.

19 *Lisa Smith*  
 SPEAKER: Kelly. Kelly. It's not -- that's  
 20 not -- let's not do a he said/she said here.

21 *Kelly Niles*  
 SPEAKER: We don't want this to go any  
 22 further. This is not -- where we're headed this  
 23 direction is not going to be productive for any  
 24 party's -- either side.

25 MS. MARY ANNE ANDERSON: You're not going to

1 allow me to address that?

*Kelly Niles*  
2 SPEAKER: Lisa, go ahead.

*Lisa Smith*  
3 SPEAKER: Hold on, hold on, hold on.

4 MRS. AGNES PETERSEN: May I say something?

*Lisa Smith*  
5 SPEAKER: Everybody hold on a minute, please.

6 The record's not closed yet. Hold on.

7 My specific comment related to the record was  
8 if anyone needed it to remain open to submit items in  
9 writing. Okay. Now, I would suggest that you allow  
10 all parties to vent whatever is disturbing them. I  
11 would suggest also that all comments be related to the  
12 criteria because if they're not, they don't matter.  
13 The body is not going to consider them in their  
14 decision making.

15 Okay. Now back to the chair. Excuse me.

16 Thank you.

*Kelly Niles*  
17 SPEAKER: So yeah, the finger pointing is not  
18 going to do any good from either side.

*Lisa Smith*  
19 SPEAKER: She may wish to clarify her  
20 comments.

*Kelly Niles*  
21 SPEAKER: I will let you clarify and then at  
22 that time the public hearing is going to be closed.

23 MS. MARY ANNE ANDERSON: Mary Anne Anderson,  
24 and what I said was that there were two things that  
25 were said last week that were purposely misleading and

1 that we were hiding things. And this is a transcript  
 2 of last week's meeting and a direct quote from Joan  
 3 Thackery, "I think that is purposely misleading the  
 4 citizens because River Club Estates does not fit into  
 5 this." Purposely misleading.

6 *Kelly Niles*  
 SPEAKER: Hold on. That's it, that's it.

7 We're not going to go there.

8 *Lisa Smith*  
 SPEAKER: No he said/she said.

9 *Kelly Niles*  
 SPEAKER: At this time all the public hearing  
 10 is closed.

11 *Lisa Smith*  
 SPEAKER: Are you going to accept --

12 *Kelly Niles*  
 SPEAKER: Hold on.

13 *Lisa Smith*  
 SPEAKER: Are you going to accept written  
 14 testimony into the record for seven days?

15 *Kelly Niles*  
 SPEAKER: Yes. Hold on one second, folks.

16 Some of you might want to hear this.

17 *Lisa Smith*  
 SPEAKER: Yeah, I need to advise everyone,

18 first off, the record remains open for written  
 19 testimony. If you have written testimony related to  
 20 the criteria, please, it will remain open until next  
 21 Tuesday.

22 Somebody give me the date, please.

23 *Kelly Niles*  
 SPEAKER: That will be --

24 *Helen Johnson*  
 SPEAKER: Tuesday is the 28th.

25 *Lisa Smith*  
 SPEAKER: Okay. The record is going to

1 remain open for written testimony only through Tuesday  
2 the 28th at close of business.

3 *Helen Johnson*  
SPEAKER: Five p.m.

4 *Lisa Smith*  
SPEAKER: Five p.m. The applicant is

5 entitled to a week following that to respond to all  
6 written -- additional written information unless the  
7 applicant wishes to waive that right.

8 Do you wish to waive that right, Mr.  
9 Petersen?

10 MR. AL PETERSEN: No.

11 *Lisa Smith*  
SPEAKER: Thank you. So the applicant will  
12 then have from July the 28th to -- give me a date next  
13 Tuesday, the week --

14 *Kelly Nicks*  
SPEAKER: August 4th.

15 *Lisa Smith*  
SPEAKER: Until August the 4th to respond.

16 The Planning Commission will then schedule their  
17 deliberations following that. Clearly we are not  
18 going to be having a public hearing at the city  
19 council on August the 6th, and because of the unknown  
20 nature and because of all the -- I have no idea of  
21 knowing what's going to come through the door in the  
22 next week or what Mr. Petersen is going to submit into  
23 the record.

24 I'm very hesitant to say that there's going  
25 to be a city council hearing on this on August the

1 6th. You may receive notice that that hearing has in  
2 fact been rescheduled. And that's all.

3 *Barbara Gordon*  
SPEAKER: Can I ask a question of  
4 clarification?

5 *Lisa Smith*  
SPEAKER: You may ask all the questions you  
6 would like.

7 *Helen Johnson*  
SPEAKER: The record was closed at 8:52. Are  
8 we closing it now?

9 *Lisa Smith*  
SPEAKER: The record for public -- for oral  
10 input is closed.

11 *Helen Johnson*  
SPEAKER: Okay. That was at 8:52.

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

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

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KAREN M. SMITH  
Certified Shorthand Reporter  
Certificate No. 00-0369  
My Certificate Expires: 6/30/17

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