

**COLUMBIA CITY PLANNING COMMISSION  
REGULAR SESSION & PUBLIC HEARINGS  
CITY HALL – 1840 SECOND STREET  
SEPTEMBER 15, 2015 - 7:00 P.M.**

**PLANNING**

**COMMISSIONERS:**

Kelly Niles, Chair\*  
Barbara Gordon, Vice-Chair  
Coralee Aho  
Dennis Capik  
Laurie Oliver\*  
Shelly Sandford  
Mark Worrall

\*Denotes Commissioner absent

**STAFF:**

Lisa Smith, Planner  
Helen Johnson, Planning Administrative Assistant

**OTHERS:**

Joe Turner, David Rule, Rich & Ellen Bailey, Andrew Niemi, Durell Kearsley, John & Agnes Petersen, Al Petersen, Elaine Albrich, Mary Anne Anderson, Deborah Virts, Chris Covert and Syd Smith (both spoke, but did not sign in)

**MEETING TO ORDER:**

Barbara called the meeting to order at 7:02 p.m.

**PLEDGE OF ALLEGIANCE:**

Barbara led the pledge of allegiance.

**APPROVAL OF MINUTES:**

IT WAS MOVED (DENNIS) AND SECONDED (CORALEE) TO APPROVE THE MINUTES OF THE JULY 14, 2015, JULY 23, 2015 AND AUGUST 6, 2015 MEETINGS WITH A CHANGE ON AUGUST 6, 2015 CLARIFYING THAT BARBARA LED THE PLEAD OF ALLEGIANCE. MOTION CARRIED UNANIMOUSLY.

**CITIZEN INPUT AND REQUESTS:**

None.

**PUBLIC HEARINGS:**

**REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.**

Barbara opened the public hearing by stating the purpose of tonight's meeting is to hear public testimony on an application for a partition to create 3 lots, including two flag lots, and related variances of a 1.9 acre parcel generally located as the vacant land east of 1550 Second Street.

Lisa asked the Commissioners if there were any bias or conflicts of interest or ex parte contacts needing to be declared. Barbara stated she knows Andrew Neimi, who is the engineer for the project, but this will not effect her decision. She was unaware of his involvement in the project until she saw him this evening. They have never discussed the application.

Staff report:

Lisa stated the procedures and process for the hearing this evening. She also asked if anyone objected to any of the Planning Commission members hearing this matter. None were heard.

Lisa reviewed the staff report. She stated the parcel is good sized and the applicant is requesting to partition into 3 over sized lots. The property is highly constrained by existing developments, including houses, streets and the river. Lisa said the applicant is practically forced to apply for variances and creation of flag lots.

Lisa presented a new drawing for the area. She explained the variances are to lot width on the lot off Second Street because that section is only 71' wide in the portion adjacent to the Street, not 85' as code requires. The other variance is the pole on the the flag lots would be 30' wide, not 25' is outlined as the maximum in the code. Lisa reviewed the additional conditions for flag lots.

Lisa recommends non-remonstrance agreements each of the three lots and explained what they are for the Commissioners.

Lisa stated staff recommends approval of the application with the ten conditions of approval as outlined in the staff report.

Applicant presentation:

Andrew Niemi with Lower Columbia Engineering spoke as the applicant. He stated the amended map is being presented because of a letter recently received from Syd Smith, an adjacent property owner. The proposed location of the property line was shown incorrectly. They had not yet surveyed the property and a miscommunication resulted in the error. Survey results were obtained from Dave Reynolds and the map presented this evening shows the corrections.

Andrew stated the only condition of approval in the staff report that was concerning to the developer was number 4, which states there would be a deed restriction on each of the lots to say they could not be divided in the future. Lisa explained the reason for this condition is because all the assessments for this partition have been done based on three lots, regarding traffic, utilities, etc. The lots are overside, but there is no shadow plat hiding in the background and current standards would not allow anything additional off the flag lots. The developer stated it is unknown what could happen in the future.

Input in favor:

Rich Bailey, the Developer, spoke to say they are planning for three nice beautiful homes and looking forward to get started fairly quickly. There are no intention to develop additionally.

Input in opposition:

None.

Input neither in favor nor in opposition:

Chris Covert, adjacent property owner at 1605 First Street, had a couple questions for the Developer. He asked Mr. Bailey how he was going to protect his view and asked if the trees would be removed. Mr. Covert is concerned about an eagle that lands in one of the trees and he moved here from Portland for the view. Mr. Bailey explained he would do the best he could to protect views and the fir will have to come down because it is dangerous, but these issues are not part of this particular process.

Andrew Niemi spoke up to say that the City does have height restrictions that will be applied to the development and reviewed by the City.

Lisa stated for the record that the City of Columbia City does not have a view protection statute, the City operates entirely through their 24' height limitations. The City also do not have a tree removal statute like some other communities in Oregon. She wanted to be sure the Planning Commission knew there is a review at the time building permits are issued for compliance of City Development Code and Oregon Building Code.

Written comments:

Syd Smith, 145 M Street, spoke to say that he is now satisfied with the adjusted map. He also stated that he has now purchased the property and all appropriate documents have been recorded with the County.. Lisa entered Mr. Smith's letter into the record.

Lisa stated that on condition 1 of the approval the reference to the original map is outlined as map dated May 14, 2015 and both the original map and the amended map have the same date, for clarification they will be referred to as submitted with application and submitted at hearing and the condition will need to be amended to reflect that change.

Staff comments:

Lisa stated she has no additional comments.

**PUBLIC HEARING CLOSED AND REGULAR SESSION OPENED.**

Discussion:

Shelly agreed with the 30' wide flags on the lots off First Street as it follows what the existing road width is. Barbara commented that the 71' width is acceptable, there are other lots in the area that are uniquely shaped and the variance isn't that big. Barbara and Mark agreed that leaving condition 4 alone was a good idea.

IT WAS MOVED (SHELLY) AND SECONDED (DENNIS) TO APPROVE THE APPLICATION WITH THE AMENDED MAP PRESENTED AT THE HEARING AND ADOPT THE FINDINGS IN THE STAFF REPORT. MOTION CARRIED UNANIMOUSLY.

**REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.**

Barbara opened the second public hearing to hear public testimony on the adoption of an ordinance amending the Columbia City Development Code (CCDC) 7.50 High Density Residential Zone (R-3) and (CCDC) 7.25 Definitions.

Lisa stated this is a legislative public hearing and Lisa asked if any of the Planning Commissioners could make any money off of the changes being proposed. None were heard.

Staff report:

Lisa stated this change comes from the Columbia Harbour LLC application and the discussion about Village and the realization that Columbia City did not have standards for its R-3 buildings. They had never needed them as the last time a multi-family structure was built was in 1996.

Lisa presented a revised Ordinance for the Commissioners to review as the draft ordinance presented with the staff report had been changed. She entered the staff report into the record by reference and went on to review the revised proposed Ordinance. Lisa explained the change to the definition of townhouse would now read two to four units, not three or more. This makes the current non-conforming townhouses with only two units conform to the R-3 zoning standards.

Lisa outlined the other changes or clarifications noted in the new Ordinance. It was recommended by staff to adopt this ordinance under an emergency clause and make it effective immediately because there are six residences that could be regarded as non-conforming and it could be a problem if something were to happen to those structures.

Lisa explained that the Ordinance was amended through conversations with an architect and an attorney and there will be a packet of information submitted in the written materials in support of how the Ordinance reads now.

Input in Favor:

Elaine Albrich, a land use attorney with Stoel Rives, stated her information is in the letter she submitted for the record. She is here on behalf of the Petersen family and agrees with staff's proposed revisions of the ordinance and would support the Planning Commission's recommendation to the City Council for approval. Elaine also stated the letter shows why this approach will result in better design and more visually pleasing neighborhood designs. Her letter included illustrations showing examples of more strict dimensional standard and what might appear with the new guidelines. The illustrations help to show why this is a good proposal.

Al Petersen, lives in St. Helens, identified himself as the architect that has been talking with Lisa. He stated the proposed ordinance will allow for larger units and create flexibility to design. The illustrations show the end result of a strict dimensional requirements and what limiting the number of units creates. The proposed ordinance is will allow a much better design. Al also reference research provided from other City's in the State.

Input in Opposition:

None.

Input neither in favor nor in opposition:

Joe Turner, Columbia City resident, verified that what is being proposed would allow for either 2, 3 or 4 units per building. His concern was the terrain in the area of Second Street would need that flexibility in his opinion.

Bill Amos, Columbia City resident, stated with his planning and contracting experience he is concerned about why something of this magnitude is being moved through the process so quickly. Bill recommended the City go through a periodic review of the Development Code and Comprehensive Plan for needed revisions or changes. Related to this hearing Mr. Amos agrees not to limit the footprint of the buildings.

Lisa explained because of the City's size it is not required to go through periodic review. She stated that the City does periodically review their ordinances, especially when involved in a type of development that doesn't occur very often in City. She also explained the City's resources are limited and that the contracted planning staff doesn't work within the City. Lisa apologized also for the urgency of this application, stating in part that because she will be retiring effective November 1, 2015, she would not want to leave a matter like this unresolved. She also stated how much she appreciated the comments regarding the negative impacts the first draft ordinance could have had.

Written comments:

Lisa presented a packet for the record that starts with a memo from her, then a letter from the Fair Housing Council of Oregon and housing land advocates. They typically wouldn't object to this process, but because there is not a Goal 10 analysis attached to the amendment, they are objecting. She explained that all of the Goal 10 stuff was incorporated into the Columbia Harbour review and process. This hasn't been adopted yet, but will be in the near future. So for the purpose of not repeating all of that information, Lisa is entering the Columbia Harbour LLC application record into the record of this Legislative amendment. She continued to review her memo and the letter from the Fair Housing Council for the Commissioners.

Lisa also explained that because of this letter she was concerned and contacted the State of Oregon, regarding Goal 10. The State of Oregon reviewed both proposals including the updated projected housing analysis included in the comprehensive plan amendment for the zone change and they have not objected to approval by the City. Staff has had several conversations regarding what is necessary to comply with the requirements for addressing Goal 10 and following those discussions the State of Oregon provided case law that is being entered into the record and State Statute ORS 197.296. The case law is GMK Developments LLC and Kevin Warner vs. City of Madras Land Development. Lisa's understanding was that you are too little for anybody to care, the statutory requirements is for Citys 25,000 or greater or part of Metro. Lisa wonders if we may have received the letter in error.

Elaine Albrich commented regarding the letter to say this is a legislative process and with a recommendation being made to the City Council, it allows time for additional legal review and issues can be addressed at the Council level.

Al Petersen, brought attention to the typo in the draft ordinance, there are two Section 5's.

Lisa recommends the Planning Commission make a recommendation to the City Council to adopt the proposed amendent.

**PUBLIC HEARING CLOSED AND REGULAR SESSION OPENED.**

Discussion:

Shelly strongly agrees with the emergency clause as it relates to the existing townhomes in River Club Estates. The Commissioners were in agreement with the presented and discussed changes.

IT WAS MOVED (DENNIS) AND SECONDED (CORALEE) TO RECOMMEND THE ADOPTION OF AN ORDINANCE AMENDING ORDINANCE NO. 03-586-O, CCDC 7.25 AND 7.50 WITH AN EMERGENCY CLAUSE TO THE CITY COUNCIL FOR APPROVAL. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS:**

None.

**ADJOURNMENT:**

Meeting adjourned at approximately 8:25 p.m.

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Barbara Gordon  
Planning Commission Vice-Chair

Attest by:

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Helen K Johnson  
Planning, Building Administrative Assistant