

**COLUMBIA CITY PLANNING COMMISSION**  
**PUBLIC HEARING / REGULAR SESSION**  
VIA "ZOOM MEETING"  
OCTOBER 20, 2020 - 6:30 P.M.

**PLANNING**

**COMMISSIONERS:**

Kelly Niles, Chair  
Barbara Gordon, Vice-Chair  
Coralee Aho  
Doug Calkins\*  
George Fortier\*  
Dana Marble  
Lee Anne Landenberger\*

\*Denotes Commissioner absent

**STAFF:**

Lauren Scott, City Planner  
Helen Johnson, Planning Administrative Assistant

**OTHERS:**

Steve Wick, 1530 First Street  
Syd Smith, 145 M Street  
Jimmy & Rosemary Jeffrey, 1420 Second Street  
John Heller, 35 100<sup>th</sup> Avenue NE, Bellevue WA  
Chuck & Leslie Ramsdell, 1650 First Street  
Ron Schlumpberger, 1400 Second Street  
Mark & Donna Tsai, 1340 Second Street

**MEETING TO ORDER:**

Kelly called the meeting to order at 6:34 p.m.

**APPROVAL OF MINUTES:**

IT WAS MOVED (DANA) AND SECONDED (BARBARA) TO APPROVE THE MINUTES OF THE AUGUST 18, 2020 MEETING AS SUBMITTED. MOTION CARRIED UNANIMOUSLY.

**CITIZEN INPUT AND REQUESTS:**

None.

**PUBLIC HEARING:**

Kelly stated the hearing this evening is legislative and is for proposed amendments to the Columbia City Development Code to clarify where ADUs are permitted and their applicable review process, clarifying the review procedures for new ramps or docks on the river and for modifications to existing ramps or docks, and the full incorporation of the Oregon Model Flood Code.

Conflicts of Interest, Bias or Ex Parte Contacts:

Barbara, Dana, Coralee and Kelly stated for the record they had nothing to declare.

Staff report:

Lauren stated again the purpose of the hearing and provided a bit of background. She explained that some of these changes come from a list developed by City Staff of code updates discovered in the regular use and application of the code. In February 2020 the Planning Commission provided direction and guidance on this list. A memo was then prepared by Staff to show the proposed code text changes as well as provide background and analysis as to why those changes were proposed. The Planning Commission then reviewed the memo and proposed changes during a June workshop. The outcome of that workshop was the identification of any typos, numbering errors, addition of clarifying language as well as the determination that where the Oregon Model Flood Code required a minimum elevation of 12 inches above the base flood elevation that it would be increased to 18 inches which is permitted by the State. The 12 inches is only the minimum and Columbia City's existing Development Code Flood Hazard Chapter requires the 18 inches.

Lauren also stated the applicable review criteria are Chapter 7.160 Procedures for Legislative Decision Making and Statewide Planning Goals adopted under ORS 197. The changes to the Development Code would pertain to the R-1 and R-2 zoned properties as well as properties along the river and in the flood zone.

As required by code notice was given to DLCD and published in the newspaper prior to the hearing. Staff did not received any comments from DLCD on the proposed amendments. Also a measure 56 notice was mailed out 20 days prior to the hearing to all property owners within the flood zone and along the river. Lauren explained the measure 56 notices are required by State law to be sent to land owners when changes are made that might limit the use of their property.

Lauren reviewed each of the text amendments areas and their consistency with the Statewide Planning Goals as follows:

ADU's: the proposed text changes add language to permit detached or attached ADU's in the R-1 and R-2 zones and in Chapter 7.112 Accessory Dwelling Units added that they are reviewed through the ministerial permit process and decisions are made at the staff level. No changes to the standards of approval for ADU's are proposed.

Lauren outlined and discussed the ADU changes are most applicable to Goal 10 Housing, Goal 11 Public Facilities and Services and Goal 12 Transportation.

Docks & Boat Ramps: The current code does not have a clear review procedure for new docks or ramps on the river or for modifications to existing docks or ramps. The text amendments proposed would require new ramps or docks to get a Flood Development Permit if they are located in the flood plain as required by Chapter 7.75 Flood Hazard Overlay as well as go through the Site Development Review as applicable. Modifications to existing docks or ramps would also be reviewed under the Site Development Review chapter and would either be considered a minor modification and would only require staff level review or a major modification that would require a higher level of review by the Planning Commission.

Lauren outlined and discussed the dock and boat ramp changes are most applicable to Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces, Goal 6 Air, Water, and Land Resources Quality and Goal 8 Recreational Needs.

Flood Code Changes: Major text changes and reorganization are proposed to Chapter 7.75 Flood Hazard Overlay as the new Oregon State Model Flood Ordinance was inserted into the existing code section. The Oregon State Model Flood Code was developed in cooperation with FEMA to help communities achieve compliance with minimum state standards for the flood plain. The Model Flood

Code was approved by FEMA in August 2019 and contains the minimum requirements. Although FEMA and DLCD encourage and allow for local governments to adopt higher standards that make sense for each community and their unique flood risk.

The new model code is not required to be incorporated at this time, the requirement is triggered whenever a new FEMA map is needed for an area or when a FEMA or DLCD audit of a community occurs. While Columbia City has not triggered either of those the DLCD does encourage any code updates being made include the new model code language. These changes to the existing flood code must be made verbatim in many cases which resulted in large sections being deleted and the new model flood code inserted. However, these larger changes did not change the original intent of the flood code chapter and many aspects of the model code exist in Columbia City's Development Code already. Most of the changes made relate to the approval standards in section 7.75.080 where new language has been added regarding the review of specific types of improvements. Changes are also proposed to the definitions and City Administration of the flood hazard overlay and permitting.

Lauren outlined and discussed the flood code changes are most applicable to Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces, Goal 6 Air, Water, and Land Resources Quality, Goal 7 Areas Subject to Natural Disasters and Hazards, Goal 16 Estuarine Resources and Goal 17: Coastal Shorelands.

Lauren stated that one public comment was submitted and forwarded to Commission prior to the meeting this evening. The correspondence requested the Planning Commission hold two public hearings, the second being in November before making recommendation to the City Council. The request is based on the commenter's statement that citizens need more than the minimal time to digest and understand the impacts of the new proposal including having the opportunity to make potential suggestions. Lauren stated she thought the person who presented these comments is present at the hearing tonight and may provide additional oral testimony.

Lauren commented in response that the measure 56 notice was sent to the registered address of the public commenter on September 28, 2020 and notice was also published in newspaper of general circulation on October 2, 2020 and the agenda and staff report made available on October 13, 2020. City Staff also did receive some requests for additional information from property owners who were sent the measure 56 notice prior to the staff report becoming available and in those cases the code update memo that was part of the Planning Commissions June workshop and a document showing solely the proposed text changes were shared so that those interested could have information prior to the release of the staff report. Opportunities for citizen review and input prior to the hearing met all the requirements of the development code. She also reminded that tonight the Planning Commission is only making a recommendation to the City Council, that another public hearing will be held by the Council in the future.

Input in favor:

None.

Input in opposition:

Chuck Ramsdell, resident at 1650 First Street, stated he doesn't understand why these changes are being made. He stated reducing the options for the citizens to survive in this environment. He has title insurance from a company in St. Helens dated 1987. He moved here 40 years ago and built his own home and has complied with all the requirements he knows and can find. He does not want to restrict the use, he can't see any reason to restrict the use by making changes in this.

Steve Wick, resident at 1530 First Street, stated that what he heard was this change is because the City doesn't have a procedure for review and approval of the ramps and docks. His question to the panel is in order to have a boat ramp or dock you have to go through some pretty strict regulations through the Corp or Engineers and also the Oregon Development of Lands, exactly how are we going to perform our instructions and material, mitigation not harming the wildlife in the water. How is this going to apply, this overlay, when he understands the permit that is within the regulation that we are trying to pass hasn't even been written yet. What he has read through some documents is that it would also require a Site Development overview and that there might be a need for him to have a geologists to tell us what type of land that he have. In 2019 prior to this code development there was a section that talked about the boat ramp, about the slope, if you had 10 degrees or less you didn't need to have a flood plain permit and if it was 15 degrees or more you did. What type of monies or obligation do they have to fulfill to have their rights to have entry into the water?

Ron Schlumpberger, resident at 1400 Second Street, asked as Steve Wick had mentioned they already have to go through the Division of State Lands the Army Corp of Engineers and some fish agency. What further obligation or expertise is the City of Columbia City going to provide that isn't already provided by those three agencies? Also as Chuck Ramsdell had mentioned all of them in Columbia City, as he had sent to Helen, the Caples purchased the tidelands from the Department of State Lands for \$36 and that went to all the property owners. He stated he had a letter from the Department of State Lands that he could put in a wharf and that he had legal rights to keep someone from walking within the meander line or between low and high water mark. He had forwarded that onto Helen. He also sent a letter to Dan Carey with Division of State Lands to get his input on it. Several years ago he did some improvements at Pixie Park and brought in 10 dump truck loads of sand. They got Division of State Lands and Army Corp of Engineers down there before they did any work. Once he reminded them about the tidelands purchase that Caples did they said you could do whatever you wanted above the low water mark as long as it doesn't affect the flood plain or your neighbors. Again he asked what expertise is the City of Columbia City going to provide that isn't already provided by those three agencies.

Rosemary Jeffrey, resident at 1420 Second Street, stated that when they purchased their home from Harvard Anderson they have the original information stating they own from 20 feet out from the low water mark, they own that land and have a dock they have kept and maintained from those ship building days. They would want to know what kind of impact these changes might have on them, with the documentation they have and the property rights they have.

John Heller, owner of Lot #9 in River Club Estates on the riverfront, his address is 35 100<sup>th</sup> Avenue NE in Bellevue WA. He first wanted to say thank you for all the work the committee does and all that they do for Columbia City which he is very familiar with. He developed River Club Estates and wanted to comment on the Oregon model flood code, he sent the letter to all the commissioners and thanked Lauren for mentioning pretty much what he talked about. He stated the letter pretty much speaks for itself in the request to simply give this another month before the Commissioners make any recommendation to the Council. It is admittedly a major change to the code, it is not required at this time, there is no danger of triggering any non-compliance and the proposed code changes have only been on the City website for about a week. The actual Oregon Model code is 265 pages or so. He started reading it today and got a little bit bored. There is a lot with this code and a lot with these changes and all he is asking for is a little time to digest it. He did state that the minimum requirement is to have one public hearing in front of the Planning commission and one public hearing in front of the Council, those are the minimums and since we are not in any emergency situation, his hope is the Planning Commission will table any recommendation for a month until the next meeting in November.

Mark Tsai, resident at 1340 Second Street, commented that he noticed part of the wording stated modifications to existing docks would be included. What kind of things are considered modifications.

Steve Wick spoke again and wanted to emphasize he did go through the process with Corp of Engineers and Oregon State Lands to get a permit. He had Lower Columbia Engineering helping him to develop his plan a couple years back. He tried to go through the permit process with the City and was told, as we have discovered, is that the City doesn't have a review process. That it would have to go to Lauren for approval as long as he was willing to pay a fee for his plan to be reviewed. His concern is that they have to go through a couple of processes with professionals that know exactly what they are trying to do and they have to follow the regulations they have submitted. After having the approvals of the Corp of Engineers and the Oregon State Lands, what else is the City trying to have then do.

Jimmy Jeffery, resident at 1420 Second Street, asked about improvements. What constitutes the needs for permits if he is going to do just minor repair to his dock or ramps. He said he hasn't heard any reference to any specifications.

Ron Schlumpberger spoke again commenting about what Jimmy said about any modification or maintenance, one thing the Commission needs to realize is here on the Columbia River they have constant tub boat and ship traffic and it is a constant battle to maintain the docks. Not only are they taxed on them, but they have to spend quite a bit of money to maintain them and to put an additional fee or another permit on top of it seems kind of over taxing.

Written materials submitted:

Helen stated there was no additional written comments or materials submitted aside from what was presented earlier in testimony.

Staff comment:

Lauren stated that the City's Development Code already has a definition for a modification and we are not making any changes to that definition. Routine maintenance and repair would not be considered a modification and would not be required to go through City review or get a permit.

Lauren commented about what additional expertise the City would be providing aside from the other State and Federal agencies is that in order for a community to participate in a National Flood Insurance Program it needs to adopt and enforce flood plain management regulations that meet or exceeds the minimum flood insurance program standards and requirements. Because development would be occurring in the City Limits the City would be the agency responsible for overseeing the development and upholding State and Federal regulations at a base level. Of course those other agencies are involved at multiple steps of the permitting process. The standards that existing in the Columbia City Development Code Chapter 7.75 are very similar to the Oregon model flood code, but are now outdated and no longer the best standards that DLCD or FEMA are wanting to follow. So the City as a housekeeping practice is wanting to stay current with what State and Federal agencies are recommending and requiring. That is why these changes are proposed.

Lauren stated the other question she was hearing had to do with the additional review requirement by the City of boat ramps and docks. She understood from City Staff that in the process of administering the code there were challenges and issues about how the process was to happen, the process was not clearly outlined and Staff was having to make its own interpretations of what would be required.

Helen also explained that in the past, when a resident was applying for a dock or boat ramp, they would apply directly with the Corp of Engineers and Department of State Lands. The applicant would be required to get the City to sign-off on the application and the City didn't have a requirement for review or criteria to be met. She stated she believed in 2016 when changes were made to the Flood Hazard Overlay chapter of the Development Code, it stated the City did require an application with review and

criteria needing to be met, but the application and process to be followed was not clearly outlined, so the City would be required to follow a more extensive process.

**KELLY CLOSED THE PUBLIC HEARING AND RECONVENED THE REGULAR SESSION.**

Kelly reminded Commissioners that at this time they would be discussing the potential recommendation to the City Council and the public hearing is closed. He also asked the public to please mute their phones or whatever device they are using in order to eliminate any background noise.

Commissioner Dana stated that he felt Lauren had adequately addressed the public's concerns, but also didn't have any issues with carrying the matter over to next month's meeting.

Commissioner Barbara agreed that if there were no concerns with postponing the meeting and commented that she was happy to see such a good turnout of property owners at the hearing she suggested giving more time, maybe even until January. She also stated as Commissioners they have reviewed and are good with the changes, but this would give property owners more time to review and understand the changes.

Commissioner Coralee stated she would be in agreement to postpone.

Lauren spoke up to say that there is a time limit with this type of matter. If the Planning Commission fails to recommend approval, approval with modification or denial of the proposed legislative change within 60 days of its first public hearing on the proposed change, the Planning Director would need to notify the City Council of the Commission's failure to act. So there is a timeframe involved. She also stated that once the Planning Commission makes its recommendation to the City Council, the Council must hold their first public hearing within 45 days.

**IT WAS MOVED (BARBARA) AND SECONDED (CORALEE) TO POSTPONE A DECISION ON THIS MATTER UNTIL THE NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING ON NOVEMBER 17, 2020. MOTION CARRIED UNANIMOUSLY.**

**UNFINISHED BUSINESS:**

None.

**NEW BUSINESS:**

Helen stated there was a pre-application meeting today regarding Site Development of the property near the mini mart for mini storage and storage of boats and RV's.

**ADJOURNMENT:**

Meeting adjourned at 7:30 p.m.

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Kelly Niles  
Planning Commission Chair

Attest by:

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Helen K Johnson  
Planning Administrative Assistant