

**COLUMBIA CITY PLANNING COMMISSION
SPECIAL MEETING / PUBLIC DECISION / WORKSHOP**
1840 SECOND STREET
July 30, 2024 - 6:30 P.M.

PLANNING

COMMISSIONERS:

Barbara Gordon, Chair
Bill Amos, Vice-Chair
Coralee Aho
Doug Calkins
John Hansen
Mark Stevens*
Chris Thurman (arrival at 7:00 p.m.)

*Denotes Commissioner absent

STAFF:

Lauren Scott, City Planner
Helen Johnson, Planning Administrative Assistant

OTHERS:

Wendy Wells, 2010 9th Court
Cherokee Council, 52609 NE Porter Lane (applicant)
Additional staff from Medicine Wheel Recovery Services

MEETING TO ORDER:

Barbara called the meeting to order at 6:32 p.m.

APPROVAL OF MINUTES:

None.

CITIZEN INPUT AND REQUESTS:

None.

PUBLIC DECISION:

Lauren explained the order of operations from code for this type of application as it is not a public hearing, but a public decision.

Bill had a question of the applicant that he felt would be helpful to ask ahead of the presentation of the staff report. He wanted to know if applicant would be using a fire ring at this location.

Staff report:

Barbara asked Lauren to go over the application and staff report. Lauren said she would be going into a bit more detail with this staff report because it was distributed just before the meeting. She explained there was information that arrived late from the applicant and it needed to be reviewed by the City Engineer. Lauren stated the applicant is requesting Planning Commission approval for a site development review to locate a family center for clients in treatment to work hands-on with their children. The clients would be supported by five family therapists on site during business hours. The use would take place within an existing building on a commercially zoned property located at 205 I Street.

John asked the hours of operation and Lauren stated she assumed normal business hours would be 8 a.m. to 5 p.m., Monday through Friday. Lauren did explain the application does state there will be no overnight stays by clients or staff.

Barbara mentioned when looking at the building floor plan, there is one room that doesn't have an interior access and she wondered if an interior door was going to be added.

Lauren explained that a change of occupancy or change of use is being required by the building department. She stated the City Building Official has been involved in this application. She also said the applicant has been advised of what is needed for the change of occupancy or change of use and will be submitting for that permit in the future. Barbara questioned if the property is zoned commercial and the proposed use is commercial, why the site development review application. Helen explained neither the City, nor the property owner have been unable to locate any land use record or approval associated to the site as it is currently used. She further explained that this review was triggered because the current use has residential spaces and the proposed use will be removing all residential uses.

Bill expressed his concerns from previous experiences in another jurisdiction that when you change the use from residential to commercial, after a period of time the previous use can be lost. Lauren explained there is a section in the non-conforming uses chapter of our Development Code that discusses when you lose your vested rights, it outlines that if you cease the non-confirming use for a certain period of time the use is no longer valid. Lauren also explained in this case the property is zone commercial and it is a permitted outright use. Helen explained code does allow specific residential use within the commercial zones. Lauren mentioned when a property has a change in use it triggers a major site development review and must come before the Commission whereas a minor modification could be approved by staff administratively.

Barbara asked if the removal of the residential uses on the property will negatively affect the City's housing inventory. Both Lauren and Helen agreed they felt it would not, because it was probably never recognized as housing.

Barbara asked and Lauren and Helen clarified there would not be on-site uses that create noise, lights or glare to the adjoining residential property besides the existing indoor and outdoor lights. The applicant had misunderstood the section that discussed those topics and mistakenly answered yes.

Barbara also asked if there are adequate entrances and exits for the building depending on the possible number of people who could be in the building in the case of emergency. Lauren stated that would be determined by building code and the building permit process. Bill helped explain the building permit process in a bit more detail.

Helen stated for the record, as it was not mentioned in the staff report, there was a public notice of this meeting published in the newspaper prior to the meeting.

Lauren continued reviewing the staff report. She stated current landscaping, screening and fencing requirements cannot be met for the property as they require buffering and screening at a minimum of 20' between any non-residential use that abuts a residential use in a residential zone. Lauren stated it is a legal non-conforming use and she does not recommend the building be moved to meet the requirements.

Lauren then moved onto the parking requirements section of the staff report stating that 9 parking spaces would be required based on the size of the existing building. She explained the site plan presented today was revised using 45 degree angle parking as the 90 degree angle parking potentially takes up more space and is harder for drivers to back out, given the limited amount of property, before they cross over into the public right-of-way. Lauren said the City Engineer and herself had looked over the recently

submitted plan and would recommend the removal of space number 6 as it is in conflict with the telephone pole and two crosswalks, which would cause a safety concern. She stated the removal of the stall would put them under the minimum, but explained the Planning Commission would be able to approve modifications to the parking chapter with no variance requirement provided they find that an existing structure would have to be modified or would involve destroying existing landscaping. Lauren also stated the code requires off-street parking for commercial uses to be located on the side or the rear of the principal use and not between the building and the adjacent street frontage, this also cannot be met and it is not recommended to reorient the site to try and make that work.

Lauren provided an abbreviated table of parking dimension information from code in the staff report, explaining the different angles have different requirements and they would not be able to provide adequate aisle width according to code. She stated the applicant, property owner and City Engineer have been looking for the best options to address parking. Staff and Commissioners discussed the different parking layout options at length in an attempt to create the best solution. Also discussed was the addition of a delineation line showing the end of the private property and the beginning of the public right-of-way, this was at the City Engineer's recommendation. Bill asked if wheel stops would be required and Lauren answered in this situation they would not, because the front of the vehicle is to be parked up against the building and not facing the street, sidewalk or landscaping.

Lauren discussed another recommendation from the City Engineer was the installation of cautionary signs that say something like "Slow Down. Watch for Vehicles Backing Up" or "Proceed Slowly". It was discussed the City would install the signs, but the applicant or owner would cover the costs of the signs and installation.

Commissioners expressed concerns about the potentially large number of parking spaces that could be needed, when you consider the number of counseling staff, the number of potential clients and their families including children and if the clients and their families arrive separately, could cause a large demand for spaces and where would overflow parking go. It was determined the 9 spaces presented does meet the City's code requirement.

Lauren continued with the staff report discussing the other areas of site development review including topography, drainage, privacy, noise, recreation spaces, crime prevention, safety, access, circulation, public transit, parking and loading, landscaping, public improvements, ADA requirements and commercial zone requirements, noting nothing of significance to discuss or that it had already been addressed previously.

Lauren talked about the recommendations outlined in the staff report and worked with Commissioner to modify condition #1 to require the revised site plan to move the ADA parking space #7 to space #5 and that space #6 would become the ADA striped area for loading and unloading, then space #6 would be moved to the north side of the lot and still maintaining 9 parking spaces.

Commissioner John asked about a potential drop off zone or area for kids that would be coming to the building. Commissioners and staff discussed the potential options for accommodating this need, but determined there is no City requirement.

Applicant presentation:

Cherokee Council, introduced herself as the Program Manager of Medicine Wheel Recovery Services and then introduced the others of her staff in attendance. She is here to explain what they do and what their plan is for the building across the street. They are a 501(c)3 non-profit culturally specific treatment center working with Native American Indigenous individuals. Their program primarily utilizes day

treatment, but they do have some outpatient. The use for the building would be for day treatment individuals.

Cherokee went on to explain that all the children present at the center would be those of patients in their day treatment, which means they live in their housing and would be transported by their staff. There would be no parents coming in and out or long trains of cars coming to and from the center. They would all be transported by their 5 staff, so they don't anticipate any more than 5 coming in at a time. If they ever needed to transport as many as 15 they have passenger vans that could accommodate that in one trip. So there will not be a need for extra parking.

Cherokee answered Bill's question about fires stated they would not be utilizing any type of fire at this location. They do have sweat lodges, but at a different location.

She went on to explain the support planned for this location is not only helping children to adjust to their parents becoming sober and stable, but also hands on re-integration with their parents. A lot of their parents are just getting their children back, whether it be from CPS, DHS, family that have held onto them while in their addiction or they have just never parented sober because of their addiction. They have multiple people who assist these families coming back together and work on parenting skills, culturally specific skills and it is important to have somebody there to support them. Sometimes when you re-integrate a parent it is hard for them to handle their children 24/7, especially when they have them cognitively present the whole time. That is why they have the family support specialists and it is their job to help with re-integration and bringing families together.

They also help with children's adjustments to new locations, new interactions with people. They have specifically helped women and men with taking their children to the store, and how to handle when the child has a temper tantrum without themselves losing their temper. They also teach re-integration into school systems. A lot of children have come from reservations and they are only familiar with reservation schools. The process is a lot easier to get into a school system on the reservation, then public schools.

Cherokee said they don't teach or work with any children over the age of 12, so most of their children are school age, a few which are toddlers or very young infants. When they have infants, they are looking to help parents handle their post-partum. Also working with the women and men on how to create that maternal or paternal bond especially if they were not part of the entire pregnancy.

They provide a lot of hands on support, not only culturally, but mentally and working towards stability.

Barbara asked about business hours. Cherokee answered their hours would be 8 a.m. to 5 p.m. with staff arriving around 7:30 a.m. to get everything up and running. The latest time anticipated anyone would be on site would be 5:30 p.m.

Cherokee provided a hypothetical example using the name Sally, who is a 5 year old about to start kindergarten and she has never experienced other children before. Sierra goes and picks up Sally's mom and Sally and brings them to the family center. They would work on skills of how to handle starting public school and practice things they need to do together. Maybe Sally has trouble sharing, they would practice sharing skills. They might go to the park and see how it feel getting back into society.

Cherokee stated their clients fly in from all over the United States, they have contracts with tribes from all over. For example they have had clients from Pine Ridge South Dakota, which is the size of Rhode Island and has only one school and one grocery store on the outskirts of the reservation.

Medicine Wheel Recovery Services want their staff to teach life skills, because their clients are no longer just spending time with their family, but need to learn how to interact with other people.

She explained that some children come in and out of the program, because their parents don't decide to keep wanting to be sober. So there is turn-over. It won't always be the same 15 children.

Barbara clarified the center is geared towards those parents who want and qualify to be reunited with their kids. She commented the numbers of parents and children, that staff could be working with depended on the family sizes. Barbara asked if parents would be driving in. Cherokee explained the parents are in their day treatment program, which is as close to residential treatment you can get without calling it residential. They live in the housing provided by Medicine Wheel Recovery Services so if the parents are going to be coming to work with their children, they are all transported by their staff. Barbara stated she now understands the center is completely controlled by staff and only those they transport to the center will be there and working on whatever skills or training they need.

Cherokee stated this is their family center, they won't necessarily advertise it, but it won't be completely private and lock down the address. Only those within their treatment programs will know where the family center is located.

Bill asked if they were utilizing any of the school district family centers. Cherokee answered they have connections with multiple groups, including Monkey Tree and Snoopeeland for daycare for children that do meet outside of their system. They also work with the Parenting Education Resource Center in St. Helens. She said that DHS has provided them with so many resources and have worked with Top Notch as well for support. They have many connections throughout the community.

Bill stated he was happy to hear they are working with the resources available in this area. He stated we are unique in this area that we have so many different opportunities available, a lot more than people would think.

Cherokee stated they also work with the special education department as a lot of the students have IEP's and 504 plans to help them get additional support because their parents are in recovery and they qualify for this assistance. She explained that one of their current staff members came from the school district and has work with children with developmental disabilities and special needs. She is a great resource for this program and she is their child passenger safety technician as well and she helps makes sure all of their car seats are safe.

Barbara stated this is a worthwhile program.

Cherokee went on to say she is working with the owner and the realtor to figure out parking. She said she works in behavioral health and knows nothing about parking. They are doing their best to be sure everything is up to code and the way it needs to be.

Cherokee explained they have a group facility for group therapy in St. Helens, they have a female office for administrative and a men's office for administrative and outpatient treatment.

Barbara asked about parking, stating that it sounds like the only parking needed is for staff moving kids and or adults in vans or cars. Cherokee answered they would be using both. Barbara asked if the vans will fit in the parking spaces previously discussed and Bill spoke up to say they would fit just fine and a wheelchair van will also work once the stripes are placed in the correct location.

Cherokee stated she is grateful for this opportunity and has been working on it for a while to provide all the different informational piece requested by the City.

Written materials submitted:

Lauren read for the record the only written comment received during the 14 day comment period that was sent to the abutting property owners and noticed in the newspaper. The comment was received from Paulette Lichatowich, PO Box 535, Columbia City OR 97018. Lauren read the email received Tuesday, July 30, 2024 at 6:02 p.m., "Helen, In the few minutes I have had the staff report in hand and the short time allowed to comment before the Planning Commission Meeting this evening, I do have a comment. I recommend that a condition of approval be added. The Site Development Approval is exclusively to Medicine Wheel Recovery Services and is not transferrable to any other business or entity. No sublease of other type of arrangement should be possible without new application to the city. Thank you for your consideration."

Lauren stated the next order of business is to let the applicant respond to the written comments, but before that she wanted to say that permits don't typically run with the lessee of a building and that subleases and those types of things are present dealings the City would not have an influence in or be a part of unless they were making exterior modifications or really changing things or changing the use. If the business was swapped for another similar use and not making changes, it would not trigger a City review.

Barbara stated she is much more comfortable with the proposed use of the property now that she knows and understands how the parking will be handled. She does understand Paulette's concerns and how can we educate people about the parking and what can and can't be done there. Barbara further stated what if a new business comes in and it is not subject to a site development review, would the parking work for that business. That is why she is so concerned that the parking be clearly addressed at this time so it won't be an issue for a future similar use.

Bill said unless there is a land use change, we would not be doing a review.

Barbara asked when the stripes are completed in association to this application, especially delineating between the private property and public right-of-way, that they be maintained in the future by the City. Staff and Commissioners discussed this concern at length. Helen stated she cannot speak on behalf of the City and if they would agree to be responsible to maintain the lines.

Applicant response to public comments:

Applicant didn't have any additional comments.

Make Decision:

Barbara asked Lauren if we are ready to take a vote. Bill said we just want to be sure the conditions of approval are clear about the parking. Bill and Lauren worked on the wording for the parking conditions of approval.

Lauren read from the development code the reasons that would trigger a new site development review should changes to the site happen in the future.

IT WAS MOVED (BILL) AND SECONDED (DOUG) TO APPROVE THE SITE DEVELOPMENT REVIEW APPLICATION WITH THE FINDING UNDER THE SPECIAL EXCEPTIONS CHAPTER TO REQUIREMENTS OUTLINED IN THE STAFF REPORT AND CHANGES TO CONDITION #1 REMOVING THE PROPOSED PARKING STALL CLOSEST TO THE SOUTHWEST OF THE EXISTING POWER POLE AT THE CORNER OF THE LOT AND SHOW HOW THE ACCESSIBLE PARKING SPACE MEETS ADA REQUIREMENTS. MOTION CARRIED UNANIMOUSLY.

Helen stated to the applicants the City will be sending a Notice of Decision to them and the person who provided public comment in the next couple of days.

NEW BUSINESS:

John Hanson presented a copy of a letter dated December 28, 2022 to Spencer Deschamps, Blue Heron Septic and Drain Services Inc. at 2105 Eighth Street, Columbia City OR 97018 written by Michael McGlothlin City Administrator at the time. He said the Planning Commission held a public hearing around the same time and the letter was a result of the hearing. John read the first item outlined in this letter stating, "No pumper trucks may visit the residence for any reason at any time. This includes parking at, idling at, or otherwise driving to and from the residence." John then presented and read a letter from him addressed to Planning Commissioners dated July 30, 2025 regarding Blue Heron Septic at 2105 Eighth Street, Columbia City and a septic pumper truck reported on the above referenced property and the City's response to the complaint.

John felt the City's response was inappropriate and undermined the letter sent by Michael McGlothlin. He stated a revised response should correct any confusion.

It was discussed by Planning Commissioners how important it is to be sure any restrictions placed be legal and questioned Michael's letter and if it is possible the letter was wrong. It was stated that possibly the Council needs to look at the letter sent by Michael and confirm its validity.

Helen stated the Notice of Decision issued by the Planning Commission from the hearing didn't restrict the pumper trucks from coming to and from the residence. She will bring John's letter to Administration and provide a response.

Planning Commissioners agreed they made their decision as a result of the hearing and letter provided was not what the Planning Commission's ruling was and the letter is coming from the City Administrator and so they have no action in the matter this evening.

Wendy Wells, 2020 9th Court, was also in the audience and stated she did receive Michael McGlothlin's letter and was shocked the Planning Commission had not previously seen the letter. Barbara explained the Commission made their decision, and it is up to the City to enforce the decision and they would not normally have received a copy of the letter.

Barbara brought up a different concern asking if the City had any ordinances regulating garbage cans. Helen stated there is not a restriction of a garbage can being left on the street as long as it does impede traffic on the street or pedestrians on the sidewalk. Barbara asked about animals getting into them and scattering the garbage. Helen stated there is an ordinance prohibiting the scattering of rubbish and if a property continued to have animals getting into their garbage cans and scattering it, then it could be a violation. She stated there was a concern similar to that down on The Strand, but it was because the wind was knocking the can over and it was brought to the owner's attention and seems to have been resolved.

UNFINISHED BUSINESS/WORKSHOP SESSION:

It was agreed to table any discussion of the Development Code changes due to the lateness of the meeting.

NEW BUSINESS (continued):

Helen asked Lauren to talk a little about the NFIP webinar they will be attending tomorrow. Lauren explained that FEMA is going through an Environmental Impact Statement and Biological Opinion process to comply with the Endangered Species Act. She explained that jurisdictions who participate in the National Floodplain Insurance Program (NFIP) are being required to comply with the Endangered Species Act Implementation Plan and have provided cities with three options. One being to adopt their model ordinance that considers impacts to the species and their habitat and requires mitigation for no net loss of habitat. Another option is a permit by permit bases, requiring a habitat assessment and mitigation plan or lastly to outright prohibit any kind of development in the special flood hazard area. The webinar tomorrow will help us understand more about the three options. Lauren explained we have been given a timeline to make a selection and start the implementation process by the end of this year. The hope would be to include these changes into the Development Code updates we are currently working on if we decided to follow the model ordinance path.

Helen stated there will not be a meeting in August as she will be having her hip replacement surgery preparation appointments on the next scheduled meeting date. The next regularly scheduled meeting will be September 17, 2024 at 6:30 p.m. and it will be to discuss more Development Code changes in a workshop session. Helen and Lauren also explained the additional steps needed before the Development Code changes will be ready for public hearing and that will probably happen late this year.

ADJOURNMENT:

Meeting adjourned at 8:28 p.m.

Barbara Gordon
Planning Commission Chair

Attest by:

Helen K Johnson
Planning Administrative Assistant