COLUMBIA COUNTY PLANNING COMMISSION MEETING
June 6 2016
Draft Meeting Minutes

Members Present: Jeff VanNatta, Bill DeJager, Linda Hooper, Rod Lloyd and Alta Lynch

Staff Present: Glen Higgins, Deborah Jacob and Kay Clay

Others: Brian Rosenthal and Mike Bradley

Jeff VanNatta called the meeting to order at 6:30pm.

Deborah Jacob read the pre hearing statement.

Deborah Jacob announced that we received additional information for the record, documents will be attached.

No-exparte were declared for ZC 16-02

BACKGROUND:

The applicant, Brian Rosenthal, proposes a Zone Change (ZC) for an approximate 2.3 acre property that is located within the City of Scappoose’s recently expanded UGB along the City’s southern boundary. There is no site specific development requested with the proposed ZC 16-02. Prior to the issuance of future building permits on the subject site, the County and/or City must ensure that adequate facilities and services are onsite for the intended Highway Commercial use.

In 2011, the County adopted Ordinance No. 2011-3, approving the City of Scappoose’s Comprehensive Plan Map Amendment PA 11-01 which added the subject property and adjacent ~14 acres of RR-5 zoned properties to the City of Scappoose’s expanded Urban Growth Boundary. This City UGB expansion was appealed and not finalized until after a Court of Appeals affirmed the earlier decisions, and Department of Land Conservation and Development acknowledged the UGB amendment on January 11, 2016. The City’s 2011 UGB expansion did not include any rezoning of these newly designated “urbanizable” properties because the properties currently remain in the county jurisdiction. The applicant’s request to rezone the subject 2.3 acre Rural Residential site to Highway Commercial is consistent with the 2011 UGB Expansion and Ordinance No 2011-3, and will allow the property to be commercially developed before its annexation, provided all facilities and services are available.
The subject property has over 350 feet of usable frontage along both Old Portland Road and Columbia River Highway with existing access to both public rights-of-way. Existing development of the site is clustered along the western portion of the property and consists of one existing manufactured home and various accessory structures that are served by a private well and septic system. Fire services are provided to the site by the Scappoose Rural Fire Protection District. There are no identified wetlands, seasonal or year round waterways, flood hazard areas, steep slopes, or historical or natural areas or features that could potentially limit its intended commercial development.

According to the attached Map C of the City of Scappoose’s UGB Amendment, the site is within the City’s SW Expansion Area that consists of a total ~16 acres that are also designated for future commercial uses. The site is directly south of the Fairview Cemetery which was designated by the City as future Public Land.

Section II(A) of the Urban Growth Area Management Agreement between Columbia County and the City of Scappoose states “the Columbia County Board of Commissioners shall retain the decision making responsibility on all zoning amendments for all land in the Urban Growth Area outside the corporate limits of the City of Scappoose.” In addition Zoning Ordinance Section 1607 requires that all map amendments be reviewed by the Planning Commission with recommendation to the Board for final decision. Consequently, this proposal will be reviewed under the provisions for Major Map Amendments of the County Zoning Ordinance, which incorporates Board hearing and final decision.

See map on page 3.
The applicant requests approval of a zone change that will allow commercial development of this 2.3 acre property. The applicant has no current development plans for this property; this zone change to Highway Commercial would allow its future commercial development before its annexation to the City of Scappoose. The submitted application states’ “The site is located on the highway with almost 400 feet of frontage.
There is almost no land in south Scappoose zoned commercial that has highway frontage at or above grade that is not developed. Prior to any approval of development the applicant would have to go through a site design review with Columbia County as long as the property remained in the county.

The subject property borders two public roads, Columbia River Highway to the east and Old Portland Road to the west. Columbia River Highway is owned and maintained by the Oregon Department of Transportation (ODOT) while Old Portland Road is a county road that is classified by the County Road Department as an Urban Major Arterial. The property has existing legal accesses to both roads including a Deeded Access to Columbia River Highway. If future site development requires modification to existing accesses or the establishment of new accesses to either of these public rights of way, staff finds these provisions will be assured by requiring road access permits at Site Design Review prior to future building permit issuance.

Upon further review of the submitted application document, the County rescinded this determination of completeness until the applicant could have a licensed Professional Engineer prepare a traffic study with a Significant Effect Analysis provided for in OAR 660-012-0060(1). This analysis would first need to determine if the proposed zone change and future commercial development would have a significant effect on the existing transportation system. If the analysis determined the zone change would result in any significant effect, the applicant would then need to submit a Traffic Impact Analysis identifying appropriate mitigation measures to address these traffic-related impacts that the zone change and future development would have on the county and state transportation system plans.

On April 19, 2016 the County received the Traffic Study Significant Effect Analysis prepared by Lancaster Engineering. This analysis includes a Trip Generation Analysis that compares the surrounding transportation impacts of the site’s existing RR-5 single family uses to those uses generated if the site were developed with a combination of 25,000 square feet of retail/commercial development and 25,000 square feet (or 30 separate) apartment units.

Further details are in the staff report.

Staff recommends the Planning Commission **recommend approval** with conditions of the Zoning Map Amendment presented for ZC 16-02 to change the Zoning Map designation from Rural Residential-5 (RR-5) to Highway Commercial (C-5) for the ± 2.3 acre subject property, identified by tax map # 3224-000-01404 located within the City of Scappoose’s UGB.

Staff presentation is complete.

**Rod Lloyd** had questions regarding the speed limit in that area. It was stated that the current speed is 45MPH and that it was set by ODOT. He also wanted to know if there is
a Traffic Safety Zone in that area. There had been in the past but had expired. Rod also wanted to know if the access for any development would be off of Hwy 30 or Old Portland Rd, at this time that has not been determined because the use has not been determined.

Open the meeting for comments.

In favor of:

Brian Rosenthal, owner and applicant. Brian gave a brief history of the property. Previously in the 80's it was zoned commercial, possibly being changed when the highway was widened. There is a residence on the property and he is not vacating them. There is a cemetery next to his property and they believed that the property line was on the fence line but it is not, if there are any issue of burials near the property line he will adjust his property line, no burial plots will be moved. As history shows Brian owns other commercial properties and has developed good quality buildings for commercial use, maintaining the buildings and landscape. This property is not an island by itself and is not residential. There are many businesses around this property. There has not been any decisions as to what will be done with this property. The main issue at this point is the zone change. Development in the future will depend on access to water and sewer which at this point is far away. Overall any commercial land in the county is scarce.

Rod Lloyd wanted to know if we can control how the site is use, we can according to rules and regulations if it is within the county jurisdiction.

Brian Rosenthal, wants the application to be accepted as is, as a zone change, and details of development will be reviewed at the time of development.

In Opposition:

Mike Bradley, wanted to state his concerns regarding transportation, Hwy 30 is the main road but the Old Portland Rd is used as the alternate to 30. Has concerns over a 50,000 sq ft building, public facilities. People on the west side of the highway were removed from the UGB. Primary concerns are regarding the additional traffic.

Rebuttal:

Brian Rosenthal:

Currently the septic that is on the property is working well. If there was ever a 50,000 sq ft development it would not be done without public water and sewer. Any transportation concerns would be addressed at the time of the site design.
Public Hearing closed.

Jeff VanNatta: Addressed the letter sent from the Fair Housing Council of Oregon, there was a request to leave the record open and not sure why they are asking for this, maybe it’s a way to address goal 10 housing.

Glen Higgins reminded us that is just a recommendation to the Board of Commissioners and that will allow more time for the Fair Housing Council. This may need to be addressed with the City of Scappoose for future design since this is in the UGB.

Public Hearing reopened.

Brian Rosenthal wanted to make note that this property is currently zoned RR-5 and only allows one house as it is now.

Public Hearing closed.

Alta Lynch moved to approve ZC 16-02 and Linda Hooper seconded. All in favor motion passed.

Other business:

Rod Lloyd wanted to address the problem of the approval of the marijuana facility in Lindberg. (Big Bhang) He felt that the Planning Commission was misled. In the meeting addressing the marijuana rules he understood and many others understood that no facility would be allowed unless it went through the conditional use process and the surrounding property owners were notified. The one in Lindberg was opened and no notice was given.

Glen Higgins noted that the store in Lindberg applied prior to the acceptance of the zoning regulations. This type of business is allowed in the commercial zone. Anyone that applied prior to zoning did not have to go through the noticing process in a commercial zone

Meeting adjourned at 7:20 pm.
Memorandum

Date: June 6, 2016

To: Brian Rosenthal  
P.O. Box 963  
Scappoose, OR 97056

From: Chris Negelspach, P.E., City Engineer  
City of Scappoose

Re: Proposed zone change at 50861 Columbia River Hwy, Columbia County, OR

Brian,

On May 20, 2016 the City requested that the applicant verify ODOT’s projected trip volume increase numbers and evaluate use of in-process trips approved by the City of Scappoose and revise the proposed trip cap numbers, as appropriate, in order to evaluate adoption of certain measures outlined in OAR 660-012-060(2), section (d) and (e).

The applicant provide a copy of the Lancaster Engineering letter dated June 2, 2016 in response to my comments and email to confirm that the methodology was verified by ODOT to be correct and consistent with the Transportation Planning Rule. As such, the City has no additional concerns regarding the Lancaster analysis and recommendations for the proposed Zone Change.

If you have additional questions, please don’t hesitate to call.

cc: Laurie Oliver, Associate Planner, City of Scappoose  
File
June 2, 2016

Brian Rosenthal
PO Box 963
Scappoose, OR 97056

Dear Brian,

This letter is written in response to comments received from the City of Scappoose regarding the proposed zone change at 50861 Columbia River Highway in Columbia County, Oregon. The city comments are quoted below, with responses immediately following.

1. The proposed trip cap is based on existing volumes from ODOT’s transportation Volume Tables 0.3 miles north of Johnson’s Landing (Havlak intersection) in 2014. This does not seem to consider the “in-process trips” approved by the Planning Commission for Dutch Canyon phase II (44 homes) approved on August 13, 2015, Dutch Canyon phase III (35 lots) approved on August 13, 2015 and South Fork PUD (88 lots) approved on June 5, 2015. This represents approximately 1,590 new trips, all of which are either in construction or will be over the next several weeks.

Oregon Highway Plan Policy 1F.5 establishes allowable thresholds for a “small increase in traffic” based on the cross-section of the adjacent highway as well as the traffic volumes on the highway. ODOT has provided specific guidance regarding the nature of the adjacent-street volumes as follows:

“The AADT thresholds specified in OHP 1F.5 that define a “small increase” in traffic are only intended to serve as a “trigger” for determining whether additional review is required. They’re not intended to be used to assess impacts at the 20-year planning horizon.

The thresholds are based on (and consistent with) the thresholds provided in OAR 734-051 (Division 51). The methods and criteria specified in Division 51 are based on the analysis of current conditions (and on the day of opening), not future conditions (20-year planning horizon).

So, even though OAR 660-012-0060 and OHP 1F.5 are primarily concerned with future conditions, the specific thresholds defining “small increase” are to be assessed using current traffic volumes.”

The proposed zone change has no relevant “day of opening”, since a specific development is not currently proposed. Accordingly, the assessment of highway traffic volumes is based on current traffic as it exists on the highway today.
It should also be noted that the reported traffic volume increase of 1,590 new trips associated with in-process development refers to all trips generated by the proposed developments rather than the portion of the daily traffic that will be added to the relevant segment of Highway 30. For the Dutch Canyon II and Dutch Canyon III projects, daily traffic impacts on Highway 30 north of Bonneville Drive/Havlik Road will be essentially zero, since future site trips to and from the south will take access to Highway 30 south of the subject property at Bonneville Drive.

Future developments that access Highway 30 farther to the north will add only the portion of site trips destined for locations south of the city. Consideration of the in-process developments described in the city’s letter as well as the 7-lot Five Peaks Terrace Subdivision, the 14-lot Unger Subdivision and the 39-lot Pioneer 2 Subdivision yields a total daily traffic increase on the relevant segment of Highway 30 of 738 trips. Even with consideration of these in-process developments the 2016 “background” traffic volume on Highway 30 would be 24,693 daily trips, which falls within the range where an increase of up to 1,000 daily trips is deemed to be a “small increase” in traffic.

2. The traffic report also refers to ODOT’s traffic volumes rate from 2014 which were given as a projected increase of 1.63% per year (linear). This conflicts with the trip volume increase used by Lancaster for the Dutch Canyon Phase II project which utilized an ODOT trip volume increase of 2.54% in 2013.

Future traffic projections are specific to each segment of Highway 30 and vary over time as ODOT updates their Future Volume Tables. The growth projection used for this analysis was based on the most recent version of the Future Volume Tables and utilized data for the segment of Highway 30 immediately adjacent to the subject property. The raw Future Volume Table data was provided in the final page of the technical appendix attached to the April 14, 2016 analysis letter. The relevant data is found under mile point 19.35, which is located 0.30 miles north of Johnsons Landing Road. It indicates a year 2013 traffic volume of 22,435 vehicles and a year 2034 projection of 30,100 vehicles. This equates to a 34.2 percent increase over 21 years, which is equivalent to 1.63 percent growth per year (linear) as reported in our previous analysis letter.

Based on the detailed review of comments received from the City of Scappoose, the results and recommendations of the letter dated April 14, 2016 remain valid. If any other concerns arise regarding the proposed zone change, please feel free to contact me at any time.

Sincerely,

Michael Ard, PE
Senior Transportation Engineer
June 6, 2016

To: Members, Columbia County Planning Commission
Re: Proposed Zone Change Request
   ZC-16-02
   Tax Account # 3224-00-01404

Dear Commission Members

The purpose of this communication is to share with you several concerns with the zone change request (ZC-16-02) that you have before you in regard to a 2.3-acre parcel of property at 50861 Columbia River Hwy. 30 Scappoose, OR.

The recent inclusion of this property in the Scappoose Urban Growth Boundary has likely prompted the owner to request this zone change to Highway Commercial C-5 from its current RR-5 designation.

A bit of history tells us that this along with other properties to the west of Old Portland Road were included in the original UGB Expansion Proposal (2010) to be designated for commercial use. All of the property owners that were included in the original plan objected to the commercial designation with the exception of this single property owner. During the UGB Expansion process the objections of the property owners were considered and the properties were excluded from the UGB and commercial designation. Not to the surprise of most of the involved property owners this lone parcel emerged from the process as part of the UGB Expansion moving forward despite their objections. It appears we now have a 2.3 acre ISLAND of commercially designated property within a clearly residential neighborhood that any good land use planning professional should see as exactly the kind of use situation that the land use planning process should work to prevent.

Response to the Zone Change Fact Sheet submitted by the property owner.

Item: 4
The applicant states that he is proposing to convert to Highway Commercial. This should mean that all access is from Hwy. 30? Does ODOT have any input on the use of the deeded access and does the deeded access allow commercial use?

5
The applicant states that there is almost no available property that is not developed in South Scappoose.
There is developed property to the north in the Havlik Drive / Fred Meyer area that is developed and has vacant commercial space.

6
The applicant states that this will be the largest parcel of commercially zoned land that is not developed in South Scappoose.
This may be true, but it would also be an island of commercial use amongst a clearly rural residential neighborhood bordered by a cemetery, an overused county road and an extremely busy major highway. Would this be a product of good Land Use Planning?
The applicant answers this question rather precariously. He states that it clearly has the entire infrastructure common and necessary for its current single family residential use. He goes on to state that he wont need sewer but there is a good well for the water needs of this yet to be determined commercial use. He clearly intends for the access to be from both Old Portland Road and Highway 30. **In my mind a Highway Commercial designation should mean that the access is from the Highway.** I would be surprised to find that Old Portland Road would meet the criteria for commercial access. These items of concern are all addressed in a memorandum from the City of Scappoose Associate Planner and City Engineer to Deborah Jacob dated December 9, 2015. A side note on this communication questions the impact of required road widening with regards to the location of the cemetery on the north side of the subject property. Should this property be annexed into the city the infrastructure improvements would be quite extensive to serve one island of commercial property. This would make one understand why the applicant has brought this before you now. Six years ago he asked to be included in the Scappoose UGB Expansion, which to myself, and most reasonable people would **make one believe that he would like to be allowed to annex into the city at some point in the future.** I believe the intent was to get the Commercial designation with the UGB inclusion and then do just as he has, request a zone change thru the county planning process. It is my belief that the applicant has never had any intention of developing this property as a commercial property in the City of Scappoose. The applicant has a letter before you written on his behalf, from Lower Columbia Engineering that states it is possible to address onsite sanitary waste and storm water management needs. This is a very vague assessment particularly in light of the fact that the applicant has not revealed any specifics about his development plan. As far as transportation needs, Table 4 in the Scappoose UGB Transportation Impact Study from March of 2010 pretty well tells the story. This table suggests **numerous problems with the current infrastructure associated with more development and the residential development that has occurred since 2010 alone has increased the stress on Old Portland Road dramatically.** The road is used as a bypass to get to and from Highway 30 on the south end of Scappoose particularly during the commuter hours.

In closing, I ask you to consider denial of this request. This request is for an individual ISLAND of unspecified types of use, bordered by an overburdened county road, a very busy highway, a cemetery that is not likely to step out of the way, residential properties that could be adversely affected by its development and it is not served by public water, sewer, or storm water management. If and should this property **become a commercial development, it should be done with annexation into the City of Scappoose.** The owner requested this inclusion and now it appears he desires to circumvent the requirements of being a commercial property within the city by using the county zone change process.

Thank You For Your Consideration

Michael R Bradley  
50905 Old Portland Rd.  
Scappoose, OR 97056  
503-543-6540
June 6, 2016

Columbia County Planning Commission
230 Strand Street, Rm. 105
St. Helens, OR 97051

RE:  ZC 16-02, Amending the Zoning Map from Rural Residential (RR-5) to Highway Commercial (C-S) for 2.30 acres located at 50861 Columbia River Hwy, 3N 2W 24-00 TL 01404.

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO’s concerns relate to a jurisdiction’s obligation to affirmatively further fair housing. This letter requests a continuance for comments on the above-referenced post-acknowledgment plan amendment.

We understand that the Columbia County Planning Commission will be reviewing a proposal to amend its Zoning Map to change a parcel’s designation from Rural Residential (RR-5) to Highway Commercial (C-S) for 2.3 acres at 50861 Columbia River Highway. We would like to review the affordable housing implications of the amendment to help ensure an adequate supply of affordable and fair housing in the County, pursuant to Statewide Planning Goal 10 (housing).

HLA was unable to locate the staff report and findings on the City’s website and did not receive a response to its request for a copy of the staff report made on May 31st via email. Therefore, HLA formally requests a continuance so that it can review the findings and prepare any comments for the record.

HLA is interested in working in a collaborative manner with the County and offers technical assistance to help the City meet its Goal 10 obligations. Please contact us with any questions.

Thank you for your consideration.

Sincerely,

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

Jennifer Bragar
President
Housing Land Advocacy

1221 SW Yamhill Street, Portland, Oregon 97205
May 20, 2016

Memorandum

To: Deborah Jacob

From: Chris Negelspach, P.E., City Engineer, City of Scappoose

Re: Brian Rosenthal’s zone change (RR-5 to C-5)

Deborah-

This memo includes comments based on new information submitted to the City regarding the traffic study completed by Lancaster Engineering, dated April 14, 2016 regarding the subject site (Tax Map 3224-00-01404) located at 50861 Columbia River Hwy. This parcel was added to the City of Scappoose’s urban growth boundary and will be zoned Commercial on the Comprehensive Map.

As such, this application requests County approval of a Minor Map Amendment from RR-5 to Highway Commercial (C-5).

Based on our review, we have the following comments;

1. The proposed trip cap is based on existing volumes from ODOT’s transportation Volume Tables 0.3 miles north of Johnson’s Landing (Halvik intersection) in 2014. This does not seem to consider the “in-process trips” approved by Planning Commission for Dutch Canyon phase II (44 homes) approved on August 23, 2016, Dutch Canyon phase III (35 lots) approved on August 13, 2015 and South Fork PUD (88 lots) approved on June 5, 2015. This represents approximately 1,590 new trips, all of which are either in construction or will be over the next several weeks.

2. The traffic report also refers to ODOT’s traffic volumes rate from 2014 which were given as a projected increase of 1.63% per year (linear). This conflicts with the trip volume increase used by Lancaster for the Dutch Canyon Phase II project which utilized an ODOT trip volume increase of 2.54% in 2013.

The City requests that the applicant verify ODOT’s projected trip volume increase numbers and evaluate use of in-process trips approved by the City of Scappoose and revise the proposed trip cap numbers, as appropriate in order to evaluate adoption of certain measures outlined in OAR 660-012-060(2), section (d) and (e).

If you have additional questions, please don’t hesitate to call.