

City of Rainier
Planning Meeting/Public Hearing
February 28, 2006
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The meeting was called to order at 6:30 PM.

Present (All Present)

Jan Moon, Vice Chairman (elected Chairman)

Phil Butcher

Terry Bogardus (elected Vice Chairman)

Dave Langford

David Qualman

Carole Connell, AICP

Bobby Jo Brusco-Harding, Secretary

Election of Chairman

Moon stated Chairman Craig Smith's term expired on 12-31-05 and he did not wish to renew his position so the Planning Commission needed a new Chairman. Butcher moved, Langford 2nd, to nominate Moon. The motion passed unanimously.

Election of Vice Chairman

Bogardus moved, Langford 2nd, to nominate Butcher as Vice Chairman. Butcher declined the nomination.

Butcher moved, Moon 2nd, to nominate Bogardus as Vice Chairman. The motion passed unanimously.

Public Hearing: Design Review request to construct a 7,040 SF truck distribution/maintenance shop at 76363 Young Road, Rainier, OR.

Moon opened the hearing and read the hearing's disclosure statement for both public hearings on the agenda. There were no conflicts of interest, personal biases or exparte contacts declared. Since he is a new member, Connell asked Qualman if he had any financial involvement with either hearing and he stated he did not.

Staff Report

Connell stated Mike Engel, applicant, was requesting approval for a 7,040 SF shop building and truck circulation area for truck distribution and light repair in the M-1 zone located at 76363 Young Road. Connell stated the facility would provide services to USG and other businesses in that area. Connell explained the facility is already in business on a nearby site but they would like to relocate to the Young Road property.

Connell explained the facility review form from the Columbia County Road Department dated February 23, 2006 was received on February 23, 2006 by the City and mailed to the Planning Commissioners after the initial hearing packet was distributed, so it is added to the record. Connell summarized the County Road Department comments by stating they have asked for some road improvements to Young Road. Connell stated Young Road is a public county road, currently graveled, between the Engel site and a large wrecking

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yard and she feels the county is trying to get the road upgraded because eventually it will need to be widened and improved. Connell said it appears what the county is looking for is about half street improvements by dedicating 5 feet, obtaining access and construction permits, widening the road to 26 feet, a 20 foot wide aggregate base with a 3 inch deep asphalt pavement over that which becomes the half street with 3 foot shoulders on both sides as a temporary completion of that half street until it has been widened by the other side.

Connell stated the applicant has agreed to put quite a lot of landscape in front of the facility and behind the site is known wetlands. Connell explained the applicant has already obtained 20 feet of dedication from the property for Dike Road last year. Connell stated the applicant has signed a Waiver of Remonstrance so they will participate in future sewer, water, street and drainage improvements that the City has planned. Connell stated the property was annexed in December 2005.

Connell commented the use is Light Industrial and is comparable to the uses in the Light Industrial zoning category and they meet all the dimensional requirements, setback requirements, height limits, and is a kind of business that does not have a lot of noise, odor, or heavy industrial kinds of uses.

Connell stated the trash dumpster will be adequately located between the two buildings on site so it is not visible from the street. Connell stated Staff would like to see what kinds of plants the applicant is going to use prior to planting, to assure survival.

Connell stated clear vision at the driveway will be maintained, the parking exceeds the parking requirements and the county road improvements are for Young Road, not Dike Road. Connell stated there is not any signage proposed yet but the applicant is thinking about installing a ground-mounted sign at the entry. Connell stated the building will have a sprinkler system on it and comply with the Fire Code. Connell stated the applicant will provide detailed utility plans for the City when they submit their building permit application and Dwayne Barnes, City of Rainier Director of Public Works, is involved so all the utility extensions that need to be made will be done. Connell stated the applicant will install on-site detention for drainage to control erosion and any run off from the trucks. Connell stated the building itself is a steel pre-fabricated building with no windows, four overhead doors, is 26 feet high and beige colored to match the existing building at the location.

Connell stated the Design Review approval criteria has all been satisfied with this application with a few minor improvements that would make the project in compliance with all the codes and criteria so Staff recommends approval of the request subject to the five conditions on the staff report in addition to #6 which would be to include the county's requirement for the improvements to Young Road. The five conditions in the Staff report and the 6th condition regarding the County Road Department are:

1. Provide with a building permit application detailed public utility extension plans, fire protection plans, drainage plans, erosion control, grading plans, and DEQ and other agency approvals for City and County review and approval.
2. The applicant is required to obtain a sign permit for all signage from the City.
3. Assure the entry area maintains adequate clear vision at the intersection with Dike Road, measured 20 feet in each direction, including the first 20 feet of the driveway.
4. Assure that the trash dumpster is not visible from the two streets.
5. Prior to issuance of a building permit, provide a list of suitable landscape plan plant materials for City approval. Add evergreen trees to the Young Road frontage that are planted a minimum of 25 – 35 feet on-center.
6. Prior to issuance of a building permit, dedicate 5 feet of right-of-way fronting Young Road and obtain roadway access and construction permits from Columbia County.

Applicant

Mike Engel (applicant), PO Box 192, Clatskanie, OR 97016, stated Young Road is about 12 feet to 14-feet wide and is graveled and what the County will end up with is a 20 foot paved road with a 3-foot shoulder on each side that is graveled. Engel stated the current right-of-way is 40 feet and that was standard and in 1996 the road department changed the rules and were now requiring 50-foot right-of-ways. Engel said it was agreed that the owners (Fama Dairy/Osterkamp Trucking, PO Box 5546, Orange, CA 92863) would deed or give the 5 feet to the County on the project side and the County will allow the owners to keep the cyclone fence there that is already in place until some day the County decides they want to install a bigger road there.

Engel stated the County specified the road be improved and paved back 308 feet which is just about to the existing building that is there, not to the end of the property boundary. Engel explained that if the neighbors that have the wrecking yard ever do any improvements the County would then require them to also vacate 5 feet. Connell asked Engel if that would mean he would be required to do less paving than anticipated and he replied it would be the same amount. Engel replied that the easiest place to do landscaping on Young Road would be in the 20-foot jogs.

Proponents

John Slape, PO Box 472, Rainier, OR 97048 stated he thinks it is a great project since this is the industrial area for Rainier that will help build the City's tax base and anything the City can do to help a company like Engel's will, in turn, help the City.

Opponents

There were none.

Moon closed the public portion of the hearing.

Discussion

Langford asked Engel if the fence was going to be finished in the back of the site and Engel stated it would be finished but not until the new building is done.

Moon expressed concern that the trucks coming onto Young Road be careful since there are residences in the area. Engel replied the sight line is very good there and that is why the fence jogs in for better clear vision. Bogardus clarified with Engel that the exit is on Young Road and the entrance is on Dike Road.

Moon asked if the business would be operating during the night and Engel stated it would not. Slape added the way they are set up now at a different location is early in the morning the trucks arrive, and then they depart usually by 3:00 PM to 4:00 PM they are done.

Bogardus asked if the business was associated with USG and Engel said it was and on an average they will have a maximum of ten trucks per day and that most of the time it will just be the tractors that come into the yard, the trailers will stay over at USG unless there is a maintenance issue and then the trailers would be moved to the shop.

Butcher asked Engel if he was in agreement with what the Staff has recommended. Engel said it was not a problem with him.

Langford clarified with Engel the address is 76363 Young Road, rather than what was on the existing mailbox.

Connell said now is the time to get the future planned right-of-way and to start making the improvements because the amount of impact warrants the improvements and will only increase. To try and come back later to get those improvements would be difficult.

Brusco-Harding asked Engel if anything would have to be revised on the Building Permit application plans before they are submitted to the county and Engel said the issue with the County did not effect the plans.

Butcher moved, Qualman 2nd, that based on the findings in the Staff Report the Planning Commission approve the Design Review request to construct a 7,040 SF building and supporting improvements for a truck distribution business subject to the conditions as outlined in the 2-21-06 Staff Report in addition to compliance with the County recommendation for the road improvements.

The motion passed unanimously.

Public Hearing: Comprehensive Plan Map Amendment and Zone Map designation request changing property that is currently planned and zoned for Multi-Family Residential MFR by the County to a Commercial C-2 City Plan and Zone designation.

Staff Report

Connell summarized the Staff Report by stating the properties involve two applicants that came together. Connell stated one of the applicants, Washington Home Center, has not annexed yet, nor have they requested an annexation but they have joined in with the Davis Estate, the other applicant, who has requested annexation. Connell stated all the properties are fronting Washington Way and wanting commercial zoning.

Connell stated the County has zoned this property historically residential and so does the City's plan so that when they annexed they would annex as residential. Connell stated the topography and lot lines provides is a good line of demarcation between the commercial area and the existing residential property if it were to be rezoned.

Connell stated the applicants have made simultaneously requests at the County and she feels the County will defer to the City's opinion because the property is in the urban grown boundary but technically the applicant has to go through both reviews because of the plan designation change requested.

Connell stated the lots are 50 feet by 100 feet for a total of 1.37 acres, the Davis land was up for a hearing at the Rainier City Council on February 9, 2006 and there was no testimony against their annexing.

Connell said when you look at the Comprehensive Plan and all the applicable plans and policies that would be in support of this request there are a number of them that support the change. Connell explained the one that would stand out the most is whether or not future housing land would be decreased from the plan by giving it commercial designation and it is quite clear from the latest inventory that there is an excess of residential land still vacant. So the City would not be taking a housing designation that is in high demand and pulling it out and putting it into commercial.

Connell said the 1.37 acres can easily be made up on all the other residential vacant land so the request will have no negative impact.

Connell explained the road can handle future commercial uses and the road can handle the traffic, it is a collector street, tied into Rockcrest Street which is tied into Highway 30. Connell explained Washington Way will eventually have a bike path and a sidewalk and it is more likely the City will get those kinds of improvements with some commercial developments fronting Washington Way than anything else.

Connell said it is unclear whether a mistake was made by the original designation of residential, it might have made sense at the time because several parcels were combined as one, with one owner. Connell said at this time there is logic to the request that was not considered originally.

Applicant

Mike Woods, Opsahl, Shepp & Company, 959 11th Avenue, Suite A, Longview, WA 98632 Consultant and representing the Trustee of the Elsie Jane Davis Trust and Washington Home Center, clarified there was an annexation about one week ago but in the end the applicant elected not to seek annexation for the seven Davis lots that are included in this request for the Comprehensive Plan Amendment. Woods stated the Davis lots that got annexed into the City a week ago were all of the residential property so both the Washington Home Center property and the Davis property (gridded on a map) are still in the County. Requesting a commercial plan designation.

Woods said that one concern was that if annexation was sought it would have the effect of walling the Washington Home Center in and creating an island and it was felt that annexation could be more problematic. Woods said that was the reason the Davis property elected to join Washington Home Center in holding the property out for annexation until the zoning issue was resolved. Connell asked if the plan was to come back and annex separately and Woods said that in the event there is a favorable ruling by the Planning Commission, by the City Council and by the County which is scheduled a couple of hearings in late March or early April, then Washington Home Center and the Davis Trust seven lots would seek annexation.

Moon asked how the Planning Commission had jurisdiction to change the zoning if the property was not annexed into the City. Connell responded by stating that the applicant was trying to get the City to agree before it went to the County and as long as it ends up being done by the County the City is fine. Connell stated the Ordinance that goes before the City Council could state subject to annexation, which should also be stated in the Recommendation by the Planning Commission.

Woods asked if the property was annexed into the City would it be up to the Planning Commission to decide what the zoning would be. Connell responded that the City

Council would make the decision but the Planning Commission would have a hearing and make a recommendation to the Council, which is what the Planning Commission is doing tonight. Woods asked if the County needed to be involved with it or if it could just be taken care of on the City side simultaneous with the Planning Commission's recommendation to change the zoning and annex at the same time. Connell said that if the County did not change then the City would be given the property a designation that was in conflict with the County plan which is residential. Connell stated the County would probably ask what the City would want. Woods said the County plans to have a public hearing on or around April 4, 2006. Connell stated the County wants the City to decide but the City can't officially do anything until the property is annexed and the City public hearings are to see if the City supports the change and then all the proper steps will follow. (Subsequent clarification: the Commission and Council can amend the Rainier Plan designating the site commercial even though the site is still in the County. Then, when and if the land is annexed, the commercial zone designation will be granted simultaneously with the annexation approval.)

Moon closed the public portion of the hearing since there were no opponents or proponents.

Discussion

Langford clarified with Woods exactly what lots would be designated commercial and if there would be a buffer between the residential zoned property and the commercial zoned property. Connell answered that would not be discussed until there was a plan but there were setbacks and the Planning Commission was not doing any kind of plan review or any conditions at this time because there is not anything proposed for development.

Moon stated the change in zoning from residential to commercial made sense because of the commercial zone designation on the north side of Washington Way. Moon clarified the westerly property line of the Davis property with Woods.

Bogardus moved, Langford 2nd, that based on the findings in the Staff Report and the applicant's submittal the Planning Commission recommend approval of the proposed Comprehensive Plan Amendment for the subject parcels from residential to commercial and a zone designation of C-2 at the time of annexation, subject to Columbia County approval of the simultaneous amendment.

The motion passed unanimously.

Connell reminded the Planning Commission that March 20, 2006 was the date for the public hearing before the Rainier City Council regarding the Planning Commission's recommendation. Woods stated he understood the hearing with the City Council

might not make sense now until after the County acts and the applicant has re-applied for annexation. Connell agreed with Woods and stated the City tries to expedite to minimize double notices and plan as efficiently as possible but since they didn't end up annexing, and we now know the County hearing schedule which was not known previously. Connell stated the City Council public hearing could be postponed and rescheduled. Woods said that would make sense to him from a City Council point of view because he doesn't see that they would have anything to act on. Connell added it may not be technically legally so the hearing for March 20th may be rescheduled.

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Butcher moved, Bogardus 2nd, the minutes be approved. The motion passed unanimously.

Discussion of East "A" Street Central Business District (CBD) Zone Boundary

Connell said this subject came up from Commissioner Butcher with some interest in expanding the CBD to two more properties, the Melin and the Larson/Mason property. Connell stated that for reference, in between those two properties is the Norris property and he was not part of this request.

Butcher stated that he has leased property from Ross Melin located at 513 East "A" Street so his wife could move her sewing business to that location. Butcher said she works various hours, sometimes during the early morning hours. Butcher said they found this piece of property was zoned Waterfront Commercial, it did have living quarters in it, it is on the tax rolls as having living quarters, and that permitting does not allow residency in Waterfront Commercial.

Butcher stated that Ross Melin and Rick Larson/Sandra Mason wrote letters wanting to be included in the CBD referencing the minutes of the last planning meeting where enlarging the CBD was a topic of discussion as a grant topic on August 30th. Butcher stated that doing some further research and having conversation with Connell, Melin and Chad Olsen, City Administrator, he (Butcher) is having difficulty acquiring residency/living quarters permitted in this area.

Moon asked if at one time there was some type of propeller business located at that location and Butcher replied it was occupied up to February, 2004 for eighteen months and there were people living in it and they had some kind of business in there. Butcher said that whenever the zoning was re-designated the property became Waterfront Commercial and he asked Connell when that actually happened. Connell replied that it was sometime during the late 1980s or early 1990s.

Butcher said they (Melin and Larson/Mason) wrote letters requesting their property be included in the CBD so residency would be included. Butcher stated that in the process he talked to Larson and Melin and they wanted to know what the advantages

were to the CBD because they were concerned about the 75% compliance they felt they would have to upgrade to, or if they did work on their property any restoration could be costly in regards to the 75% compliance.

Butcher said that Bruce Norris' property is zoned WC and he has a rental on the property and Rick Larson has a houseboat out on the river. Butcher stated he was wondering which route to go as far as discussion so he could establish residency with a one-year lease at the Melin property.

Langford clarified that when the Hov's were approved for a Zone Map Amendment from WC to CBD they were then allowed to have residential above their business. Connell explained the Hov's didn't ask to have the zoning designation adjusted for residential use, they applied to have the zone change so they could live there and it was approved.

Butcher said he felt Melin and Larson/Mason were going to let the letters stand after he speaks with them again and will want to go ahead and proceed with the CBD zone or any other recommendation the Planning Commission can come up with.

Connell said that when the previous Planning Commission went through the development of the CBD the boundary was bigger but it shrunk in the final end result and Norris was one of the reasons since he did not want to be in it and Gary Holcomb questioned the boundary. Connell said the Planning Commission discussed last spring whether to go ahead and think about expanding the CBD zone boundary so the City was going to try to get a small grant from DLCDC and that was going to be one of the grant items to get the mapping fixed at City Hall and to expand the CBD.

Butcher asked if a variance permit would allow residency in the WC and Connell stated that variances do not apply to uses. Connell stated the residences that currently exist in the CBD zone were grandfathered but if residential use was discontinued for six months or longer then the current standards have to be met and that is what happened with the Melin building.

Connell stated that if Butcher was in a hurry he would have to apply for the zone change or the Planning Commission could talk about it as a overall larger CBD zone change, which would take longer.

Butcher asked if the property was going to go through a CBD hearing could the property qualify for a Temporary Use Permit (TUP) during the zone change process and Connell said she thinks as TUPs as construction job shacks and not really a use because sometimes when it someone goes in as a TUP it is difficult to get the applicant to leave once the TUP has expired. Connell stated she didn't see why the TUP could not be tried in Butcher's case.

Brusco-Harding clarified that when people were living in the Melin building they were there not in compliance and Connell stated they knew that. Slape stated that eventually the water was shut off to get them to leave. Connell stated that she doesn't see why a Temporary Use Permit would not fit for this situation if Butcher would be willing to consider it temporary.

Connell asked Butcher if Melin and Larson/Mason were wanting to go ahead with the CBD zone change and Butcher said they probably would and/or he (Butcher) could wait and let the Planning Commission start the process as a bigger picture of CBD zoning. Butcher stated the Planning Commission should go ahead and start the process and he would file for a TUP. Connell said there would be a stipulation that he could not live there for more than one year if a TUP was approved and Butcher said he understood.

Connell said in the meantime the Planning Commission should go ahead and start the process on the CBD zone boundary and if the owners (Melin and Larson/Mason) object that could be a problem. Connell clarified for Butcher there was a \$700 fee if Melin and/or Larson/Mason applied for a zone change which is what the Hov's paid, however they could apply on one application and possibly share the cost.

Connell reminded the Planning Commission there would be a March 14, 2005 public hearing for the City's Conditional Use Permit for the expansion of the Wastewater Treatment Plant.

Moon asked why a lot of the City's projects do not come before the Planning Commission for Design Review. Connell said that she felt that sometimes the City gets ahead of itself with the grants and the funding and then they forget. Langford agreed with Moon that there were a lot of things going on that the Planning Commission doesn't get to review but yet everyone else's feet are held to the fire on designs and it should be the same for the City.

The meeting was adjourned at 8:00 PM.

Jan Moon, Chairman

Bobby Jo Brusco-Harding, Secretary

